North Beach, Maryland

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TOWN COUNCIL MEETING NORTH BEACH TOWN HALL July 14, 2016

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL
- III. APPROVE AGENDA
- IV. APPROVAL OF MINUTES
 - a. Approval of minutes from the June 9, 2016 Town Council meeting
 - b. Approval of minutes from the July 7, 2016 Work Session
- V. SCHEDULED APPOINTMENTS
- VI. PUBLIC SAFETY REPORT
- VII. REPORTS
 - a. Treasurer
 - b. Public Works Supervisor
 - c. Town Engineer
 - d. Code Enforcement
 - e. Marketing
 - f. Waterfront Manager
- VIII. PUBLIC COMMENT
- IX. BOARDS AND COMMISSIONS

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X. BUSINESS ITEMS

- a. Performing Arts Center Feasibility Study RFP
- b. Entertainment License Application for July 23, 2016 7th Street Market
- c. Mobile Vendors License
- d. Walton Beach Nature Preserve
- e. CPH Streetscape Plan

XI. ORDINANCES AND RESOLUTIONS

- a. Resolution 16-02: Community Legacy Application Grant Voting
- XII. MAYOR AND COUNCIL REPORTS
- XIII. ADJOURNMENT

XIV. EXECUTIVE SESSION

All agendas are subject to change up until the time of the meeting

Upcoming Meetings and Events

- 1) Saturday, July 16, 2016 Movie on the Beach at dusk "Inside Out"
- 2) Saturday, July 23, 2016 12pm 6pm "Drink Maryland" sponsored by the Maryland Wineries Association
- 3) Saturday, July 23, 2016 12pm to 6pm Sunrise: A Celebration of the Arts
- 4) Wednesday, July 27, 2016 Economic Development Committee Meeting 7 pm
- 5) Thursday, July 28, 2016 Planning Commission Meeting 7 pm
- 6) Thursday, August 11, 2016 Town Council Meeting 7 pm
- 7) Friday, August 12, 2016 Concert on the Pavilion The Crayfish

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Minutes from the June 9, 2016 Town Council Meeting 7:15 pm

X Mayor Frazer	XJoanne Hunt	Rick Crump
X Mr. Benton	X Stacy Wilkerson	X John Shay
XMs. Hagen	XDonnie Bowen	X Dawn Richardson
XMr. M. Hummel	XJohn Hofmann	X Sgt. Naughton
XMr. R. Hummel	XRichard Ball	
X Ms. Schiada	X Mr. Wilcox	

APPROVAL OF AGENDA AND MINUTES

- a) **MOTION** made by Randy Hummel to approve the agenda as submitted. Seconded by Mike Benton. All in favor. **Motion carries.**
- b) **MOTION** made by Jane Hagen to approve the minutes from the May 12, 2016 Town Council Meeting. Seconded by Ken Wilcox. **Motion carries.**
- c) **MOTION** made by Jane Hagen to approve the minutes from the June 2, Work Session. Seconded by Ken Wilcox. All in favor. **Motion carries.**

SHERIFF'S DEPARTMENT REPORT

a) In May 2016 the Sheriff's Department responded to 149 calls for service in North Beach. This is down from 193 calls in 2016.

TREASURER'S REPORT

a) Reporting Period: 4/1/2016 – 4/30/2016; Beginning Balance: \$438,877.07; Total Debits: \$471,426.29; Total Credits: \$595,771.92; Ending Balance: \$314,531.44. **MOTION** made by Jane Hagen to accept the Treasurer's. Seconded by Ken Wilcox. All in favor. **Motions carries**.

Mark R. Frazer, Mayor

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REPORTS

Staff Reports: The following reports are attached: Public Works Department, Town Engineer, Code Enforcement, Waterfront Manager and Marketing.

BUSINESS ITEMS

- a) Discussion on the CPH Streetscape Plan: John Hofmann will start engineering for the tree wells and streetscaping. Randy would like to dress up Chestnut. The back side of it. MML convention coming up. In the exhibit hall Council and Staff encouraged to visit vendors and pick up information on streetscape and lighting.
- b) Recommendations to the EDC Committee: Mayor Frazer met with the EDC committee. Them to take responsibity to take the course to earn the designation as an Arts and Entertainment District. This a longer goal. The second short tern task assigned to the Committee is submitting recommendations to the Town for mobile vendors. This is a special license that the Mayor and Council can develop and approve. EDC will have a report to the Town by the beginning of next week.
- c) Application for an Entertainment License 7th Street Market June 18, 2016; 5 pm to 10 pm. This application was denied. The applicant will also be submitting another application for July 23, 2016. The Mayor would like to get the opinion of residents on Annapolis Avenue in regards to closing the street for these applications. The residents will be invited to attend the July 7, 2016 Work Session.

