

**City Council Workshop
MINUTES**

April 11, 2023, at 5:00 PM

CALL TO ORDER

Mayor Byron Sanford called the workshop to order at 5:00 p.m.

Present:	Byron Sanford	Mayor
	Casey Olson	City Council Place #2
	Cheryl Fox	City Council Place #4
	Patricia Easley	City Council Place #5
Absent:	T.J. Wilkerson	City Council Place #3
	Carol Langley	City Council Place #1
Also Present:	Gary Palmer	City Administrator
	Nici Browe	City Secretary & Director of Administrative Services

Mayor Byron Sanford welcomed everyone and informed them that no official action is being sought on this topic tonight, this is a workshop on the subject matter only.

CONSENT AGENDA:

1. Workshop on the proposed Mobile Food Unit/Mobile Food Court text amendments to Chapter 64 Peddlers, Solicitors, Vendors of the City Municipal Code AND Zoning Ordinance Section 98-88 Table of Permitted Uses and Special Uses

Mr. Gary Palmer, City Administrator informed Council and the audience that what they have before them is his recommendations for an update to the ordinance. The red strike throughs and red font are the changes that he is recommending.

He went on to describe the conflicts between the State code and city code due to the city code not being updated for such a long period of time.

He moved through the updated definitions and examined the exemption of Cottage Food Industry.

Mr. Palmer stated that in his proposed changes he would also place vendors under a special event as exempt from fee payments.

Mr. Palmer then went on to cover permitted uses.

He concluded his presentation by stating that the application would need to be cleaned up to insure it matches the changes in the code. The process would include a public hearing but before we get to that point, he wished to workshop it with council and get feedback, he had already taken it to Planning & Zoning Commission for their review.

Mayor Byron Sanford addressed the council and asked that they provide an open discussion and provide feedback and informed the audience that they would also get an opportunity to inject their thoughts and suggestions.

Councilmember Casey Olson stated that brick and mortar business owners have invested thousands of tax dollars into the city and should not be undercut by their competitor. He did not want vendors coming in and setting up and having better benefits to conduct business than those who have invested into the city. He added he wanted it to be equal across the board.

Mr. Palmer recognized the point Councilmember Casey Olson was making and stated he would pull the tax information on businesses and the vendors.

Councilmember Cheryl Fox stated that the commercial taxes have been raised considerably.

Mayor Sanford stated that is there going to be addressed the issue of gaining permission to sell like for like, as it doesn't appear to him that those businesses sell the same product.

Councilmember Casey Olson stated his point was about fairness, we have to be fair, so everyone pays the same fees, giving food truck vendors the ability to set up with just a vendor fee where businesses pay above and beyond, there is a disadvantage to being brick and mortar.

Councilmember Patricia Easley inquired if Food Trucks would only be allowed to operate in a food court only.

Councilmember Patricia Easley asked if Food trucks are not considered to be equal, as materially speaking they are site based.

Mr. Palmer responded that food trucks are not site based, they are license based. He went on to add that as we are a small staff one proposal is to change the current one, three and six month permits, to a flat for six months only. Logistically speaking this is more appropriate.

Mr. Palmer reasoned that six months will attract only those serious about doing business and abiding by the rules we have, and another difference will be that the fee will only be paid once the application has been reviewed and approved.

Mayor Sanford stated that 64.31 covers the issue with fairness.

Mr. Palmer stated he would pull property tax for the food businesses and delve into the fee schedule deeper.

Councilmember Patricia Easley stated that these are mobile vendors, not permanent establishments so should not be subject to the same fees as the brick-and-mortar businesses.

Councilmember Casey Olson disagreed and stated that over a year someone can operate long term and could come and go, whereas those established businesses have invested hundreds of thousands in some cases into the city. Where is fairness in allowing people to operate with the same items as those who are here full-time at less cost.

Councilmember Casey Olson and Councilmember Patricia Easley held a discussion on the practicalities and fairness of issuing temporary permits for food trucks.

Mayor Byron Sanford stated that he wants to make sure we as a city are responding to business owners' complaints.

Councilmember Patricia Easley voiced her concern that we are making it hard to do business.

Mr. Palmer stated that maybe there is validity to assessing a fee based on location. He went on to say that from the conversations here he can say that the sticking point is the fees, therefore, he will go back and pull tax information and comps and come back with alternatives.

Sara Countryman, resident stated that she had requested from the State the taxes and has yet to receive any information. She does know that 2% goes to the city.

Bill Clevenger, resident stated that as a food truck owner he does pay sales tax and he has proved this multiple times to previous administration staff, the way they are unique is that they do not pay property taxes.

Julie Davis, resident stated there is a big difference between tenants too as the renters of the coffee shop for instance have all of the start up costs, yet those like Bill's food trucks just show up for one fee, maybe one day. Those that come for a festival, trash our streets, tear up the roads and leave.

Mayor Sanford corrected Ms. Davis and stated that the coffee shop is owned by those operating it.

Jeff Waddell, P&Z Chair and resident stated that once Gary has crunched the numbers it would be clear the direction the city needs to take based on the revenues.

Councilmember Casey Olson went on to say if we continue down this path the food trucks will crush our restaurants, like the area for Minute Maid Park in Houston.

Councilmember Patricia Easley stated she disagreed with that statement as it is a totally different population down there.

Jeff Waddell, P&Z Chair and resident added that the real world is there is going to be competition for businesses, what the city needs is walkability and signage and felt the earlier statement of the food truck competing with those businesses around, he fails to see how a hotdog stand competes with a steak house.

Councilmember Casey Olson argued that it's not just the competition it's the reality that the customers to the food trucks are entering into the restaurants to use their bathrooms too, how is that fair.

Councilmember Patricia Easley commented how he could be sure that those asking for bathroom use are strictly from the food truck.

Councilmember Casey Olson responded because he has been told so by the business owners, and he wanted to point out that he is not opposed to food trucks at all but feels they should operate under the same terms as the brick-and-mortar establishments.

Councilmember Patricia Easley voiced her concern that the city is trying to amend and create policy based on a microcosm of a small area, the net should be cast wider, and we do not need to be reacting to personality conflicts between business owners and food truck vendors.

Julie Davis, a resident, suggested that the city place some signs downtown directing customers to the public restrooms.

The council collectively held a discussion on non-mobile versus mobile food unit and the definition thereof.

Mr. Palmer asked the council for their thoughts on maybe making a fee structure based on static and multiple locations.

Mr. Tony Gallucci, resident spoke to Council regarding the food trucks.

Mr. Bill Clevenger informed the Council that daily he picks up trash from folks walking around town and places that into his own trash, including booze cans. The city needs to focus on bringing people here to the downtown.

Mayor Byron Sanford asked if nonprofits (501c3) vendors are exempt from fees.

Ms. Browe, City Secretary confirmed that all nonprofit and 501 c3 vendors if they have placed that information on the application form will not be assessed a vendor's fee.

Mayor Byron Sanford thanked everyone for their input and closed the workshop.

ADJOURNED: 6:00 P.M.

Submitted by: _____
Nici Browe, City Secretary

Date Approved: _____

Byron Sanford, Mayor