

LEGISLATIVE COMMITTEE MINUTES
of May 12, 2025

In Attendance:

Vermilion City Council: Steve Herron, Council President; Gary Howell, Council at Large; Pat West, Ward One; Greg Drew, Ward Two; Drew Werley, Ward Three; Jeff Lucas, Ward Four; Gwen Fisher, Certified Municipal Clerk; Melanie Wood, Assistant Clerk of Council. Absent: Brian Holmes, Ward Five.

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

Call to Order: Gary Howell, Chairperson, RESOLVED THAT this Legislative Committee comprised of the committee of the whole has now come to order.

TOPIC ONE: Review of Mobile Food Services (Ordinance 2024-43)

G. Drew said at this point he doesn't have much additional to talk about regarding the current food truck legislation. They had some discussion, and he doesn't know if there is support to open it up anymore, whatever they do he wants to be fair to the business owners downtown and within the city.

Mayor Forthofer said he believes council made some good practical changes to it this past time addressing one of the biggest ones, which was the fee and also protecting business owners. They have had one year or less and he says let it run for a while and see how it shakes out. G. Drew said they heard two positions at the last meeting, Barb Brady had some good insight and so did Jen from Hawaiian Ice and he doesn't know how to make it fair to everyone or if they will get there. He asked if any council members had any ideas to make the food truck owners happy but also make the businesses feel as though they are not being left out as well.

J. Gabriel said he had one correction to make that the ice truck gave – he believes she is a township resident which was a misunderstood point.

D. Werley said he appreciates the clarification, however in the grand scheme of things it doesn't have much bearing. He believes if you can park a car legally, you should be able to run a food truck there legally. Downtown or wherever, he doesn't think it is their job to protect the local businesses. He is big against protectionism, he knows Council President Gabriel is all for that if he can go back and think about the meetings when they first passed all these things. He gets his stance is to protect the businesses downtown and he doesn't think it is their job. He believes it has been 10 months that this has been in effect and there has not been a big run on food trucks in town. He said before if he had a food truck he would not run it in Vermilion because the market does not make sense to do that so he would be more than willing to open it up. If you can legally park somewhere, you should be able to run a food truck out of there. Obviously if there are lines building up and you are out into the streets it is a completely different story. They have one registered food truck, and they took away her parking spot and he has an issue with that. G. Drew asked if Councilman Werley remembered where her spot was. D. Werley answered he is pretty sure she parked on Grand Street right next to the Fulper parking lot. G. Drew asked if anyone would have an objection if they opened that parking lot up to food trucks. J. Gabriel asked if they would open it permanently. G. Drew said just like the other parks and spots they are able to operate in. J. Gabriel asked if he meant for festivals, or if he meant for every day. G. Drew said they would have to talk about every day. D. Werley said it sounds like general use. G. Drew asked if the city owns the other lot by where Tiffany's is. Mayor Forthofer said yes,

they own the division grand lot. T. Valerius made the clarification there is a small section the city does not own where the reserved spots are. G. Drew said maybe they can open that lot, but he would like to hear everyone's suggestions. He doesn't have all the answers, and he wants to be fair to everybody.

Jean Anderson of 3240 Edgewater Drive said she knows Barb Brady addressed council at one of the previous meetings about Ed Rinehardt and what they secured for Third Thursdays downtown and the food trucks. When she was mayor, Ed Rinehardt came into her office with the idea because he had just come from Canada and there was a little town that was just bustling, and they had music coming into the city and he said why can't they do it here. It would be great for downtown to open it up for free and bring a lot of people downtown. She said she didn't know why they can't do it, and the rest is history. They started Third Thursdays, and different people were in charge of it at different times. However, the main purpose was to bring people downtown; he didn't want to see downtown die and he wanted to bring some energy and activity to it. She thinks if they can figure out a way to allow the food trucks she knows there are a lot of cities that do, and they are highly energized, and their downtowns are wonderful and bustling. A lot of times when she is in those little cities as she travels she thinks why can't Vermilion have this, and she is not sure why. Maybe it is designating a certain area for food trucks but the more you have, the more that comes. You create an economic development district so if you have five auto parts stores in the same place it created a hub and everyone who needed a part for their car came to that hub. In a city, if you have a lot to offer people with different preferences and things they like to do the more people are going to come. To think we still have to as Drew suggested protecting businesses from business, she is not so sure that is the real answer, she thinks they need to look at some place to entertain some of the food trucks or alternative businesses to bring more energy and more interests into the city. Ultimately, that should be their primary concern. What can they do to enhance business and people coming into the downtown and they want to make sure it flourishes and doesn't dry up. She thinks just becoming stale isn't the answer.