ORDINANCES AND RESOLUTIONS

- a) Ordinance 16-02: FY 16 Budget Adjustments MOTION made by Jane Hagen to pass Ordinance 16-02. Seconded by Mickey Hummel. All in favor. Motion passes.
- b) Ordinance 16-03: FY 17 Budget MOTION made by Mickey Hummel to pass Ordinance 16-03. Seconded by Mike Benton. All in favor. Motion passes.
- c) Resolution 16-01: Maryland Circuit Rider Town Manager Program MOTION made by Gwen Schiada to pass Resolution 16-01. Seconded by Jane Hagen. Motion passes.

Mark R. Frazer, Mayor



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MOTION made by Randy Hummel to close the meeting at 8:30 p.m. Seconded by Jane Hagen. All in favor. Meeting adjourn.

Submitted:

Mark R. Frazer, Mayor

Stacy L. Wilkerson, Town Clerk



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Minutes from the July 7, 2016

Work Session

Attendance: Mayor Frazer, Mike Benton, Jane Hagen, Mickey Hummel, Randy Hummel, Ken Wilcox, Donnie Bowen, Joanne Hunt, Dawn Richardson, Stacy Wilkerson and John Hofmann.

- 1) North Beach Film Festival Proposal Anthony Green presented the Mayor and Council with a proposal to host the North Beach American Film Festival the weekend of June 23 25, 2017. The festival will take place in North Beach with movie showings on the beach along with an indoor venue. Mr. Green is requesting the support of the Town so he can start planning the event. Proceeds from the event will be donated to the Town at 10% along with Twin Beach Players at 10%. The Mayor asked for a stamp of approval from the Councilmembers and all councilmembers agreed. The Town will host the festival in 2017.
- 2) Meet with residents of Annapolis Avenue regarding the 7th Street Market Entertainment License: Aaron Warren owner of 7th Street Market is requesting a closure of Annapolis Avenue on July 23rd and August 13, 2016 for an event with vendors located in the street adjacent to his property. Several residents were in attendance at the meeting. Residents support the idea of an outside smaller venue, but not the expansion to what the business is now. There are problems with trash, noise beyond allowed time frame, parking, security, and being monitored properly. Residents are not in favor or expanding and closing the street for these events. The Council is requesting information in regards to the liquor license he has obtained, has there been fire marshal approval for capacity, all other permits that have been approved and the use of porta potties on the property as bathroom facilities. Is this approved by the Health Department? All items will be addressed and forwarded to the Council for review. The Application for an Entertainment License will be placed on the July 14, 2016 agenda for action.
- 3) Discussion on mobile vendor's license: The Economic Development Committee was tasked with providing some recommendations to the Mayor and Council for mobile vendors. The Economic Development committee does not support allowing mobile vendors but information was provided. The Mayor has asked the Council to review the information provided. The Town Hall needs some definite answer to give vendors when they call in regards to setting up on the streets of North Beach to sell their items. The decision on allowing these vendors will be placed on the July 14, 2016 agenda for action.

Mark R. Frazer, Mayor



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- 4) Update on the Flood dike project: The Town is still waiting on permits to complete the construction of the dike along with two easements from residents. Until these items are obtained there cannot be any further work done on the dike. John Shay is working on obtaining the easements.
- 5) Update on the feasibility study for the Performing Arts Center: The Performing Arts Center Committee meet on June 25th and reviewed the proposal from Market & Feasibility Advisors, LLC. Michael Hartman is recommending to the Mayor and Council the contract is awarded to them. This item will be placed on the July 14, 2016 Council agenda for action.
- 6) Discussion of the Environmental Committee (EC) recommendations for Walton Beach Nature Preserve: The EC provided updated slides and information to the Mayor and Council. The EC is requesting the proposed uses be approved along with assigning a staff person as the Park Manager. This item will be placed on the July 14, 2016 Town Council agenda for action.

