

SITING, RULES & ORDINANCE SUB-COMMITTEE MEETING
November 2, 2021
5:30 P.M.

MEMBERS PRESENT

Marcy Rood, Chair
Linda Little
Bill Oliver (@ 5:45p.m.)
Helena Buckner
Jeff Entler

COUNTY PERSONNEL PRESENT

Kathy Wade, Health Department
Brandi Binkley, Health Department

Jeannie Durham, County Board Office

MEMBERS NOT PRESENT

The meeting was called to order by Chair Marcy Rood at the Macon County Office Building.

MINUTES

Motion to approve the minutes of prior meeting, 5/20/2021, made by Ms. Little, seconded by Mr. Entler and motion carried 4-0.

CITIZEN'S REMARKS - None

OLD BUSINESS – None

NEW BUSINESS –

Macon County Board Mobile Food Unit Ordinance

Ms. Wade explained that this change is needed because the seasonal license with the Health Department currently runs March 15 through November 30. That coincides with the City of Decatur. The City of Decatur is getting ready to redo their ordinance and take those dates away. The Health Department wants to make sure that they are still working with the City of Decatur and still keeping the days as similar as possible to make it as easy as possible on the vendors. Another thing is that the Food Trucks are becoming more and more popular. Right now, according to that seasonal license, they can only operate March 15 through November 30. This ordinance would allow them to operate year round, 365 days of the year.

Ms. Little asked if this is a brand new ordinance or just revisions to a current ordinance. Ms. Wade explained that the Mobile Food Truck is a brand new ordinance, but the current Food Sanitation Ordinance will have to be amended to remove the definition of seasonal permits and to add in the Mobile Truck Ordinance. Some language about temporary food establishments will also be added because now that seasonals are being taken away, it is thought that maybe temporaries will become a little more popular.

To give an idea, not including the ball diamonds and park district seasonal stands, there are 35 seasonals, currently for this year and approximately 130 temporary events this year. This will give the 35 seasonals the opportunity to operate year round.

Chair Rood asked about the growth rate in the food truck industry. Ms. Wade said that when she first started, there were 1 or 2 and now it has really blown up. A lot more food trucks are being

seen. There is not as much maintenance to a food truck compared to a brick and mortar facility. It takes less staff which all restaurants are having a very hard time keeping or getting staff to show up. The fact that they are mobile so that they can go to the Devon on the weekends in the summer, but also to the County Fair or to another county. They are becoming very popular. Ms. Wade said she can foresee someone starting a Food Truck Court where multiple food trucks will come and park for a day or two. Ms. Buckner commented that this is already happening in Springfield. Food Trucks are not cheap to set up and get going, but it is cheaper than a brick and mortar facility. Plus, they don't have to deal with things like rent and leases. With a food truck, if you do it for 3 months and then decide it isn't for you, you can sell it and cut your loss without having to worry about a 5 year lease @ \$6,000 a month.

Chair Rood said that she understands that the Board of Health already voted on this entire package. Ms. Wade confirmed that they voted approval to include the changes within the Food Sanitation Ordinance.

Mr. Entler asked to be reminded about where the Board of Health had left the 200' rule and the issue with the distance. Ms. Wade explained that they were going to leave it at 200' so that a food truck cannot be within 200' of a brick and mortar facility. That was going to be left open ended at just 200'. Then, if it was seen in the first year, that there were issues and it needs to be more specific, like from a property line or from the closest door or closest corner, then they would be able to go back in and amend it then. The biggest reason for the push is because Ms. Wade said she would really like to get it out to the Food Trucks so they have the ability to start January 1st.

Ms. Little asked about the 200'. Ms. Wade pointed it out on page 5, section 7.4, #5

No mobile food unit shall be located with 200 feet of a permanent (i.e. – brick and mortar) facility, unless both facilities are owned by the same person.

She gave the example of Notorious PIG. They've got an actual brick and mortar as well as a food truck, so they can be on the same property.

The next one, concerning the mobile food unit hours is where Ms. Wade said she had reached out to the Decatur Police Department and the Sheriff's Office. She asked if they could see issues with not putting hours on it. They said nothing good happens after 10 p.m. at one of these, so they had gone ahead and put that in.

There have also been some issues, mostly with City facilities, where they are operating in neighborhoods, so they may have to run on generators. You don't want them starting too early and causing disruption in the neighborhood.

Ms. Little asked if there was anything in the ordinance that addressed how long they can sit. She referred to the "dead burrito truck" that has been sitting at the carwash for a year or so. She said she does not consider that a mobile truck. Ms. Wade said that these would be mobile and so allowed to sit in one spot longer. Initially, it says not longer than one week. However, there is an additional thing that says a variance. So, if they are going to be like the Gyro King who sits on the corner of Martin Luther King and Pershing. That has been his spot. He sits there the entire season minus when he travels. He can ask for a variance and say he plans to park there for several months. At that point, questions about when it will be moved, when does grease trap service come

in, when does new water service come in, when is waste water dumped, etc... More questions can be asked because they become a little more permanent.

