

**Village of Egg Harbor**  
**Plan Commission Meeting Notice and Agenda**  
**July 7, 2020 at 5:00 p.m.**

**Members of the public can join the meeting by video conference:**

<https://villageofegg Harbor.zoom.us/j/96566332032>

Meeting ID: 965 6633 2032

**Members of the public with limited internet access are encouraged to join the meeting by phone:**

Call in Number: 312 626 6799

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Joe Smith, Chair  
Kathy Navis, Commissioner  
Emily Pitchford, Commissioner  
Jon Kolb, Commissioner

Paula Cashin, Commissioner  
Lou Nyberg, Commissioner  
Jim Vander Heiden, Commissioner

- Call Meeting to Order
  - Smith called the meeting to order at 5:07pm.
  - Commissioners present: Joe Smith, Kathy Navis, Emily Pitchford, Jon Kolb, Paula Cashin, Lou Nyberg and Jim Vander Heiden.
  - Village Staff Present: Heise, Strong
  - Tom Stark – Mobile Food Establishment Application
- Approve agenda
  - **Paula Cashin moved to approve the agenda. Seconded by Jon Kolb, motion unanimously carried.**
- Pledge of Allegiance
- Open Session (limited to 10 minutes)
- Tom Starks Food Truck Application
  - Tom Strong: Tom Stark completed the application for the license. Sophie Parr worked on it with him for the most part. The state inspection we have been waiting for is in hand.
  - Joe Smith: Tom have you changed anything since we last talked?
  - Tom Stark: No but it was interesting getting the inspection done using video and about 60 pictures. We just need to pass the class but that's common these days with Covid. He was impressed with how it was built.
  - Joe Smith: We understand you would like to operate at Harbor Hardware, your own property, Muellers, Mini Mart, Main Street Market, Lulibi and Stonehedge golf course
  - Tom Stark: Main Street Market decided not to other than possibly special events. Mary from Mueller's is on board.
  - Joe Smith: Plan Commission, any thoughts or concerns?
  - Paula Cashin: The agreements with the food truck is incomplete. The agreements for those agreements that this private property owner will allow this truck and will allow customers and employees to use their bathroom.
  - Joe Smith: Would it be sufficient to have him bring the forms back to Tom Strong to get those updated with the updated? We could approve it with the condition that he ads one sentence to the agreement.
  - Paula Cashin: In the meantime I have no problem with him starting to operate on his own property. I can't approve this agreement as is.
  - Jon Kolb: Tom Stark – do you have a schedule of when you will be at these places?
  - Tom Stark: No. I have no idea right now. I don't have a specific schedule at this point.
  - Lou Nyberg: My understanding from the beginning was that he would be on his own property and now he's going to be moving around. I thought that Paula made a good point. It is a prerequisite to have facilities for customers and employees. With the agreements he has with these other businesses he doesn't have it. I don't know how that sits with our ordinances but I think that is something that needs to be answered.

- Jim Vander Heiden: I agree that Paula's point is a good one. I think we can give him the green light for his own property. He can then work on these other locations then he has to make sure he has the updated agreement with those property owners relative to the bathrooms.
- Emily Pitchford: I agree. He could open up on his own property. If he wants to open on these other properties we need to make sure those owners allow their restroom use. I'm ok with it being on his property.
- Jon Kolb: If he ever came up with another location we would expect a new agreement with that property owner. I would agree to issue it now for his own property. How should we do this.
- Joe Smith: It would be fitting and proper to move ahead with the approval to operate on in his own property. I think we need to decide if we want to do this by bring it back in front of the commission or give parameters that Tom Strong and Ryan would approve them in the office.
- **Joe Smith: I move to approve the Mobile Food Establishment for Tom Stark on his property with the caveat that if he wants to any locations beyond his property, he needs to submit to the Village office a contract allowing occupancy on that property as well as authorization from the owner of that property to allow the Jolly food truck staff and their customers to use the rest rooms at the host property.**
- Jon Kolb: Second
- Tom Stark: If Miller's Gas station for example is not open. What are my options?
- Joe Smith: A porta-john.
- Jon Kolb: If you don't have rest room facilities, you aren't open.
- Tom Stark: I have an attorney. We sat down and went over this ordinance in detail. We're both having a real hard time trying to figure out why all the restaurants and retail establishments – some do not let their customers use their bathrooms. They send them to the beach, marina and the library. Why is that good enough for them but not me.
- Jon Kolb: A restaurant needs to have a rest room.
- Tom Stark: I am not a restaurant according to the state. I don't want to get into a fight over this but there are a lot of variables here. There is a lot of stuff going on like special treatment for the farmers market, the beach, the marina or people who have retail space and have food but don't let their customers use their restrooms.
- Jon Kolb: Can you give me an example?
- Tom Stark: No I can not because that would be putting certain businesses under the bus. Well ok one would be the gas station. They have food and don't let the customers use the bathrooms unless they buy something.
- Paula Cashin: You are putting a different point in there. Unless they buy something.
- Tom Stark: The bottom line is there are many many businesses in the Village of Egg Harbor that are doing exactly what I'm saying. We don't want to get into that but this is not a sit down restaurant. It's like a Taco Bell. This is drive up, grab your food and go. I have no sit down. The state doesn't even require this. You guys are pushing the envelope with all your bureaucracy. I'm getting to the point where I'm getting kind of upset about it. Don't shake your head Paula.
- Jon Kolb: That was my head shaking.
- Tom Stark: No it wasn't. That was Paula Cashin's. I saw it. I appreciate that you let me do this on my own property using my private restroom. This happens all through the town just like the parking. We have to decide how far do we want to take this.
- Joe Smith: Points taken. We do have a motion with the bathrooms in it as a part of our motion.
- Tom Stark: Do you want a porta-potty at every location? Are you accepting that?
- Lou Nyberg: That is not what we said. If that property is closed then you don't have access to that facility.
- Tom Stark: Joe just said the opposite.
- Joe Smith: If they are open they have the bathroom.
- Tom Stark: And if they are closed?