Meeting closed at 8:36 p.m. on a motion made by Randy Hummel. Seconded by Mike Benton.





CALVERT COUNTY SHERIFF'S OFFICE TWIN BEACHES PATROL

Date: July 12, 2016

To: Stacy Wilkerson

From: Corporal Thomas S. Phelps

Re: Sheriff's Office Report-North Beach

In June of 2016, the Sheriff's Office handled 194 calls for service in North Beach. This is up from the 149 calls in May 2016.

(In June of 2015, the Sheriff's Office handled 201 calls for service in North Beach.)

Call Breakdown for June 2016:

79 calls were self-initiated (patrol checks, follow-up investigations, etc)

115 calls were received by other means (citizens, alarm companies, etc)

Of the 149 calls, we handled:

- 1 CDS Violations (1 Marijuana + 10g) (Closed by Arrest)
- 4 Thefts
 - Stolen Vehicle (Has Been Recovered) (Under Investigation)
 - o Package Delivery containing Cell Phone (Under Investigation)
 - o Tip Jar Cash from Sweet Sues (Under Investigation)
 - Registration Plates from Vehicle (Under Investigation)
- 2 DOP
 - o Lion Tail Sunrise Park (Under Investigation)
 - Vehicle Window Broken St Anthony Parking Lot (Under Investigation)
- I DUI
- 1 Assault (Fight over Girlfriend) (Closed by Arrest)
- ! Sexual Assault (Occurred in April) (Under Investigation)
- 2 Marijuana Civil Citations
- 2 DUI
- 1 Non-Fatal Heroin Overdose

Breakdown of Dispatched/Self Initiated Calls

911 Hang Up – 1	Destruction of Property – 1	Patrol Check – 70
Accident – 5	Disorderly – 5	Police Information – 2
Alarm – 2	Domestic – 6	Protective Orders Service – 2
Assault – 3	Fight – 2	Sexual Assault – 1
Assist Motorist – 4	Follow Up – 9	Special Assignment – 4
Assist Other Dept – 4	Found Property – 1	Summons Service – 2
Assist Sick – 4	Fraud – 3	Suspicious Person/Vehicle –
Attempt to Locate - 8	Harassment – 1	Telephone Misuse – 1
Burglary – 1	Indecent Exposure – 1	Theft - 8
CDS Violation – 1	Loud Party/Music - 8	Traffic Complaint – 9
Check Welfare – 10	Missing Person – 1	Trespassing – 4
Conservor of Peace – 1	Parking Complaint – 1	Warrant Service – 1

^{**}Note — The reportable incident totals on page 1 <u>may</u> differ from the dispatched totals on page 2. The breakdown on page 2 represents all calls dispatched/self-initiated by the sheriff's office. The totals listed on page 1 may be less due to factors the deputy learns upon arrival to the scene**

TOWN OF NORTH BEACH TREASURER'S REPORT

Reporting Period 5/01/2016- 5/31/2016

PNC Bank:

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Beginning Balance 5/01/2016	\$ 314,531.44	
Total Debits (+)	\$ 752,811.72	
Total Credits (-)	\$ 259,039.87	
Ending Balance 5/31/2016	\$ 808,303.29	Last Year: \$ 442,770.94
Investments (MLGIP/General Fund)	\$ 2,290,667.35	Last Year: \$2,035,475.86
(MLGIP/Sewer Capital)	\$ 34,073.78	Last Year: \$ 33,995.62
(MLGIP/Water Capital)	\$ 7,443.70	<u>Last Year: \$ 7,426.62</u>
Total Cash	\$ 3,140,488.12	Last Year: \$2,499,669.04

CASH RECEIPTS OVER \$7,500.00\$

\$255,698.51- Calvert County Tax Pymt./March & April

\$ 84,500.00- State ACH Deposit (POS Reimb Sunrise Gardens)

\$150,000.00- State ACH Deposit (Community Legacy / Flood Control)

- \$ 7.510.22- Water Audit 6595
- \$ 43,037.05- State ACH Deposit (Local Income Tax & Other)
- \$ 10,745.33- Comcast Franchise Pymt.

