

**Village of Egg Harbor
Plan Commission Meeting Minutes
September 25th, 2018 at 6:00 p.m.
Paul J. Bertschinger Community Center
7860 STH 42, Egg Harbor, WI 54209**

1. Call Meeting to Order

Cashin called the meeting to order at 6:00 p.m. Those in attendance were Paula Cashin, Emily Pitchford, Jon Kolb, Joe Smith, Lou Nyberg, Mary Anne Scherer, Ryan Heise, and Megan Vandermause. Absent was Kathy Navis. Also in attendance were Bob and Noreen Pollman, John Heller, Clarence Scherer, Steve Hamming, and Tom Stark.

2. Approve agenda

Pitchford moved to approve the agenda, second by Scherer, motion carried. Cashin abstained.

3. Pledge of Allegiance

4. Approve minutes of August 28th, 2018

Scherer moved to approve the August 28th, 2018 meeting minutes with recommended changes, second by Kolb, motion carried. Cashin abstained.

5. Open Session (limited to 10 minutes)

- Mary Anne Scherer submitted a resignation letter to the Village President, and she is resigning as of November 1st, 2018.
- Bob Pollman asked what had prompted the food truck discussion.
- Cashin stated that there was a gentleman who attended the Plan Commission meeting last month and requested that the Plan Commission consider a food truck ordinance.
- Pollman stated that as a restaurant owner he is opposed to food trucks, and he doesn't think it is a good idea to allow a restaurant to compete with other village businesses.
- Pollman stated that the village seems to welcome with open arms street vendors during festivals and when there is an influx of people there is a need for food trucks but not all the time.
- Pollman stated that there is no need for food trucks, and they will just cause competition for businesses.
- Pollman stated that it is not fair to allow a food truck to come in the summer and compete with the businesses that pay property taxes and contribute to the Village's economy all year round.
- Noreen Pollman stated that the other restaurants have a lot more financial responsibilities than a food truck will have.
- Pollman stated that food trucks will have so little vetted interest in the village that causes competition and seems like an unfair advantage.
- Pollman stated that the brick and mortar businesses have to pay employees year round, and these employees spend money in the Village year round.
- Pollman also stated that there is the issue with someone getting sick from a food truck and what leverage the Village has if this would happen.
- Kolb pointed out that there was a letter sent to the Plan Commission from Kim Jensen that outlined most of the same concerns.

**6. Conditional Use Permit Application Acceptance and scheduling of public hearing –
Conditional Use Permit Filed by Fireside Restaurant LLC**

- The Commission accepted the paperwork and scheduled the public hearing for October 23rd, 2018 at 6:00 p.m.
- Vandermause stated that the business owners will be at next month's meeting to explain the business plan and testify during the public hearing.
- Vandermause stated that the use of the proposed project is the same use that currently exists on the property.

Smith moved to accept the conditional use permit application paperwork filed by Fireside Restaurant LLC, second by Nyberg, motion carried.

Smith moved to schedule the public hearing for the Fireside Restaurant LLC for October 23rd, 2018 starting at 6:00 p.m., second by Cashin, motion carried.

7. Mobile Food Vending Draft Ordinance

- Kolb asked if the Village has heard anything about the Gibraltar law suit in regard to their mobile food vending ordinance, and Cashin explained that all that is know is what was reported in the newspaper.
- Smith stated that he has been thinking about this, and there are a number of different properties in the Village that contain more than one business.
- In the Rec district and the M-U district, restaurants are a conditional use.
- Smith asked what would keep someone from parking a food truck on a lot that they own and getting a business license.
- Vandermause stated that the property owner would still need to go through the conditional use permit process before a business license would be issued.
- The Commission discussed that there is a gray area in the ordinance currently.
- Vandermause stated the Plan Commission will have the opportunity to make the ordinance clearer as they work through the zoning code update project that the Village is currently accepting request for proposals.
- Smith asked if the Village should make mobile food vending a conditional use, not allow it, or allow it under stricter regulations.
- Cashin stated that there needs to be regulation.
- Smith asked why the Village does not regulate the food trucks as transient merchants that pay \$175 per event.
- Vandermause explained that transient merchant licenses are issued per event, and a village business needs to fill out a temporary event license and agree to host transient merchants on their property.
- There is not a fee for businesses to host a temporary event if there is a Village wide event going on, if the village is having an individual non-village wide event there is a \$150 fee for the business.
- The Commission reviewed the draft mobile food vending ordinance as prepared by staff.
- The Commission reviewed the exemptions section of the draft ordinance.
- Pitchford asked why there is an exemption for the Donald and Carol Kress Pavilion and Peg Egan Performing Arts Center, and Vandermause explained that these two properties are specifically identified because they are public properties that host catered events and could potentially have a food truck catering an event.
- Smith suggested that the verbiage of this exemption should include the words "when acting as a caterer".
- Cashin reviewed the insurance requirements, and suggested that the vendor shall provide declaration of coverage and name the Village of Egg Harbor as an additional insured.
- Vandermause discussed the service base requirements and the hours of operations.
- The Commission would like some more research done on the fee. Vandermause stated

that she determined the fee because she has learned at the Clerk's Institute that fees need to be justified.

- The Commission suggested that there could be justification to increase the fee because the mobile vendors will have an impact on the sewer system, but will not be receiving a sewer bill.
- The Commission discussed whether or not the license would regulate only one location or more than one.
- Vandermause will review the State of Wisconsin's service based requirements.
- The Commission reviewed the enforcement section of the draft ordinance, and Smith suggested that this section should also include the Village Administrator and/or other Village staff as deemed appropriate by the Village Plan Commission.
- The Commission reviewed the other ordinances provided as examples by staff.
- The Commission discussed putting a cap on the number of mobile food vending licenses that will be issued by the Village.
- The Commission would like to see a section added regarding restroom facilities.
- The Commission discussed having a requirement that the mobile food vendor customers must have access to a running water restroom facility.
- The Commission discussed maybe increasing the REU of the host lot or creating some sort of surcharge for the host lot or mobile food vending enterprise.
- Village staff will make modifications to the draft ordinance based on the review by the Plan Commission and then the draft ordinance will be reviewed by the Village attorney.
- Kolb stated that he is very interested in seeing what might happen with the Gibraltar law suit.
- The Commission discussed that by approving some sort of mobile food vending ordinance with additional restrictions will come out regulatory ahead.
- Scherer stated that she does think that there are people who do not have time to sit down in a restaurant, and there is a need for quick dining.

8. Code Violations

- Vandermause stated that she needs to dedicate some time to determining exactly how the fallen building on the corner of STH 42 and CTH E needs to be handled.
- Vandermause stated that she did look back in the minutes from when Harbor View Grill went through the conditional use permit process and there was a conditional put on the project that the trash receptacles should be screened.
- Vandermause stated that she will need to do some additional research to determine if the current trash receptacle set up was ever approved.
- Vandermause reported that she received a call today with a compliant regarding the property on West Shore Drive that the Village has had violation issues with in the past, and she will need to inspect the property to determine if there is a violation.

9. Next Meeting

The next meeting is Tuesday, October 23rd, 2018 following the public hearing scheduled at 6:00 p.m.

10. Adjourn

Smith moved to adjourn at 6:59 p.m. second by Kolb, motion carried.