



Village of Paw Paw

Planning Commission Regular Meeting

Thursday, May 2, 2024

MEETING MINUTES

I. Call to Order

Chair Larson called the meeting to order at 7:00 pm.

II. Roll Call

PRESENT:

KATHY LARSON, CHAIR

MICHAEL PIOCH, VICE CHAIR

EMILLY HICKMOTT, SECRETARY

NICK MARTINEZ, VILLAGE COUNCIL REPRESENTATIVE

JEFF BROWN

ABSENT:

DAVID BOGEN, EXCUSED

TOM PALENICK

ALSO PRESENT:

TRICIA ANDERSON, WILLIAMS & WORKS, VILLAGE PLANNER

BRYAN MYRKLE, VILLAGE MANAGER

III. Approval of Agenda

Commissioner Pioch moved, with support from Commissioner Hickmott, to approve the agenda for the May 2, 2024 Planning Commission meeting agenda.

Motion carried unanimously by voice vote.

30 **IV. Approval of Meeting Minutes from April 4, 2024**

31 **A. April 4, 2024 Draft Meeting Minutes**

32 Commissioner Brown moved, with support from Commissioner Pioch, to approve the
33 meeting minutes from April 4, 2024, as presented.

34 Motion carried unanimously by voice vote.

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36 **V. Public Comment None**

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38 **VI. New Business None**

39

40 **VII. Old Business**

41 **A. PUBLIC HEARING (adjourned at 4/4/24 meeting): Mobile Food Vending Ordinance**
42 **Amendment Recommendations:**

43 **1. Amendment to Chapter 24, Peddlers, Solicitors, and Transient Merchants, of**
44 **the General Code of Ordinances – Ordinance to Amend**

45 **2. Amendments to Sections 42-3, Definitions, Section 42-373, Supplemental**
46 **Regulations, and Section 42-367, Special Land Uses – Ordinance to Amend**

47 Commissioner Pioch moved, with support from Commissioner Martinez, to reopen the
48 public hearing from the April 4th, 2024 Planning Commission Meeting.

49 Motion carried unanimously by voice vote.

50 Chair Larson recognized the members of the public who were present and also worked
51 in the mobile food vending industry.

52 Andrew DuBiel, of Gobles, provided some information on procedures written into
53 ordinances he has encountered in other communities.

54 Chair Larson asked if he was required to produce liability insurance for the property
55 owner that the food truck is operating from.

56 Mr. DuBiel noted that he does carry liability insurance.

57 Commissioner Pioch recalled at the last meeting that one change that was proposed was
58 that the mobile food vendor should be named as the applicant, as opposed to the
59 property owner.

60 Ms. Anderson noted that she did make that change.

61 Chair Larson asked about how the fee gets set. Ms. Anderson relayed that the Village
62 staff would make a recommendation to the Village Council on an appropriate fee for

63 processing and issuing zoning permits for Mobile Food Vending. The Village Council
64 would then adopt an amended fee schedule with the added fee.

65 Ms. Anderson noted that she wasn't certain that fees would go toward any type of
66 inspection, as the Interim Village Manager noted that the Paw Paw Fire Department
67 does not conduct inspections.

68 Mr. Dubiel informed the Planning Commission that the Oshtemo Township Fire
69 Department is operating a pilot project through the State of Michigan that provides
70 mobile food vendors with fire safety training related specifically to mobile food vending.
71 He noted that they also perform an inspection of the mobile food vending unit and
72 provide a QR code that fire departments in other jurisdictions can scan to confirm the
73 mobile food vendor's compliance with fire codes.

74 Chair Larson asked Mr. DuBiel if he read through the ordinance and if he had any
75 comments. Mr. DuBiel noted that the draft ordinance has a section that relates to noise,
76 and relayed that some generators can be quite noisy. He said that some communities
77 use a maximum decibel level in the ordinance, which helps avoid different perspectives
78 on what "loud" is.

79 Commissioner Brown asked about the difference between a temporary and a long-term
80 mobile food vendor. Ms. Anderson clarified that the main difference is that the mobile
81 food vending unit would not move for the entire 90 consecutive days. She added that
82 the temporary mobile food vending could bring the unit to the site for 90 days as part of
83 its annual permit, but if it leaves at night, then it's considered temporary. She also
84 added that she made some changes to the permitting and that she felt it would be
85 easier to issue an annual permit. Mr. DuBiel noted that he knows the schedule for
86 where his unit will be stationed for his entire season.