CASH DISBURSEMENTS OVER \$7,500.00

- \$ 30,319.92- Payroll- W/E 5/07/2016
- \$ 34,007.96- Payroll- W/E 5/21/2016
- \$ 11,418.87- PNC CC thru 5/31/2016
- \$ 19,201.51- Southern Maryland Recycling, Inc. (Community Clean Up/Services)
- \$ 12,418.26- Southern Maryland Recycling, Inc. Trash Contract
- \$ 26,488.07- Town of Chesapeake Beach
- \$ 12,758.81- Town of Chesapeake Beach

MEMORANDUM

TO:

Mayor & Town Council

FROM:

John A. Hofmann, P.E. Town Engineer & Zoning Administrator

RE:

Monthly Report

DATE:

July 2016

The following is the status of activities that are being worked on:

Living Shoreline Project

Environmental Concerns is continuing with remedial work including plants and grading to make the project fully complete.

Flood Dike Project

Construction has been stopped pending resolution of revised easements for 9318 and 9328 Atlantic Ave. and a revised permit from MDE. Environmental Concerns has contacted MDE about the revised permit. The Town Attorney is working on a new easement agreement for 9318 Atlantic Ave.

Maryland SHA Rt. 261 SHA Upgrade Project.

We had a meeting with SHA in May to discuss them moving forward with the design of a project from the area of 9th St, to the AA County line that includes raising the road, 11' wide travel lanes, 2' shoulders and replacing the culvert at the north end. SHA has been requested to make provisions in the design for adding a south culvert and a pedestrian bike way structure on the west side. Part of the process will include applying for grants for the new culvert and the pedestrian bikeway structure in the Spring of 2017.

Transient Slip Dredge Project.

Dissen and Juhn is continuing their work and on the Project.

Beach Dredge Project

We will be applying for a new permit so the area can be dredged next winter and the sand that is removed from the waterway can be used for beach fill.

Roof Canopy for Pier tee Section

We are preparing materials for a permit pre-application meeting with the Federal & State permitting agencies.

Streetscape Chesapeake Ave

W are under way with engineering designs for landscaped tree wells and upgraded lighting and poles so as to have better knowledge of costs while we explore grants to fund the cost of the improvements presented the CPH report. I assisted with the application to the Community Legacy Program for construction funding.

CODE ENFORCEMENT REPORT RESIDENTIAL AND BUSINESS INSPECTION

1-Jul

	TYPE	ACTION	OUTCO	ME	СОММЕ	ENTS
VEHICLES	1 trailer ar	nd 1 unregistered ve	hicle moved			
BOATS						
TRAILERS					<u></u>	
	DATE	ADDRESS	ISSUES		ACTION	DATE FIXED
VIOLATION	3/24/15	4001 2nd Street	trash/debris/cars	s/shed	complying	church
NOTICES	-	9212 Chesapeake	trash/debris/roo	f	certified letter se	Chuch
	3/29/16	8916 Frederick	equipment/trash)	letter sent	partial
		8916 Erie	trash /Boat		letter sent	certified
		4032 8th	sheds roof		certified letter se	nt 30 d
		4050 8th	roof		letter sent	completed
		3903 1st	deck/shed		pending abateme	ent
	4/5/16	9230 Annapolis	accum of trash		on going	
	9122 Dayte		grass overgrowth		Letter Sent	Abated
	3937 3rd S	treet	grass overgrowth		Letter Sent	Abated
	9200 Bay		zoning compliand	ce	Letter Sent	complied
	4007 8th		Permit issues		Letter Sent	complied
	9230 Bay A	lve	Water Managem	ent	Letter Sent	on going
	10.1				:	
	10 door ta	gs for grass cutting				
ı			<u> </u>			
		-				1 1010 20100
		ADDRESS		P/F	NOTES	1 July 20106
	9336 Sea C	at Court	P			
	4105 2nd S	Street "A"	P			
	4105 2nd !	Street "B"	P			
	4105 2nd S	Street "C"	P		2.	

CODE ENFORCEMENT REPORT

RESIDENTIAL AND BUSINESS INSPECTION

4105 2nd Street "D"		Р	
3657 Bedford Drive		Р	
9520 Sea Gull Court		Р	
8813 Buckingham Court		Р	
8914 Bay Ave		Р	
9232 Erie Ave		Р	
8918 Bay Ave		Р	
Abigails Ballet		Р	
North Beach Fast Stop		Р	
Neptunes		Р	
Pawstries		Р	
Zoning Applications this period		2	
Church project is underway an	d will be finishe	d this Fri	day.

