

**MINUTES – CALLED MEETING  
CITY OF CAMILLA, GEORGIA  
JULY 5, 2022**

The Called Meeting of the Mayor and City Council of the City of Camilla was called to order at 5:30 p.m. on Tuesday, July 5, 2022 by Mayor Owens. He announced the Council has returned to the newly renovated council chambers and thanked all responsible for the renovations and the Council for their patience.

Roll call indicated the following present: Councilmember Tucker, Councilman Burley, Councilman Morgan, Councilman Collins (arrived late), Councilman Pollard (via phone), and Councilman Palmer.

City Manager Stroud and City Clerk Ford were also present.

**OPENING PRAYER AND PLEDGE**

Councilman Morgan gave the invocation and the Mayor and Council led the Pledge of Allegiance to the Flag.

**CITIZENS AND GUESTS**

Sign-In Sheet Attached.

**APPROVAL OF AGENDA**

On motion by Councilman Morgan, seconded by Councilmember Tucker, the motion to approve the Called Meeting agenda for July 5, 2022 passed by a 5-0 vote.

**ORDINANCE NO. 2022-07-05-1 – MOBILE FOOD VENDORS**

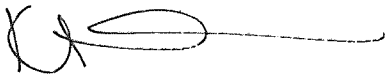
City Manager Stroud stated the local mobile food ordinance was looked at and sent to the Mayor and Council for review. Many of their questions have been answered and staff took great lengths to understand the definitions in the ordinance, along with the license requirements to be qualified, and Item K. Councilman Morgan commented he wanted to discuss Item H which is the time. The current concern is the time food places are open in the city and residents wanting later hours and pushing to 10:00 p.m. depending upon what is happening across the city. He knows there are future plans for use of the stadium and unsure about a 9:00 p.m. closing hour for food trucks. Mayor Owens stated he wanted to make sure the public understands, when dealing with an ordinance, it typically is read twice. They have the option to waive the second reading when there is a unanimous vote. He asked if there was a motion to approve the ordinance as presented and then discuss. A motion was made by Councilman Burley and seconded by Councilman Morgan to approve an ordinance regulating mobile food vendors within the corporate limits of the city of Camilla. Councilmember Tucker stated she had a few questions with some already clarified by the city manager but for the public she thinks it will help. She understands, according to the ordinance, any approval would be done by staff and it was clarified that staff meant the city manager. As a Council they would not need to approve every applicant or mobile food

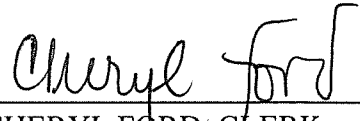
vendor. In C.8 (Section 1.2) it states signatures from property owners indicating consent for the use of their property. She does not know if that needs rewording in a way if properly zoned or would be in the application. Although letting the property owner allow it, the area may not be in the proper zone or an area that is the best use for a mobile food truck. In Section 1.5-Fee it states the fee for every application for license and regulatory fee under this section shall be set by the City Council. She inquired what the fee looks like in other communities: how does the regulatory fee or business license for mobile food vendors line up with our brick and mortar restaurants we currently have and all support and want to see thrive. Mobile food trucks are an excellent business model that well-known franchises are using successfully in a small market like us. She does not want to do anything that will disenfranchise existing businesses that invested in brick and mortar and growing their business here. She does not think any are objectionable to competition or another restaurant opening up in town and would all like to see the vacant restaurant open back up. It draws more people to our community for dining. When we look at the fee she wants to make sure we know what existing restaurant fees look like. City Manager Stroud commented he met extensively with Planning and Zoning to make sure they are in accordance with the intent of this ordinance and brick and mortar and food trucks are different. The food trucks have a regulatory fee which is already set and the difference is the brick and mortar have an occupational tax certificate based on the number of employees and gross income. Councilman Palmer asked what the fee was for brick and mortar. City Manager Stroud commented it all depends on the number of employees and a multitude of factors and not a set fee. Councilman Palmer asked what kind of fee they are looking at. City Manager Stroud stated the only fee out there now is the regulatory fee at \$245 and depends on what the body says. Councilman Palmer asked the length of the permit. City Manager Stroud stated once they pay the regulatory fee it is set like the occupational tax certificate until the end of the year. When they come back he has to be notified and they do not have to buy a regulatory fee every time but he has to be notified. Councilman Palmer commented that will be hard to keep up with. For the brick and mortar he asked if it is similar in the fee schedule and these should be same. City Manager Stroud stated that is what they are advocating for and not to put them on a different schedule. Councilman Palmer asked what he meant when he said they come back. City Manager Stroud replied the schedule for them is the same and when they come in today their regulatory fee expires December 31<sup>st</sup>. If they decide to come here today and come back in September he needs to know and there is not another regulatory fee. Councilman Morgan asked if it was an annual fee to which City Manager Stroud replied yes. Councilman Palmer asked if a festival would this apply. Mayor Owens replied the part of the ordinance that deals with that as it relates to the 9:00 p.m. time is if it is not a city sponsored event. Councilman Morgan commented there could be an event not city sponsored and wants to explore pushing the time out. Mayor Owens stated depending on when the food truck is coming back there could be discussion upfront on what the parameters would be. Outside of 9:00 p.m., and not a city sponsored event, not knowing what the event will be it would be best for the first few months to test the waters and see what the people are doing than trying to test at this stage. A majority of the Council will be able to weigh in on that. He asked Councilman Morgan if he wanted to push from 9:00 p.m. to 10:00 p.m. He replied yes and was looking at Tallahassee's and theirs is 10:00 p.m. During summer hours it is still daylight at 8:00 p.m. Mayor Owens commented the question will be if anyone has