Ms. Little asked if permission is required from the people that own the parking lot. Ms. Wade confirmed, saying that that is part of the license they get from the City of Decatur. Ms. Rood asked if the City then collects a fee as well. Ms. Wade confirmed, saying she did not know what their fees are.

Mr. Entler asked if the Health Department fees have been adjusted. Ms. Wade referred to the chart included in the packet and explained that the annual, right now, for a brick and mortar facility, have not been touched since 2015 or 2018. The seasonal fees, are what are currently being paid for March 15 through November 30. The new Mobile fee has been increased because they would now be able to be open the same hours and same amount as a brick and mortar. They will require the same amount of inspections from the Health Department team as a brick and mortar. Ms. Wade said she wanted to keep it comparable so that the brick and mortar facilities did not feel their business and revenue were being hurt.

Ms. Little asked for an explanation of the categories / classes.

Ms. Wade explained that Class C – Cat 3 would be like a Dollar General. Everything in there is 100% pre-packaged. All they are going to do is worry about if their cooler with their milk, eggs & cheese are at temp. They are not doing any preparation. They are just stocking shelves. They get inspected one time a year. With Seasonal, there are a couple of ball diamonds where that is all they do; pop, water, chips, etc.

Class B – Cat 2 is like a McDonalds or Subways. Most of the food is ready to go and they just have to heat and serve. Very little food prep is done. Those are inspected a minimum of 2 times a year by the Health Department.

Class A – Cat 1 would be like a Texas Roadhouse or Applebees where there is a lot of food prep steps and increased risk of foodborne illness. There is a lot of heating, cooling, reheating, cooling back and forth. These get inspected a minimum of 3 times a year.

Those inspections are just regular, routine inspections. That is not including any follow ups, complaints, investigations or the State sending the team out because there might be an issues like tainted onions in the facility that they need to be sure are disposed of.

Ms. Little asked if seasonal would still be an option. Ms. Wade said no. That will be replaced with mobile. Ms. Little asked if someone just wanted to have a truck for the summer if they would have to pay for the whole year. Ms. Wade said yes, or they could get a temporary permit which can be done for 1 -3 days, 4 – 9 days or 10 – 14 consecutive days. For the County Fair, those individuals pull temporary permits. When the Celebration was going, those people pulled temporaries. There are other options other than just the mobile. Mr. Entler asked if those would typically be out of town people. Ms. Wade said some are, but there are a lot of locals that do that because this is their side job and not a priority.

Ms. Little asked what about the amounts on the chart in the last two columns labeled 1st time with surcharge & 1st time with surcharge after 6/30. Ms. Wade explained that that is for a brand new facility coming in. A plan review would be done to make sure that the facility is meeting all code requirements, if they are in the city that they are meeting the city codes by sending them over that way and getting signoffs. Because of that and other preliminary inspections, the surcharge is a one time increase. If a brand new Chipotle comes into town, they would be an annual. First they would get a charge of \$800 unless they come in after June 30 when it would be prorated to \$600. That would be the charge for the first year. After that, they would go to the regular category charge. Ms. Rood asked if the same plan is used for the food trucks. Ms. Wade said yes. This year, one thing already discussed with the team, under section 7.4, is that the permit holder late fees would not be charged those fees this year because with it being a brand new ordinance, they want to get everybody acclimated to it and be able to sit down with the trucks to make sure they understand the requirements. Only a brand new food truck business would have the plan review. There are two more Mexican Food Trucks being worked with right now.

Mr. Entler asked if any of the food trucks stay open through November, December, January, February. Ms. Wade said that right now, they cannot because it is a seasonal thing. What they do, because in December when there are a lot catering jobs due to the holidays, they pull temporary permits throughout the other months. It is costing them additional money besides what they pay for their seasonal license.

Mr. Entler asked about research that had been done and how Ms. Wade had taken the best from other counties and applied the sensibility needed for this community. It was not written from scratch, but all the good things are in it and it is a fit for us. Ms. Wade said most of the definitions came from the FDA or IDPH. When it came to the mobile portion, she looked around to see if anybody had one. Most locals have similar to what the seasonal is now. This is gearing up to what is coming, trying to be more pro-active. She said she went to places like Kansas City because they are known for their BBQ Festival; California because they are super-progressive in this area; Florida because of Disney World and their whole new Food Court in Disney Springs. She said she made sure it was modified to fit this community.

Ms. Rood asked if there is anything about diesel generators. Ms. Wade said that the City of Decatur is possibly working on that. Generators produce a lot of noise and the City has a noise ordinance. She said she had not put anything into this regarding generators. Another problem with generators is that people don't get the right size so when they are set up, they may only be able to run three things out of the truck before everything starts popping. That has been seen a few times. Ms. Wade said she does not know enough about generators and the sizing, so she relies on things like when going out to do inspections and every time she turns the water on, the generator kicks off, she knows there is an issue of not enough power and it needs to be addressed.