J. Gabriel said from a different perspective, you have businesses downtown and the closer you are to the lake, the more you pay for your location. We just had a gentleman who bought a garage and paid hundreds and hundreds of thousands of dollars for a garage and he is spending tens of thousands of dollars more to revamp it to turn it into a restaurant. Now they are saying the business model that is you can use public land for \$100 and sell similar products and they are going to say that it is fair competition. That is his thinking in it, you have people downtown who not only occupy buildings who have spent a lot of money on buildings and a lot of them are older buildings – stopped them from becoming dilapidated and employ teenage students in our town and employ various part-time workers in our town, they pay property tax and it is more than \$100 and it is not using public land either, they had to purchase private land. The closer you are to the lake, the more you pay. He is asking that they have some consideration, and he knows that sounds protectionist but that is his point of view, and his concern is there are a lot of people with a lot of investments downtown. He doesn't know if that is a fair competition, that he can go to Facebook right now and spend between \$40,000 and \$60,000 for a turnkey truck and drive down there and they call that fair competition.

G. Howell said initially when they talked about it, it was more along the lines of Third Thursday. The city gets so overcrowded on those nights that you almost can't get a spot anywhere in town to patronize the downtown businesses because of the influx of people who have come from out of town to enjoy the festivities. At least for him and his point of view when they were talking about it, this was another avenue to keep those people in the downtown instead of leaving to go to Amherst to eat or out to Route 60 to grab a bite to eat because you can't get a seat with your family in town on those certain nights. He knows they changed a little

bit and talked about weekdays and weekly's but what they were talking about was just to accommodate and help out downtown on those special evenings.

G. Drew said he thought when he drafted the ordinance that is in place now he thought they captured that. Victory Park is open and that is pretty close to all the activity on Third Thursday, and he thought it was fair to both the brick-and-mortar stores and to any food trucks. He is torn between opening it up all the way, he thinks Victory Park is within the walking distance of Third Thursdays. The only thing he might want to change is he did get a call from Linwood when they were revising it and the way it is written now is Linwood can't have a food truck in their gated community because it is a residential area. He wouldn't mind amending that at some point to allow them to bring one into their gated community and if he made any changes himself, that would be the only one he would recommend but he is open for ideas, he doesn't mind drafting a new ordinance, but he doesn't want to waste his time either if they are not all on board.

T. Valerius said Linwood might have an issue with it because they do have a stand and bringing a food truck might take away their business. G. Drew said Linwood wants a food truck they invite to be able to come in. It wouldn't be a food truck that just showed up to sell, they want to be able to bring one in and have an event and the way it is written now he can't. It would be based on them inviting someone in. J. Lucas asked if their association be the selective committee to pick and choose. G. Drew said that would be their problem, it is not for us to figure out that solution for them. They can open up the ordinance to allow it to happen.

D. Werley said he doesn't see anything that explicitly says they can't do it now and he also hopes they wouldn't enforce that. He doesn't see any issue if he has a food truck on his property which he is legally allowed to have and serve his event at a graduation party he can serve his people. He doesn't look at Linwood as a whole – it doesn't explicitly say they can't do that and again he would hope they wouldn't go enforce it on them. As far as he is concerned, Linwood can almost do whatever they want to do, he is not sure if there is an HOA or not, he is pretty sure it is a gated community, let them do whatever they want to do. G. Drew said he agrees 100% but he thinks the way they wrote it unintentionally prohibits from selling in a residential district. You can have a food truck say at a graduation party and they want to hire a food truck to sit in your driveway, you can give out food, but you can't sell it to the general public. He believes the way they wrote it prohibits the sales from an R-1 District so they could entertain looking at that and make another revision and see how things work.

G. Howell adjourned the legislative meeting upon no further discussion.

Next Legislative Meeting: June 9, 2025 – 6:00 p.m. @ Vermilion Municipal Complex, 687 Decatur Street, Vermilion, Ohio

Transcribed by Melanie Wood, Assistant Clerk of Council (May 14, 2025)