- Lou Nyberg: You're closed.
- Jon Kolb: I'm fine with that.
- Jim Vander: I think there is a simple question on the table if a porta potty would qualify as a qualifying restroom if the business he is located at is not open.
- Jon Kolb: I would be fine with a porta potty if the business is not open.
- Paula Cashin: I would too.
- Jim Vander Heiden: I would too.
- Lou Nyberg: I would too.
- Emily Pitchford: Me too.
- Joe Smith: Any further discussion?
- Jon Kolb: I would add that a porta potty is ok but a hand washing station needs to be a part of the porta-potty. You have to be able to wash your hands.
- Paula Cashin: This is also for your personnel. They have to be able to wash their hands.
- Joe Smith: He has that all inside the truck for his staff.
- Tom Stark: The truck is fully self sufficient for employees. It's it is not setup for customers. I would have to take a third of the truck. Has anyone on the board built a food truck? Do you know anything about it? Call the state. Do some homework and find out. This is very frustrating. We are one of the only places who is requiring this in the state. I called many manufacturers and they are shaking their heads. The idea of a mobile food establishment is to be mobile and not have a place for the public to go to the bathroom. That is why you're mobile. It isn't a motor home.
- Jim Vander Heiden. I think any restroom in and of these facilities and porta potties will have a hand sink or some ability to wash your hands.
- Tom Stark: If I have to spend \$400 per month to have a porta potty I'm not going to make it.
- Lou Nyberg: You're talking about a situation where the business would be closed therefore their restroom would not be open. You have submitted 4 locations within the Village that you can go. If the station happens to be closed that day I would suggest you go to one of the open ones. I don't think that asking for that flexibility isn't asking too much. If you only have one and they are closed a good deal of the time then you would have an argument. As I see it you have 3 other choices.
- Tom Stark: But the other locations aren't as good. I'm trying to make a go of this. You guys are always pushing the envelope trying to make it tough on a new business.
- Lou Nyberg: I don't agree with that.
- Tom Stark: Well I do. I've owned many restaurants. That's all right. You have your opinion – I have mine. Do I have to move the porta potty every time I go to a new location?
- Joe Smith: The only time you'd need a porta potty is if the business isn't open.
- Tom Stark: If I go to a location once a week I could leave the porta potty there?
- Paula Cashin: That's between you and the private property owner
- Joe Smith: Are you anticipating being open at the hardware store when it isn't open?
- Tom Stark: I'd rather be at my house or downtown.
- Joe Smith: What about Mary's place. Would you be open when she's not?
- Tom Stark: Of course. I'd like to be open after 6:00 PM.
- Jon Kolb: Is there flexibility if Tom gets authorization from another business to use their restrooms?
- Paula Cashin: Our ordinance says the private property owner has to have the agreement with Tom. So you're saying he is going to have his truck on one property then tell his customers to go to some elses?
- Tom Stark: Like the Marina? I'm not going to lie to you. That is a bad taste in my mouth. That's just used a lot for what I'm saying. I understand you are saying I'm a restaurant now and not a mobile food establishment.
- Jon Kolb: I'll say you're a mobile food establishment. That's fine. If you're serving food and beverage there should be a facility there.
- Tom Stark: Well I think not.
- Paula Cashin: We have to go by our ordinance. Don't put your food truck in Egg Harbor if

you can't follow our ordinance.

- Tom Stark: Ok – fair enough. I'll go somewhere else.
- Joe Smith: Any further discussion? All right. Hearing none. Let's go to a vote on the motion to approve Tom Stark's MFE application. All in favor?
- **All Commissioners voted Aye. No Nays. No abstentions. Motion Carries.**
- Open Session (limited to 10 minutes)
  - Joe Smith: Anything for open session?
  - Tom Stark: What's going on with JJ's? Does he have a permit yet?
  - Joe Smith: He applied for a conditional use permit but he can't open until he has a permit from us.
- Next Meeting
  - July 28<sup>th</sup> at the Kress.
- Adjourn
  - **Jim Vander Heiden moved to adjourn meeting, seconded by Lou Nyberg. Motion carried. Adjourned at 5:27 PM**