

**Minutes**  
**Joint Special Meeting of the Elberta Village Council**  
**and Planning Commission**

401 First Street | ELBERTA, MI 49628

**May 10, 2023 @ 6:30 pm**

**Call to Order and Pledge:** 6:30 pm

**Roll Call:** Council: Jen Wilkins – PRESENT | Emily Votruba – PRESENT | Ken Holmes – PRESENT | Ryan Fiebing – PRESENT | [Vacant Seat] | Planning Commission: Janet Kennedy (Chair) – PRESENT | Ryan Fiebing – PRESENT | Michael Murphy – PRESENT | Jon Ottinger – ABSENT

**Audience:** Norma Corwin (Clerk/Treasurer), Jim Barnes (Frankfort), Ryan King (Benzonia), Scott Beehler (Gilmore Twp)

**Agenda Approval**

- **Motion** by Kennedy, seconded by Votruba **to approve the May 10, 2023, Joint Special Meeting Agenda** with no changes. **ALL AYES. Motion passed.**

**Correspondence**

Members received copies of a draft Village of Elberta Mobile Food Unit Licensing Ordinance and draft Village of Elberta Ordinance to Amend the Elberta Zoning Ordinance (pertaining to mobile food units), both prepared by Village attorney Bryan Graham. Members also received copies of mobile food ordinances and permit applications from Frankfort and Traverse City.

**New Business**

- 1. Village of Elberta Mobile Food Unit Licensing Ordinance Draft** The joint PC/Council group went through the document from beginning to end and discussed various points: under Section 3 License Required, chg "Village Clerk" to "Village Clerk/Treasurer or Deputy Clerk"; Section 4 Application and Fee Requirements, addition that the fee applies to the calendar year, is nontransferable, and "there shall be no proration of fees"; no fee required of food trucks operated by a food/beverage business on the village tax rolls and located on the property of that business (permit/license still required); clarifying rules hours/days of operation (needs more discussion when fee schedule is created; may vary by location [example Penfold when Farmers Mkt is in session] or if unit falls under festival policy/special events) "mobile vending units used during Farmers Mkt and Festivals are subject to those rules/policies" (consensus seemed to be a general window of 7 am to 10 pm); need clarification from atty on (e) "if employed by another person..."; (l) fingerprints on file: need clarification; Section 5 Investigation: chg "may be denied" to "shall be denied"? ask atty; Section 6 Standards for Approval: language should indicate that MFUs should be "parked only in designated areas of parking lots and parks, and private property in allowed districts (per zoning)," not local streets; permit/application should include map indicating spots; power use: add language regarding use of electrical power, cords, generators (specific questions for permit see TC application) pollution, noise, trip hazards, and power theft concerns; discussed specifying places where MFUs should \*not\* be parked: for now, beach parking lot and turnaround; Section 7 "for the period of one (1) calendar year, is nontransferable, and there will be no proration of fees," and no discount for renewal fee; discussed adding too-bright lights to Section 8 (b); Section 9, exemptions: discussed youth vending (Frankfort regulates this) and lemonade stands (does not apply in our ordinance because not MFUs); set limit of 10 licenses per year including both private and public property (not including festivals and farmers market; planned community of food trucks); updates needed to existing transient merchants ordinance possibly to incorporate youth vending
- 2. Draft Ordinance to Amend the Village of Elberta Zoning Ordinance – Mobile Food Units** (see minutes of earlier PC meeting) Proposed amendment would allow MFUs as a use by right (no special use permit required) in these districts: PD, Commercial, Waterfront/Lakebluffs; discussed whether parking lot owned by ELHC across from Betsie Bay Marina is in allowed district; it is. Signage: located within 5 feet of

FINAL

1 MFU, no more than 3 ft high and 8 sq ft.; number of chairs, tables, parking spaces required/limited, not  
2 subject to setbacks if there's an existing parking lot that exceeds the setbacks (/is nonconforming)—  
3 need language from atty.  
4

5 **Extended General Public Comment**

A limit of 5 min per person was set. Jim Barnes: make sure employee  
6 operating MFU has authorization from employer; 7 am good start time, 10 pm may be too early for after bar  
7 crowd; specify leaseholder of property not owner w/r/t food service business fee waiver; nice not to have to  
8 depart, can MFUs stay parked; a lot but not all MFUs have generators for electricity to run POS, lights, etc., noise  
9 is potential issue; designate spaces within allowed areas; Frankfort forbids MFUs at beach, try it at Elberta Beach  
10 with designated spots; specify rules for lights; Ryan King: opposed to food trucks as detrimental to existing food  
11 svc businesses; comments stopped with 43 seconds left due to profane, ad hominem, inflammatory, and  
12 irrelevant content  
13

14 **Announcements**

Next regular Council meeting is May 18 at 7 pm and next regular Planning Commission  
15 meeting is June 7 at 5:30 pm.  
16

17 **Adjournment:** 8:16 pm by Wilkins  
18  
19

20 Final minutes prepared and posted by  
21 Emily Votruba, Trustee  
22