

**Village of Egg Harbor
Plan Commission Meeting Minutes
Tuesday June 28th, 2016 at 6:00 p.m.
Paul J Berschinger Community Center
7860 State Hwy 42, Egg Harbor, Wisconsin 54209**

PUBLIC HEARING:

The conditional use permit application filed by Tim's Lighting Co. dba: TLC Sign, Inc. to install a canopy LED light bar at Mueller's Mini Mart. The site is located at 7784 State Highway 42 in the Village of Egg Harbor, on Tax Parcel 118-0125302612D. This hearing is required pursuant to the Village of Egg Harbor Code, sections 152.045(B), and 152.060.

The conditional use permit application filed by Jerrad Anderson for Anchorage Cove to construct a 100' Internet tower. The site is located at 8135 White Cliff Road in the Village of Egg Harbor, on Tax Parcel 118-170000. This hearing is required pursuant to the Village of Egg Harbor Code, sections 152.02(B), and 152.060.

1. Call Meeting to Order

Smith called the meeting to order at 6:10 p.m. Those in attendance were Joe Smith, Gail Hill, Emily Pitchford, Cambria Mueller, Mary Anne Scherer, Lou Nyberg, Ryan Heise, and Megan Vandermause. Also in attendance was the Village of Egg Harbor's Attorney William Vande Castle. Those in attendance in the audience were Bob Mueller, Helena Stavkevych, and Jerrad Anderson.

2. Approve agenda

Mueller moved to approve the agenda, second by Scherer, motion carried.

3. Pledge of Allegiance

4. Approve minutes of May 24th, 2016 meeting

Smith moved to approve the May 24th, 2016 meeting minutes, second by Mueller, motion carried.

5. Open Session (limited 10 minutes)

- Scherer asked if the sign ordinance will be revised, and Smith explained that the sign ordinance is being worked on and will be revisited.
- Vande Castle explained that the National Municipal League is working on a sample sign ordinance and most municipalities he works with are waiting for the sample ordinance before revising.
- Vande Castle advised the Commission to wait for the National Municipal League's sample sign ordinance.

6. Consider the approval of the conditional use permit filed by Tim's Lighting Co. to install a canopy LED light bar at Mueller's Mini Mart, 7784 State Highway 42.

- The Commission has had three meetings regarding the conditional use permit filed for the LED light bar at Mueller's Mini Mart.
- Scherer explained that she understands the written testimony that was presented to the Commission during the public hearing, and because Bob Mueller has gone through the proper process of getting the lighting approved she is in favor.
- Nyberg explained that he respects the written testimony that was presented, but that he has no objection to the LED light bar.
- The Commission inquired as to what time of day the light bar will be lit.
- Bob Mueller explained that the LED light bar will only be lit at night and will be turned off during the day.

Nyberg moved to approve the conditional use permit application filed by Tim's Light Company dba TLC Sign, Inc. to install a LED canopy light bar at Mueller's Mini Mart, second by Scherer, motion carried. Cambria Mueller abstained.

7. Consider the approval of the conditional use permit filed by Jerrad Anderson for Anchorage Cove to construct a 100' internet tower, 8135 White Cliff Road

- Mueller asked if there will be anything on the tower to prevent climbing and Anderson explained that Door County Broadband will use anti-climbing equipment on the tower.
- Smith stated if the tower is defined as a cellular tower the state does not allow for certain restrictions on height.
- Mueller asked if the tower were to fall, if it would be obstructing the road, and Anderson explained that if the tower falls it will not obstruct the road.
- Vande Castle explained that cellular tower heights cannot be regulated less than 200 ft.
- Heise explained that through his communication with Door County Broadband the tower does meet the broad definition of a cellular tower.
- The Commission was presented with pictures of other 100' towers.
- Mueller asked if the 100' tower will be tall enough in order to service other Door County Broadband customers, and Anderson explained that the tower will help in servicing other Door County Broadband customers that live outside of Anchorage Cove.

Scherer moved to approve the conditional use permit filed by Jerrad Anderson for Anchorage Cove to construct a 100' internet tower, second by Mueller, motion carried.

8. Review Scott Kutil's Letter

- Heise was contacted by a resident of the Village who had a concern with shoreline development.
- Scott Kutil sent the Plan Commission a letter with some recommendations and some photographs of shorelines in the Village.

- Heise stated that the letter explains that for future developments a shoreline buffer needs to be in place, and also suggests restoration of some of the developed shoreline in the Village.
- Vande Castle stated that recently a state law passed that restricts local government from enforcing shoreline zoning. Federal and state law make local government shoreline zoning very complicated.
- Vande Castle explained that shorelines are highly regulated by outside parties.
- Nyberg explained that shoreline regulations are overwhelming and too much regulation may veer people away from choosing to develop shoreline property in the Village of Egg Harbor.
- The Commission agreed that the Village has enough regulation regarding shoreline zoning.

9. Example Fireworks Ordinance and Sample Permit

- Pitchford asked if the ordinance will include the sale of fireworks and the Commission discussed that the sale of fireworks should not be included in the ordinance.
- Nyberg asked who would be enforcing the ordinance.
- Pitchford explained that her main concern regarding fireworks pertains to commercial fireworks shows.
- Scherer asked Pitchford to provide an example of when the fireworks ordinance would be needed and Pitchford explained that if a wedding party wanted to bring in a professional fireworks company to set off fireworks a permit should be required.
- Vande Castle explained that there is some value to requiring a permit for commercial firework shows because there is a liability issue and insurance certificates would need to be provided.
- Vande Castle stated that fireworks regulation is appropriate, but should only regulate commercial fireworks shows.
- Vande Castle stated that other municipalities in the state have banned fireworks all together.
- The Commission agreed that the ordinance should ban fireworks on public property unless a commercial fireworks show is being set off and a permit has been issued.
- Smith asked what direction the Village staff should precede with the fireworks ordinance.
- The Commission would like to see a revised fireworks ordinance at the next meeting requiring commercial firework shows to be issued a permit and banning fireworks on public property unless a commercial fireworks company is setting off fireworks and has been issued a permit.

10. Code Violations

- Heise discussed the detached habitable structure issue. Heise explained that Village staff met with the owners of the detached habitable structure, but an agreement has not been reached. Village staff will meet with the owners again in July.
- Vande Castle explained that he has looked at this issue and the original plans for approval did not include the plans for the detached habitable structure.
- The Commission discussed that the restriction of living in an accessory structure applies in all zoning districts.
- Mueller asked if the final inspection was passed since the living quarters in the detached structure were not included in the original plans, and Heise explained that more research will be done on the issue.
- Heise explained that the same residence had an issue with a dumpster in the ROW, and the owners of the property are working on relocating the dumpster and getting a driveway permit.
- Nyberg asked about the outdoor storage of recreational vehicles, and how much outdoor storage is allowed on one property.
- Vande Castle explained that this issue is something the Village could have regulation on.
- Vandermause explained that there is not specific language in the Village ordinances that provides limitations on outdoor storage except for equipment that is not in working order.
- The Commission would like to explore the idea of stricter regulation on outdoor storage.
- The Commission discussed the storage pod a 7901 Church St.
- The Commission was presented with a letter from the owner of 7901 Church St. who asked for an extension on the limit of days a storage pod is allowed on the property.
- The Commission would like another letter sent to the property owner explaining that the extension was denied and a variance process would have to be followed.
- Village staff will work on sending a letter to the property owner.

11. Next Meeting

The next meeting is July 26th, 2016 at 6:00 p.m.

12. Adjourn

Mueller moved to adjourn, second by Hill, motion carried.

*Respectfully submitted by,
Megan Vandermause*