

WORK SESSION  
TENT SALES

JULY 15, 2008

A Work Session of the Arcadia City Council was held on July 15, 2008, at 5:00 p.m. in the Margaret Way Building at 23 North Polk Avenue. Council members attending were Goodman, Fazzino, Johnson, Heine and Dixon. Also in attendance were Administrator Strube, Attorney Galvano, Marshall Lee, Special Projects Coordinator Hewett and Recorder Baumann.

Mayor Goodman called the Work Session to order and stated the purpose of the work session is to discuss Temporary Tent Sale Regulations.

Attorney Galvano stated that the current code does not specifically address tent sales. He reported that he had researched other surrounding counties and cities and noted that everyone handles these events differently. Some put the burden on the property owners and the tent sale applicant. He noted that he reviewed the new state building code and it would require the City to issue a permit. He stated that the Council currently has the ability to approve a request subject to issuing a permit.

Councilman Dixon stated that he is in favor of tent sales; however his concern is that there should be rules and regulations in place for these types of sales before approving any additional requests.

Councilman Johnson would like to see something addressing the frequency of events added to the code.

Councilman Heine stated that he believed that Councilman Dixon had previously made the motion to wait to see what type of restrictions the County put in their code. He then asked why there are cars already at the location when the request to hold the sale had not been approved.

Mayor Goodman reported that Councilman Dixon's motion was not to wait for the County, but to deny the request.

Councilman Fazzino stated that he is in favor of waiting until the County completes their code and "tweak" it a little for City use.

Councilman Dixon stated that if the County has an ordinance in place before the City ok; however, he believes that with the assistance of the new Attorney the City should be able to come up with time limits or number of sales allowed per year. He stated that he is very upset that the vendor went ahead and began to set up for the event after having been denied at the last Council meeting. He stated that he still stands behind his original motion to deny the request until rules are in place.

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Councilman Fazzone noted that local businesses are not in favor of tent sales.

Councilman Dixon stated that he thought the work session was to develop some rules regulating this type of event.

Councilman Johnson stated he thought it was the frequency of the events that Council was concerned with and not the actual events.

Administrator Strube noted that in the past tent sales were sponsored by a charitable organization or school and were for the sale of items that were not locally available such as R.V.'s and Boats. Prior to January 2008 the last auto tent sale was ten (10) years ago. After that tent sale the local dealers expressed their displeasure with the City for allowing the event. From then until recently the Temporary Vendor section of the Code was applied requiring a local sponsor. He feels that local merchants provide additional services to the community and they should be given some consideration.

Attorney Galvano reported that the code does not address frequency, property owners, or the effect on the local economy. He caution the Council that the City does not want to be in violation of the free trade act.

Councilman Dixon stated that he respects local businesses; however he believes that people should be given a choice noting that some of the autos sold at the tent sales are not available locally. He feels that if vendors abide by the law and follow procedures they should not be denied permission to conduct business or discriminated against. He stated that he runs one of the largest charitable organizations in town and that he has never taken a donation for approving a tent sale.

Councilman Heine stated that he is not against auto tent sales; however he noted that there have had been four (4) or five (5) request in three (3) months. He asked Ms. Teresa Perez, the Regional Director Dealer 1 Stop, LLC, how many dealerships she represents to which she replied she represents many dealers; however only two (2) who are licensed to do business in the area.

Attorney Galvano stated that the Council needs to decide the actual policy noting that it could be based on the property/location or a specific number of permits available.

Administrator Strube stated that parking lots are provided by business for customer parking and not for holding sales. He believes that all tent sales need to be looked and supports a limit on the number of sales by property/location and not the actual type of sale.

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There was some discussion regarding money that was to be donated by one auto tent sale dealer to Project Graduation which has not yet been received. Councilman Johnson stated that it was not a "requirement" for approval of the event that the dealer donate to any cause.

Mayor Goodman addressed the Council and stated that she did not like hearing that the Mayor had given permission for an auto tent sale to be set up noting that the Council at their last meeting voted to deny the event. She then asked Ms. Perez if she had been given permission by the Mayor to set up for the event to which Ms. Perez replied she had not.

Attorney Galvano will begin drafting rules and regulations for tent sales addressing frequency and property owners.

Several members of the Public addressed the Council in opposition to tent sales of any type.

Mayor Goodman stated she would not do anything to hurt the citizens or business in Arcadia; however, she is in favor of regulated tent sales noting that not all things are available in DeSoto County or Arcadia.

Johnson stated he had received some good comments regarding the past auto tent sales and noted that the Council cannot discriminate against these business.

There being no further business the work session was adjourned.

  
CITY RECORDER

  
PRESIDENT