

**MINUTES
ATHENS CITY
VENDING BOARD OF APPEALS
OCTOBER 11, 2022
3:00 p.m.**

Appeal: Denial of Vendor's Permit to Owen Hartshorn/Mobile Barber

Board Members Present: Sarah Grace, City Council
Ben Ziff, City Council
May Rath, Vendor
Ric Wasserman, Merchant
Andy Stone, Service-Safety Director

Others Attending: David Riggs, Code Enforcement Director
Owen Hartshorn

Service-Safety Director Stone moved to appoint Ben Ziff as Chair for this meeting; Grace seconded. Motion was approved unanimously.

Chair Ziff called the hearing to order at approximately 3:00 p.m. to discuss the Code Enforcement Department's refusal of Mr. Hartshorn's vendor application.

Owen Hartshorn, Monroe County, works and lives in Marietta, Ohio. A little over a year ago, he bought a bus with the idea of providing barber-vending services. He holds cosmetology and salon licenses, has received an inspection approval from the Ohio State Cosmetology and Barber Board to conduct a Mobile Salon, has liability insurance, and passed the Athens Fire Department's fire inspection. Now that the bus renovations are complete, and he has all requisite certifications, Mr. Hartshorn believes he can provide a unique and professional service to the Athens community.

Chair Ziff commended Mr. Hartshorn's tenacity, at 21 years old, to create this new, niche market business idea.

Code Enforcement Director Riggs offered the following definitions for Peddler, Solicitor, and Vendor as currently defined in Athens City Code (ACC) Title 11, Chapter 11.04, Vending, Peddling and Soliciting:

“Peddler” is a person who moves about the city and offers legal goods, wares and/or services for future delivery.

“Solicitor” is a person who sells, entices for sale or encourages the purchase of or offers for sale legal goods, wares or services for future delivery.

“Vendor” is a person who sells legal goods or wares from approved vehicles, stands, carts, machines or wagons.

Riggs pointed out that Mr. Hartshorn has applied for a vending license and the ACC does not include “services” as part of the definition. Riggs recommended, if the Board approves Mr. Hartshorn as a vendor, requesting that City Council amend the City’s codified language to add the word “services” as part of the vendor definition. If Mr. Hartshorn is going to be considered as a vendor by the Board, his vending equipment does not meet the size criteria, it is larger than what is allowed in Section 11.04.12, Vending Equipment, in the ACC.

Chair Ziff clarified there is concern about meeting the definition in the ACC, and asked Mr. Hartshorn if he would be selling hair products.

Hartshorn responded, no, he would just be providing the service, adding that he would not be selling any type of merchandise from the vending vehicle.

Stone asked about the size overage.

Riggs responded that Mr. Hartshorn’s vehicle is 25’ where the maximum allowed is 20’.

Stone noted that the Mayor was approached by a brick and mortar barber who is opposed to the City granting this vending license since the ACC’s definition does not include the term “services”, and it is competition for the brick and mortar establishments.

Wasserman asked if the Board received such a concern in writing.

Code Director Riggs indicated he had not received any correspondence to that effect.

Grace understands the concerns, adding that brick and mortar restaurants share the competition with food vendors. The City tries to balance the needs by restricting vending parking spaces, along with associated vending license fees. She asked Mr. Hartshorn if he would be interested in vending should the Board require him to pay for two vending spaces because of the oversized nature of the vehicle.

Hartshorn responded that he would still be interested in pursuing the license.

Wasserman indicated that Mr. Hartshorn’s vehicle is 25% larger than the City Code specifies. He suggested that since vehicle size has been in front of this Board at least two other times recently, whether the City might consider lengthening the vending spaces, which seems to be a common problem.

Stone responded that he would not recommend changing the length of the spaces at this time. The City’s number of vendors reduced considerably after COVID

but he believes it will pick up again, so depending on the number of vendors next fall this could be considered.

May has been operating Dr. May's Thai Kitchen food truck since 2018, and she too, had to come before the Vending Appeals Board because her equipment was 3" larger than the allowed size. She also expressed concern about the size of the vending spaces, sharing that it is very difficult to maneuver the vending trucks into and out of these small, tight parking spaces safely, and she has one of the smaller vehicles. She would like the City to look at the idea of increasing the size of the vending spaces; lengthening would be helpful.

Chair Ziff would like to return to the topic of this appeal, acknowledging that City Council may want to look at the larger issue of changing vehicle size requirements, and/or lengthening parking spaces.

Grace agrees there appears to be a need to reevaluate the vending structure, and the definition is a concern. She questioned whether anyone knows the reason for not including the term "services" in the vending definition.

Stone's thought would be that at the time the definition was written there were likely no vendors who provided services, only goods and wares.

Stone moved to allow Mr. Hartshorn to vend using the 25' vehicle with the provision that he must rent two vending spaces in any given month of use; Grace seconded. Motion was approved unanimously.

At approximately 3:20 p.m., Stone moved to adjourn; Grace seconded. The motion was approved unanimously.

Respectfully submitted by,


Ben Ziff, Chair