NORTH BEACH WELCOME CENTER

WATERFRONT REPORT

July 14, 2016

Vescure 4/50/12 (0 1/10/12 3 101'122'0	Revenue	4/26/15 to 7/10/15	\$ 161,739.00
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4/24/16 to 7/8/16 \$ 143,017.00 - \$ 18,722.00 under last year

22 DAYS WELCOME CENTER CLOSED DUE TO RAIN IN MAY

Guest Counts April thru July 8

Visitors	Residents	Total
A 121501 A	1100100110	1000

 2015
 2016
 2015
 2016
 2015
 2016

 13,320
 10,350
 3,861
 2,416
 17,181
 12,766

Zip Code Report TOP TEN

Prince Georges Co.	633
Washington DC	435
Calvert County	364
Montgomery Co.	323
Charles Co.	233
Fairfax	209
Anne Arundel Co.	199
Baltimore City	175
Arlington	128
Alexandria	126

(Zip Code Count is per family, not per person.)

Richard Ball, Waterfront Manager Welcome Center: 410.286.3799

Home: 410.286.3988 Cell: 410.474.4516

rball@northbeachmd.org , humphrey72357@comcast.net

VENDORS FOR NORTH BEACH

The purpose of this report is to offer best practices and recommendations to the Mayor and Town Council about how they can most effectively take advantage of the benefits of food trucks and other vendors, while balancing the impact on brick and mortar businesses. It includes an analysis of food truck policies and regulations, specifically as they relate to four policy areas:

- Economic activity
- Public space
- Public health
- Public safety

An ordinance should be established to allow these activities. All potential vendors should be thoroughly vetted by the Town (Ordinance Enforcement Officer?) before they are granted licenses to operate. This pertains to vendors on both private and public land.

Brick and Mortar Business' Concerns

For food trucks, one of the key objectives is to earn revenue. For brick and mortar restaurants, their goal is the same, and the level of competition food trucks create or are perceived to create can be of concern. For the community and town, creating opportunities for economic development is a key priority because it raises tax revenue, vibrancy, and creates a level of attractiveness for business and residents as well as for the town as a whole.

Vendor Permits/Cost of Permitting

North Beach should require permits for the vendors. Generally, town staff want to keep costs high enough to raise revenue, but low enough to make it possible for mobile vendors to operate with a profit. For the community, their interests are much the same as town staff - to find the balance between raising costs enough to maximize fees while not increasing them to the extent that they become a deterrent for mobile vendors.

The EDC recommends a fee of \$1000 for a Memorial Day to Labor Day permit (not including health permit costs).

Public Space vs. Private Space

Mobile vending often takes place on both public and private property, but public property presents a unique set of challenges. Flexible access can lead to over-utilization, which in turn can produce unwanted congestion, pollution, and conflicts between different brick and mortar businesses trying to use the space at the same time. With the potential of rapid expansion of the food truck scene, there is increased demand for limited space, which increases the likelihood of unwanted externalities and encroaches upon the ability of other businesses to maximize the advantages that public space can offer.

The EDC recommends that the vendors be limited to private property owned by the businesses that are bringing them into town. If the town deems it desirable to utilize public property for the vendors, the EDC suggests that the town parking lot behind Chesapeake Bounty be selected for vendor use. This is where the Chesapeake Bounty Kitchen food truck is currently located.

Time Constraints

One set of regulations that impacts the use of public space for mobile vendors is how much time food trucks are allowed to park and vend in one location. Shorter time limits translate to less time for vendors to sell in one spot, which favors competing stakeholders like restaurants, since less time means less competition. Time limitations have both advantages and disadvantages for members of the public - less time means fewer choices for consumers but it also means less congestion and more parking options, which is a major consideration for North Beach.

The EDC recommend time limits of four hours or longer during the day. Vendors need approximately one hour to set-up and pack-up once they are done with selling. As a result, anything less than four hours leaves vendors with only one to two hours of actual vending time. If the town selects to allow vendors during the evening hours, the EDC recommends that the time limit should be 7:00 AM to 9:00 PM.

