

ADD-ON
Agenda Item # 5-E-1

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: July 8, 2008	<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Regular
	<input type="checkbox"/>	Workshop	<input type="checkbox"/>	Public Hearing

Department:

Submitted By: Engineering & Public Works

Submitted For: Traffic Division

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to deny: A request for a waiver by Catherine Hietapelto, a roadside vendor from complying with the square foot maximum vending area as required in the Roadside Vendor Ordinance (Ordinance 97-40).

SUMMARY:

Catherine Hietapelto obtained a Roadside Vendor Permit to sell prepared food within the County right-of-way. Ms. Hietapelto's trailer and truck (Alice's Restaurant) significantly exceeds the 300 square foot maximum vendor area stipulated in Section 9 (P) of the Roadside Vendor Ordinance (Ordinance). Ms. Hietapelto has requested a waiver of Palm Beach County's decision regarding the maximum allowable area.

District: 6 MRE

Background and Justification:

Catherine Hietapelto obtained and continues to hold a valid Roadside Vendor Permit (Permit) to sell prepared food within the County right-of-way. When she applied for and received her permit, she signed a statement that she received a copy of the Ordinance and she also received a copy of the Roadside Vendor Program Violation Point Assignments, which lists areas in excess of the 300 square feet as a violation. Engineering staff last week asked her about the size of the two vehicles and she revealed that the total square footage exceeded the 300 foot maximum area by more than 120 square feet. But staff has not verified the square footage and it could be more or less than what she represents. If Ms. Hietapelto were to use Alice's Restaurant, she would be cited and ultimately her permit would be revoked as required by the Ordinance. Ms. Hietapelto states that on many occasions she submitted a floor plan to the County. Engineering staff has no such plan on file and suspects that the "County" entity that reviewed the plan was the Health Department. The matter before you is a request by Ms. Hietapelto for a waiver of the 300 foot maximum vending area. If the Board desires to allow her to operate with her larger amount of square footage, then the only option is to amend the Ordinance. In more than 20 years of issuing Vendor permits, no appeal or waiver of area size has been requested. If directed, the ordinance could be amended to allow vehicles similar to hers to be placed in more rural locations where sight distance issues and parking could be better accommodated.

Attachments:

1. Request for Waiver
-
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Recommended By:

Division Director

Date

Approved By:

 D. J. W.
County Engineer

 7/7/08
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	\$ -0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	\$ -0-	-0-	-0-	-0-	-0-

ADDITIONAL FTE POSITIONS (Cumulative) _____

Is Item Included in Current Budget? Yes _____ No _____
 Budget Acct No.: Fund ___ Dept. ___ Unit ___ Object _____
 Program

B. Recommended Sources of Funds/Summary of Fiscal Impact:

This item has no additional fiscal impact.

C. Departmental Fiscal Review: R. D. Ward

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

A. Willhite 7.7.08
 OFMB
 7/7/08

Joe J. Jandt 7/7/08
 Contract Dev. and Control

B. Approved as to Form and Legal Sufficiency:

M. [Signature] 7/7/08
 Assistant County Attorney

C. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment.

To Whom It May Concern,

June 30, 2008

I, Catherine Hietapelto, wish to appeal the decision made by Palm Beach County to not allow placement of my food service vehicle on Palm Beach County right of way. In March of 2008 Palm Beach County issued a permit for roadside vending for a location near 60th Street North in Loxahatchee. In order to obtain this permit I have submitted all necessary documents including multiple copies of the floor plan and layout of my food service trailer; I have also paid all the necessary fees. Only after receiving a legal permit was it discovered that the location was not actually Palm Beach County property, but privately owned. Due to a complete lack of research by its employees, Palm Beach County was unaware of this minute detail. In order to comply with the law I removed my vehicle and waited to be assigned to a new location. Sometime later, the Palm Beach County employee who had originally been handling my permit from the onset of its' formal intent noticed the size of my trailer. He then stated the trailer was too large and therefore not a candidate for the roadside vending program. Despite the fact that he was the person responsible for issuing the original permit, the technical assistant refused to accept any responsibility and offered no assistance at this point. The process of obtaining this permit has been ongoing for over eight months. During this time I have exhausted all of my financial resources; the vehicle I purchased to transport the trailer has been repossessed and I am now in danger of losing my home of over 25 years due to foreclosure. Obviously I cannot afford for this matter to continue with no end in sight. I am desperate for help and am pleading that you take the time to discuss this matter during the July 8, 2008 County Commissioners meeting. Thank you for your time and consideration in this matter.



Catherine Hietapelto