an issue amending the motion to make it 10:00 p.m. and the easiest way to settle that particular question. Councilman Morgan amended his original motion to change Section 1.3-H regarding the time of mobile food vendors from 9:00 p.m. to 10:00 p.m. The motion was seconded by Councilman Burley. Councilmember Tucker stated in doing her balance sheet for existing restaurants vs. mobile food trucks it would be even because both would be paying (regulatory fee and occupational tax certificate) and wanted to make sure the public understands. A vendor does not come in and take back everything with them because we are gaining a regulatory fee and point of sale. She asked if the proper zoning would be dealt with in the application process or in the ordinance. She is comfortable with it being in the application process and the city manager having the discretion that there will not be a mobile food truck in a residential neighborhood. Mayor Owens stated if there is unanimous consent it will waive the need for the second reading and the motion will be to waive the second reading (if there is a unanimous vote). Roll call vote: In favor – Councilmember Tucker, Councilman Burley, Councilman Morgan, Councilman Collins, Councilman Pollard and Councilman Palmer. The motion passed by a unanimous vote and the second reading waived. Mayor Owens thanked the Council and stated it will be great for our community and economy.

#### ADJOURNMENT

Mayor Owens commented the Work Session will be held after the meeting adjourns. The Called Meeting adjourned at 5:55 p.m.

BY:   
KELVIN M. OWENS, MAYOR

ATTEST:   
CHERYL FORD, CLERK

# CITY OF CAMILLA, GEORGIA ~ SIGN-IN SHEET

DATE: JULY 5 2022 TIME: 5:30 ☐ A.M. ☒ P.M.

MEETING: ☒ COUNCIL ☐ WORK SESSION ☐ OTHER: CALLED

	NAME	ADDRESS	SPEAKER		TOPIC OF DISCUSSION
			NO	YES	
1	Dawn Clark	5606 Rye Ridge Rd.			Dress
2	Marie Davis		✓		
3	Rhonda Williams	1414 Ellis St.	✓		
4	Bry Campbell	246 Main St	✓		
5	Samuel Taylor	PO Box 48	✓		
6	Paul Taylor	Camilla			
7	Myra White				
8	Chadley Myers				
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## ORDINANCE NO. 2022-07-05-1

**AN ORDINANCE REGULATING MOBILE FOOD VENDORS WITHIN THE CORPORATE LIMITS OF THE CITY OF CAMILLA; REPEALING ALL ORDINANCE IN CONFLICT HERewith; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Camilla now desires to amend the Code of Ordinances to provide specific provisions for the licensing and regulation of mobile food vendors; and

**WHEREAS**, the Mayor and City Council have determined that regulations for the operation, location and licensing of mobile food vendors are needed to protect the health, safety and welfare of the residents of the City of Camilla:

**NOW, THEREFORE**, pursuant to their authority, the Mayor and City Council adopt the following ordinance:

**Section 1.** The City of Camilla Code of Ordinances is hereby amended by adding Mobile Food Vendors, to read as follows:

### **Section 1.1 Definitions.**

- A. *Commissary* shall mean an approved catering establishment, restaurant, or other approved place in which food, containers or supplies are kept, handled, prepared, packaged or stored.
- B. *Mobile Food Vendor* shall mean a retail food establishment that reports to and operates from a commissary and is readily moveable, is a motorized wheeled vehicle, or a towed wheeled vehicle designed and equipped to serve food.
- C. *Pushcart* shall mean a non-self-propelled vehicle limited to serving commissary prepared or prepackaged food and non-potentially hazardous food, unless the equipment is commercially designed to and approved to handle food preparation and service. Pushcarts shall not be required to comply with mobile vehicular safety requirements.
- D. *Temporary food establishment* shall mean a retail food establishment, other than a licensed mobile food vendor or truck vendor or pushcart, that is not intended to be permanent and that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.
- E. *Ice cream truck* shall mean a motor vehicle in which ice cream, popsicles, ice sherbets, or other frozen desserts of any kind are carried for the purpose of retail sale on the streets of the city.