Proximity Restrictions

This refers to regulations that designate a certain amount of distance that must be maintained between food trucks and other establishments, people, or infrastructure. This section is primarily concerned with the distance restrictions between food trucks and restaurants that are in competition.

The EDC suggests a 50-foot rule.

Sanitation/Public Health

This refers to food trucks' proper cleaning of preparation utensils and disposal of garbage, wastewater (gray water) and remnants of grease traps.

The EDC suggests that the town, when looking to adopt sanitation regulations for mobile vendors, should adhere to the standard requirements in cities with an already established food truck industry. These regulations can be found on almost any city government website. The EDC recognizes that the

Town of North Beach should take this aspect of the food vendors very seriously in order to avoid liability for health problems resulting from food contamination.

State and County laws often require mobile vendors to adhere to the same food safety regulations that are applied to brick and mortar restaurants. This is an effective way to promote proper food handling and accountability. Many vendors report that they actually appreciate the standards because they serve to combat the "roach coach" stereotype. Owners can confidently tell patrons that his truck is held to the same health standards as restaurants.

Questions to address: See Charles County link.

- Are Grease traps required? Where is gray water to be disposed of?
- Should they be required to pass a certified food management course?
- What health inspections are needed versus a standard brick and mortar restaurant?
- Are they required to wear disposable gloves and hair nets?

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Pedestrian Safety

Some towns' ordinances have distance-from-pedestrian/sidewalk requirements.

The EDC did not come up with a recommendation for this distance, but some smaller towns recommend a 4-foot rule.

Town Hall Forum with Brick and Mortar Businesses

The EDC recommends a very inclusive approach to their ordinance restructuring. We suggest brainstorming initial ideas internally then presenting the draft suggestions to the public for feedback. Also, we recommend conducting private meetings with individual brick and mortar businesses to allow them to speak freely without fear of backlash. This tactic should be particularly useful for restaurants. The town will have an opportunity to assure them that they will be protected from unfair advantage of the food trucks.

North Beach should look for ways to encourage relationships between the various stakeholders. At the heart of proximity rules are concerns that restaurants (and other established businesses) have about unfair competition. They pay expensive monthly rents and property taxes, but they are also engaged with the community. Because they are stationary, most restaurants see themselves as part of the community fabric. They create employment opportunities and care about neighborhood safety and aesthetics. Some view mobile vendors as profit-driven, fly-by-night operators with few or no ties to the community. Conversely, mobile vendors often feel that restaurateurs are fearful of innovation in food culture.

Conferences, forums, or meetings could be called with stakeholders from both sides invited to the table in a spirit of cooperation

The EDC also recommends that the town identify private vacant lots and create "Partnerships for Mobile Vendors" to gather and sell in the same location. The lot owners could be approached by the town with the opportunity for those owners to rent that space to vendors

Contacts and References:

La Plata Planning Department (Seth Koons-Planning Department): La Plata does not have anything written up but said current town policy is truck vendors must operate only on private property as well as comply with county sanitation and health regulations/permitting and town zoning (the trucks can operate at their "Farmer's Market").

Indian Head town follows same approach.

PG and Montgomery Counties are working on legislation/regulations but status for Calvert and Saint Mary's is unknown.

Charles County Planning Dept. (Teresa Pickeral: 301-638-2409) Charles County provided proposed zoning restriction/regulations for food truck operation (below). These regulations were discussed at 6/20 planning commission meeting and are going to County Commissioners soon. See link:

http://www.boarddocs.com/md/ccpc/Board.nsf/files/AASPC861485C/\$file/Mobile%20Food%20Facility%2C%20ZTA%20and%20Work%20Session%20Report%2C%20June%2020%2C%202016.pdf

Leonardtown, MD (Maria Fleming- Public Relations and Events): Leonardtown does not have a policy on mobile food but has developed operational guidelines through the Events Office. Mobile food trucks must have a County Business License, registered with and permitted by County Health Department and be self-sufficient (power, water, etc.). Mobile food venders pay a "venders" fee of \$45/space/each town-sponsored event s and sign a vendor's agreement (attached). They are permitted to park in designated public parking areas (usually Central Square) or private property and there is no time constraints imposed. The Town is reviewing operational possibilities of maintaining certain designated areas and limit the number and duration of permits.