

LEGISLATIVE COMMITTEE MINUTES
OF OCTOBER 15, 2018

Municipal Council of the City of Vermilion
Municipal Complex, 685 Decatur Street, Vermilion, Ohio 44089

In Attendance: **Vermilion City Council:**
Steve Herron, President of Council; Monica Stark, Council at Large; John Gabriel, Ward One; Frank Loucka, Ward Two; Steve Holovacs, Ward Three. Absent: Barb Brady, Ward Four; Brian Holmes, Ward Five

Administration:
Jim Forthofer, Mayor; Chris Howard, City Engineer; Amy Hendricks, Finance Director; Tony Valerius, Service Director

Call to Order: Monica Stark, Chairwoman, RESOLVED THAT this Legislative Committee comprised of the committee of the whole does now come to order.

TOPIC ONE: **Food Trucks (Review of Ordinance 2018-63)**

M. Stark asked city council if they had additional comments or suggestions they would like to add to this legislation.

Mayor Forthofer understood council's motivation in writing this legislation is to protect the brick and mortar businesses that continue to pay taxes and invest in the community, which he wholeheartedly supports. In fact, he asked council if they will consider acknowledging other brick and mortar businesses who want to extend their business by having a food truck on their own property, if it's not already written that way in the legislation. He said this is assuming the food trucks will comply with all regulations. He said an example would be the food trucks positioned at Pence and the Farm Market as those businesses don't threaten the restaurants as they have been in existence for some time. He asked council if they would favorably include food trucks at private businesses. F. Loucka thought it was a great suggestion. S. Holovacs said if he was renting a building downtown and wanted to put a restaurant in, then he would be asked to put in a hood, fans, etc. that cost money, which the other businesses downtown need to have. He understands it's not cheap and now they are talking about cutting corners to allow food trucks to become their kitchen; not the kitchen in the building that is paying the taxes. He said there is mixed emotions, but it cost money to be in business and this is a way to skate around the corner. J. Gabriel said it really adds complication to this legislation. He didn't want to write this ordinance to begin with and they never had a problem with food trucks until this year; absolutely no problems, zero! Here they are; they're allowed to operate and after the horses are out in the yard they are asked to close the barn doors, so who is the bad guy in this scenario. Now, they are asked to amend an ordinance that probably took them three months to put together. He asked if the business owners are going to own the actual food trucks. Mayor Forthofer didn't know but in the situation at Pence he wasn't sure if they owned the food truck or not. He thought it would be a logical extension of places that already provide food in one way or another. He said it's a logical extension in the idea of respecting bricks and mortars as invested tax and efforts in the community. J. Gabriel said this is so much more complicated, so the questions become are they going to allow food trucks because this door is now opening wide again. He doesn't see how they can define this down into a narrow channel but if this council

wants to allow food trucks, then allow them, but he doesn't know how they open the door part way because there will be so many loopholes. Mayor Forthofer said he wasn't suggesting a city-wide okay of food trucks as he understands council is trying to limit and govern how food trucks are regulated. S. Herron said they are not just protecting the brick and mortar businesses, but they are also protecting the downtown from having food trucks when their businesses are open. He understands the respect to the people who invest in Vermilion, but he said it also protects the geographical area of downtown when the restaurants are open. Therefore, he would be opposed to the mayor's suggestion, even though he understands it.

Homer Taft of 3972 Edgewater Drive said it seems council is dealing with two things; one is safety, inspection, and licensing, and the other is the use of public spaces, but he suggested the use of private spaces because if existing businesses want to have food trucks, then he understands they can sell prepared food if they prepare it themselves. They are just not allowed to sell prepared food on their property if they didn't prepare it and the food truck prepared it. To him this doesn't make sense and if folks want to have food trucks on their private property, whether it's for a special event or whatever the reason; they're businesses too and they pay taxes. He said if people at marinas have a hard time getting downtown to the restaurants because of Woollybear or what have you and they want to have a food truck so their boaters can have food, then why not; they are a private entity. It's when you block off public streets and access to other restaurants when it becomes a problem. He commented that the ordinance was drafted with an emergency clause; it seems like every ordinance is drafted with an emergency clause, which prevents people from having a referendum on it as it puts it into immediate effect. He doesn't know the emergency here as he doesn't think it will come up until next spring or summer.

Joe Jesko of 350 Salem Drive understood the conflicting points on both sides, but on the other end they are local business. They have invested in the community and they are paying local taxes for all their employees. They live in Vermilion and they see themselves as a local business. He said they are paying rent on the private establishment. He recommended and motioned council to allow private businesses to be able to outsource their food to food trucks. They want to make sure anyone in their category follows all rules and regulations as well as pay taxes. They have fit all those local channels and follow safety regulations.

M. Stark asked council if anyone wanted to entertain a motion to amend the legislation as written pursuant to Mayor Forthofer's recommendation to allow food trucks on private property. She said they can go back to what was on the books previously when the Mayor was in charge according to code of allowing food trucks. She said the mayor brought this to city council as he really didn't want the responsibility and wanted council to draft legislation. Mayor Forthofer said the previous ordinance was not a food truck ordinance; it was a vendor's ordinance and it didn't address health issues or anything. He said he didn't mean to complicate council's work; it's just an issue he thought should be considered.

F. Loucka MOVED; S. Herron seconded to review reworking the language to allow food trucks on private businesses. Discussion: S. Herron said he would like council to review this ordinance once all council members are present. He said they could table the third reading until the time council discusses this again at the November Legislative meeting. Motion not voted on at this time as this matter will be tabled to November. M. Stark said B. Brady had emailed her some questions on this legislation, so this will give her time to discuss her questions in November.

TOPIC TWO: Resolution to Support School Safety Levy

S. Herron asked council if they had an objection to drafting a resolution in support of the school safety levy. M. Stark thought it was a great idea and said she would totally support it. F. Loucka said he and his wife voted (absentee) today for it, so he's on board with a resolution.

S. Herron MOVED; F. Loucka seconded to have legislation prepared in support of the school safety levy. Roll Call Vote 5 YEAS. MOTION CARRIED.

M. Stark adjourned the meeting after no further business was discussed.

Next meeting: November 19, 2018 @ 7p.m. – Vermilion Municipal Complex, 687 Decatur Street, Vermilion, OH

Gwen Fisher, Certified Municipal Clerk (CMC)