### **Section 1.2 License required.**

- A. It shall be unlawful for any person to sell, or offer for sale, food of any type from a
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commissary, mobile retail food establishment, pushcart or temporary food establishment without a license and/or regulatory permit first having been granted under this section, except for city-sponsored events.

B. An application for a license or a permit hereunder shall be submitted to the City setting forth all information required hereunder and in compliance with this ordinance. The City Clerk or his or her designee shall develop a form of application for the purpose of compliance with this article.

C. The following information shall be provided with each application for a mobile food vendor permit:

1. Name of the Mobile Food Vendor;
2. Make, model, and license plate number of vending unit;
3. Owner's contact information;
4. Operator's contact information;
5. Type of vendor (street vending unit or sidewalk vending unit);
6. Copy of approved permit from the Mitchell County Health Department;
7. List of operating locations and times;
8. Signatures from property owners indicating consent for the use of their property;
9. Signature of applicant indicating agreement to the listed requirements.

### **Section 1.3 Prohibited conduct and requirements.**

A. Except for ice cream trucks, no mobile food vendor shall conduct business or operate in the public right-of-way.

B. A mobile food vendor shall not operate on any private property without the prior consent of the owner.

C. A mobile food vendor shall maintain \$1,000,000.00 liability insurance policy. Proof of current liability insurance, issued by an insurance company licensed to do business in Georgia, protecting the mobile food vendor, the public and the city from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the permit. Such insurance shall name the city as an additional insured and shall provide that the policy shall not termination date or be canceled prior to the expiration date without 30 days advanced written notice to the city.

D. Except for ice cream trucks, a mobile food vendor shall not make sounds or announcements to call attention to the mobile food either while traveling on the public rights-of-way or when stationary. At all times said mobile food vendor shall be in compliance with the City of Camilla noise ordinance.

E. The license or permit under which the mobile food vendor is operating must be firmly attached and visible on the mobile food truck vendor at all times.

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F. Any driver of a mobile food truck motorized vehicle must possess a valid Georgia driver's license.

G. Mobile food vendors shall not be located within 15 feet of any street intersection or pedestrian crosswalk or 10 feet of any driveway.

H. No sale or offer for sale shall be made by any mobile food vendor between 10:00 p.m. and 6:30 a.m. unless such sale is in conjunction with a City approved special event.

I. Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation.

J. No sale or offer for sale of ice cream, frozen milk, frozen dairy or ice confections products shall be made from a mobile food vendor unless each side of the vehicle is marked, in letter and numbers at least 3 inches in height, with the name and address of the mobile food vendor licensee.

K. The mobile food vendor shall comply with all state, federal and local health and safety regulations and requirements and shall obtain and maintain any and all licenses required by any other health, organization or governmental organization having jurisdiction over this subject matter.

L. The following safety regulations shall apply to any and all vehicles operating under this article or used for mobile retail food establishments:

1. Every vehicle shall be equipped with a reverse gear signal alarm with a sound distinguishable from the surrounding noise level.
2. Every vehicle shall be equipped with tow rear-vision mirrors, one at each side, firmly attached to the outside of the motor vehicle, and so located as to reflect to the driver a view of the highway to the rear, along both sides of the vehicle.

M. The mobile food vendor may sell food and non-alcoholic beverage items only.

N. Other than ice cream trucks, mobile food vendors may not operate in residential zones.

#### **Section 1.4                      Revocation and suspension.**

The city shall have the right to revoke or suspend any license or regulatory permit granted hereunder for any violation of this ordinance. Upon suspension or revocation, the licensee may request a hearing before the City Manager, which shall be conducted within 30 days.

#### **Section 1.5                      Fee.**

The fee for every application for license and regulatory fee under this section shall be set

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by the City Council.

**Section 2.** All ordinances or parts of ordinances or regulations in conflict herewith are repealed.

**Section 3.** Severability.

Should any court of competent jurisdiction declare any section of this Ordinance invalid or unconstitutional, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

**Section 4.** It is the intention of the Mayor and Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City of Camilla Code of Ordinances.

**Section 5.** This Ordinance shall take effect and be in force from and after the date of its adoption.

SO ORDAINED, this 5<sup>TH</sup> day of JULY, 2022.

CITY OF CAMILLA



By: [Signature]  
Mayor, Kelvin Owens

Attest: [Signature]  
Clerk, Cheryl Ford

First Reading: JULY 5 2022  
Second Reading: WAIVED