

CITY OF FENTON COUNCIL SPECIAL WORK SESSION PROCEEDINGS

**Thursday, May 15, 2014
City Hall Conference Room
301 South LeRoy Street
6:00 PM**

Mayor Sue Osborn called the meeting to order at 6:03 PM.

Present: Grossmeyer, Jacob, King, Lockwood, McDermott, Osborn.
Absent: Bland.
Others Present: Lynn Markland, City Manager; Stephen Schultz and Chris Patterson,
Legal Counsel.

CITIZENS COMMENTS - None.

FOOD TRUCK REGULATIONS AND ORDINANCE

Schultz reviewed his memorandum dated May 15, 2014 and a draft ordinance his office prepared that addresses specific provisions and issues associated with mobile food vendors, including:

- License Requirement to Operate a Mobile Vending Facility
- License Application Requirements
- Application Investigation
- Exemptions
- Vending Requirements
- Revocation
- Complaints and Appeals
- Other Licenses
- Additional Considerations

Council reviewed the memo and proposed ordinance along with a publication from the National League of Cities (NLC) titled “Food on Wheels: Mobile Vending Goes Mainstream”.

Osborn asked if the draft ordinance addresses sanitation. Patterson responded there is a provision that requires waste receptacles. Osborn reviewed pages 17 and 18 of the NLC publication that reviews sanitation guidelines including the number of sinks required, guidelines for potable water, and wastewater, tanks and the role of commissaries.

Lockwood commented information received at the NLC Conference where this topic was addressed indicated that a “one size fits all” ordinance will not work. In large metropolitan areas, food trucks are big business and commissaries are available. For smaller communities, the trucks are just allowed to come in and the regulations are handled by the County Health Department.

Schultz is suggesting the ordinance call for the trucks to have proper licensing and certifications from the Health Department that are no different from restaurants. Lockwood stated the City needs to know how the County Health Department deals with food trucks. Grossmeyer commented he would like to know how the County addresses different types of food trucks, such as those that sell pre-packaged foods and those that prepare food on-site. Schultz responded they have different licensing and requirements.

Osborn commented it scares her to think individuals could be preparing food at home and then bringing it to a truck to sell or cooking food in a truck and not having proper sanitation measures in place. Schultz stated it is a public relations issue, but there is no liability to the City and commented it would be similar to a restaurant having a contamination issue, that does not come back on the City and noted the owner of the food truck would have their own insurance.

King inquired if the County Health Department has enough inspectors to stay on top of inspecting food trucks. Lockwood commented they are good about making sure things are in order, but they have limited staff. Markland commented spot inspections are not done.

McDermott stated he thinks it is smart to limit the number of trucks allowed, but thinks it is overreaching to not allow them at all.

Markland asked if the number of trucks is limited, how would it be determined who is issued permits (i.e. lottery, first come first serve). Osborn commented she is concerned with trucks showing up at festivals or at Concerts in the Park. Schultz stated there are provisions in the draft ordinance that address those issues.

Schultz stated there are a lot of policy issues that need to be addressed including how many licenses to issue, the fee involved, where to allow trucks, etc. An option could be to only allow a few licenses the first year to see how it goes and then decide how to proceed. He stated the application process is pretty stringent and requires a lot of information from the applicant and noted the City currently performs background checks for other licenses issued by the City. Schultz next discussed the vending requirements set forth in the proposed ordinance stating the Council has leeway and what is presented is a suggestion that Council can add to or take away from.

Lockwood asked if there is a way to require food truck vendors to get permission from festival/event committees to participate in that event. She would not support a food truck just showing up at events unless they had permission to be there. She would like the Ordinance to be restrictive in that regard in order to protect festivals, DDA and Chamber of Commerce events, etc.

Schultz commented the proposed ordinance states a vendor cannot operate within one block of an approved event, but that can be changed to a greater distance. Osborn stated she is in favor of not allowing vendors to operate without the approval of the festival/event committee. Lockwood agreed and commented she thinks many of the events in town would probably welcome food trucks if they are a part of, and contribute towards, the event. Schultz commented the ordinance has to be drafted in a way that the City is exercising its legitimate use of police power; festival committees cannot dictate how the City enforces its ordinance. Discussion ensued regarding the distance food trucks need to be from events and their impact on the brick and mortar restaurants; there is some concern that setting up parameters around events and festivals would result in the trucks being in the downtown area while events are taking place.

Osborn asked if it is an option to only allow the trucks certain days of the month. She has concerns with trucks coming into the City when events are going on. Patterson commented the ordinance contains provisions that the trucks have to be a certain distance from brick and mortar restaurants, which should address those concerns. The trucks would have to be whatever distance is determined in the ordinance from festivals and events, but in addition would also have to maintain a certain distance from the brick and mortar restaurants. He stated restrictions on time and place are things the Council can choose to change from what is presented in the proposed ordinance. Schultz stated the ordinance can be written however the Council wants.

Lockwood stated she sees some value in food trucks, but agrees with Osborn with starting off only allowing trucks certain days of the week. Schultz commented one option could be to allow trucks during the week, set a specific distance from brick and mortar restaurants and not allow the trucks during licensed events within the City.

Lockwood asked if there a lot of requests for food truck licenses. Schultz responded currently there is only one application pending but thinks if licenses are allowed, there will be other requests.

Council discussed the option of having a food truck event and only allowing the trucks in the City one day a week in a designated area. Schultz stated an ordinance can be adopted with an expiration date to see how things go and the issue can be revisited once the initial ordinance expires.

Osborn asked the applicant, Curt Foguth, how the food is prepared. Mr. Foguth explained how his operation works and commented some of the food is precooked and purchased from a wholesaler, and items like salsa are made on the truck. He commented he has insurance and the appropriate permits and licenses from the Health Department and twice a year the Health Department performs inspections. Osborn asked where Mr. Foguth currently operates. Mr. Foguth responded his regular location is on private property on Thompson Road in Fenton Township, but he has also gone to area events that he paid to be a part of. Mr. Foguth stated any time the truck goes to a different location the County has to be notified. He is not necessarily looking to drive his truck around the City, but rather be invited onto private property of business owners he knows, similar to what he does now in Fenton Township.

Council will take home the information provided tonight for review and suggest changes and this item will be brought back for further discussion at a future meeting.

COUNCIL MEMBER COMMENTS – None.

CALL TO THE AUDIENCE – None.

Meeting was adjourned at 7:12 P.M.

Mayor Sue Osborn

City Clerk, Renee Wilson

Date approved: June 9, 2014