Mr. Oliver asked if there are stipulations regarding how far the generators need to be placed from the truck itself and the people using it concerning gas fumes. Ms. Wade said no, but she was not sure if the City of Decatur would be adding anything to theirs about it or not, but there is nothing, to any extent, about generators in this ordinance. Mr. Oliver said there could be a concern about what gas fumes would be doing to both the operators as well as the customers. Ms. Wade said that most of them, when set up, are on the back side of the trucks – always outside and not inside – so

that when the customers come up to the serving window, the generator is on the back side. Mr. Oliver commented that the wind could be a factor. Ms. Rood said the age of the generator could come into play as well. Ms. Wade said that there are some trucks that have the carts attached to the trucks for the generators to sit on and they don't have to move them around.

Ms. Little asked if the State's Attorney's Office has reviewed this. Ms. Wade said yes. Mr. Baggett reviewed it prior to presentation to the Board of Health. The only thing that will be changed by Mr. Baggett will be the codification formatting.

Mr. Oliver asked if there would be any influence by the City and County as far as municipality versus county. Ms. Wade said as far as food, no matter what, they would have to come to the Health Department to get the food license. Ms. Wade said she has been working with the City of Decatur since becoming aware that they are redoing theirs, which is why the Health Department is redoing this as well so that what is in their ordinance and this ordinance jive together and people are not being pulled two different ways. Mr. Oliver clarified that they would still have to have two different licenses. Ms. Wade said yes, one from the City for the actual place they sit at and whatever they need for electrical, etc. and then there would be a Health Department license for the food license and inspections. This is what they are already doing right now. They currently have licenses through the City and the County. Mr. Oliver asked how much more money a business will now be charged through the licensing process to open a new business. Ms. Wade said she is not aware of what the city license is or if the City has voted on that. She referred to the chart in the packet where the prices for the Health Department licenses are listed. Mr. Oliver asked about things in the City ordinance which Ms. Wade said she did not know about, but drew attention to Section 7.4, #7

Any documentation provided to the City of Decatur must be provided to the Health Authority

That is one thing Ms. Wade said she was working on - making sure the two entities are working together. They have a great relationship right now with a good, open line of communication.

Ms. Rood asked about the timeframe and wondered how taking more time to review it would affect things. Ms. Wade said she would like to be able to get a letter out to include the new ordinance and fees to the current food trucks so they can see what is available to them and get them enough time to be ready for that and get the money together. Right now, they don't think they have to come up with any license money until March. We are pushing them up 3 months and adding a little more.

Mr. Entler commented that he had heard the presentation at the Board of Health meeting and is now comfortable with what he sees. He said he had been a little unsure of the process prior to this meeting, but felt that Ms. Wade was requesting that this sub-committee approve so it can go to the County Board. Ms. Wade confirmed saying that once the County Board approves, it can go out to those that will be affected by it.

Mr. Oliver expressed concern about sanitation. Ms. Wade said that part of the City of Decatur's ordinance, because it falls under the Illinois Plumbing Code, says that they have to have a bathroom within 300'. So, in order for one of these to open within the City Limits, they also have to get a letter from wherever that bathroom is saying that not only do the employees have the

ability to use the bathroom, but the customers do too. The burrito truck that used to be in the parking lot of the car lot (that is now the carwash) had the keys to get in and out of the car lot's bathroom. That falls under the Plumbing Code which falls under the City of Decatur, but they do have to have bathrooms within 300'. Some of the mobile food trucks actually have bathrooms in them as well.

Ms. Wade continued that she does foresee Food Truck Courts coming to Decatur. Ms. Buckner said that its huge on session day at the capital. Legislators and everyone uses them for lunch. Ms. Wade said that there is a lady that is working on opening a commissary kitchen so all the trucks will have places to store their food and do most of the prep. Even with the Home Baking Act and the Cupcake Law, she can rent the kitchen space out to them too. There will be a large space divided up into multiple small kitchens that could be rented for certain timeframes while someone else may rent the same space for a different timeframe. It is quite the concept and a lot of places are going to them.

Ms. Little asked if there had been any push back from the brick and mortar facilities. Ms. Wade said the biggest hurdle for them is the fact that the trucks don't have to pay as much and the fact that they come and sit next to them. That is why the 200' was put in, to try to help the brick and mortar. It's not fair to the brick and mortar because they can't pick up and move someplace else. She said she really tried to be fair to both sides. Right now, they can go sit wherever they want and there is nothing stopping them.

Ms. Buckner made a motion to approve forwarding to the full County Board, seconded by Mr. Enler. The motion carried 4-1 with Ms. Little voting no.

CLOSED SESSION – None

ADJOURNMENT Motion to adjourn made by Ms. Little, seconded by Mr. Entler, motion carried 5-0 and the meeting adjourned at 6:05 p.m.

Minutes submitted by Jeannie Durham, Macon County Board Office