87 Mr. Myrkle noted that if staff is administering the applications, tracking them, and
88 spending time in the field doing inspections, etc. that the fee should be substantial
89 enough to cover the cost of the time it takes to administer. He added that the \$50 that
90 the Planning Commission briefly discussed may not be enough to cover these costs and
91 that the Village should not "subsidize" a private profit-making enterprise.

92 Chair Larson was curious about whether the Paw Paw fire department was aware of the
93 pilot program that Oshtemo Township is offering for the state as it relates to fire safety.

94 Mr. Myrkle noted that he would find out.

95 Mr. Myrkle also added that he'd like to make the following suggestions:

- 96 - Existing restaurants in the Central Business District may find the 100' separation
97 distance is too close, and he would be interested in hearing from representatives
98 from the Village's restaurant community.
- 99 - A requirement for trash cans should be added.

- 100 - He's concerned that the restaurant folks in the Village should be specifically
101 informed and make an effort to attend a Planning Commission meeting or the
102 Village should try to reach out and connect directly with them to solicit feedback
103 on the ordinance draft.
- 104 - Mobile Food Vendors permitted to operate in the public road right of way will
105 need more robust and specific standards to adhere to, other than the
106 requirement to simply gain approval by DPS.
- 107 - He feels that the DPS should coordinate with the police department on what
108 standards should be met in order for those departments to sign off on a Mobile
109 Food Vending permit, and if is .
- 110 - Other Village sanctioned events, such as Paw Paw days, should be noted or
111 referenced in the ordinance.
- 112 - The use of the word "public property" should be further defined, as public road
113 rights of way also fall into this category.

114 There was more discussion about how the Village could reach more people and that the
115 Kalamazoo newspaper has been utilized for public notices. Chair Larson noted that most
116 people do not read that paper, because it is not free. Mr. Myrkle had several
117 recommendations on how the restaurant owners could be reached and added that it
118 would take time and effort. He noted that he is neutral on the issue, but he would like
119 to see the constituents of the community have an opportunity to comment.

120 Commissioner Martinez wondered if partnering with the DDA would be beneficial and if
121 they may be a good group to connect the restaurant owners to the draft ordinance.

122 Commissioner Brown didn't think it would be a policy change and thought bringing in
123 the DDA would be a good idea.

124 Chair Larson noted that she would like Mr. Myrkle to check with other departments as it
125 relates to what concerns they foresee.

126 Commissioner Hickmott went through her list of comments and noted some typos in the
127 ordinance, etc.

128 Ms. Anderson indicated that the comment related to sound and using a decibel level
129 should align with any codes related to noise. She noted that she will need to search the
130 Code of Ordinances for any regulations related to noise to determine if a decibel level is
131 used as a threshold for when noise becomes a violation of the Ordinance. The
132 consensus was to change it to say it must comply with any provisions the Code of
133 Ordinances has related to noise.

134 Mr. Myrkle noted that there is an upcoming DDA meeting and that he is willing to
135 present the draft of the Mobile Food Vending ordinance. He attends the DDA meetings
136 regularly.

137 Commissioner Pioch moved to adjourn the public hearing, with support from
138 Commissioner Martinez.

139 Motion carried unanimously by voice vote.

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141 **VIII. Planning Commission Member Comments**

142 Chair Larson relayed some information from some articles she read that she felt were
143 relevant to the Planning Commission. She also informed the PC about a training that is
144 coming in a nearby community being held by MSU extension. She felt it would be beneficial
145 for the Planning Commission to attend.

146 Chair Larson also noted that the Dollar General site was the subject of some contamination
147 from the prior use and believes that the plume continues to migrate.

148 Commissioner Hickmott informed the PC that she completed the Citizen Planner course
149 through MSU extension. She asked about the Master Citizen Planner course.

150 Mr. Myrkle gave an update on some of the projects that will be coming to the PC in the near
151 future and added that the Village Council had an opportunity to consider the first reading of
152 the Short-Term Rental ordinance, but did not take any action, as some provisions will need
153 some clarification first.

154

155 **IX. Staff/Consultant Comments**

156 Ms. Anderson noted that if and when the Village uses the MSHDA grant to fund the master
157 plan update and the Zoning Ordinance update, she recommended that the Village places a
158 significant focus on the Zoning Ordinance since there is a lot of work to do there.

159

160 **X. Adjournment.**

161 The meeting adjourned at 9:45 pm.



Tricia Anderson, AICP – Williams & Works
Recording Secretary