

TOWN OF WAYNESVILLE Planning Board

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Chairman

Patrick McDowell

Planning Board Members

Danny Wingate (Vice)

John Feichter

Marty Prevost

Robert Herrmann

Phillip Gibbs

H.P. Dykes, Jr.

Shell Isenberg

L. Brooks Hale

Development Services

Director

Elizabeth Teague

MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD Regular Meeting Town Hall – 9 South Main St., Waynesville, NC 28786 February 15, 2016

THE WAYNESVILLE PLANNING BOARD held a regular meeting on February 15, 2016 at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

Vice Chairman Danny Wingate welcomed everyone and called the meeting to order at 5:30 p.m.

The following members were present:

Danny Wingate
Bucky Dykes
Brooks Hale
Anthony Sutton
Phillip Gibbs
Marty Prevost
Shell Isenberg
Robert Herrmann

Absent:

Patrick McDowell

The following staff members were present:

Elizabeth Teague, Development Services Director
Eddie Ward, Deputy Town Clerk
Tom Maguire, Senior Code Enforcement Official

The following media representatives were present:

Jessie Stone, Smoky Mountain News
Alison Olcsvay, Mountaineer

The following Aldermen also attended:

Jon Feichter, Alderman
Leroy Roberson, Alderman

Vice Chairman Wingate asked Ms. Elizabeth Teague, Development Services Director, if she had announcements for the Board. Ms. Teague made the Board aware of the upcoming Board of Alderman Meeting in which Public Hearings will be held for rezoning and mixed-use overlay requests along Richland Street, and at Mauney Cove. This meeting will be held on February 23, 2016. Also, Ms. Teague spoke to the Board about the Historic Preservation Speaker Series. She said the next scheduled event would be held on March 3, 2016, at 4:00 in the Town Hall Board Room. The speaker will be Mr. Ron Sullivan, and the topic will be "If Rails Could Talk."

Ms. Teague introduced Mr. Tom Maguire, new Senior Code Enforcement Official. Mr. Maguire moved to Waynesville from El Paso Texas, and has many years experience in building inspections and code enforcement. Ms. Teague said he would be available for questions concerning building codes and enforcement on food trucks and other issues being discussed in this meeting.

2. Adoption of Minutes

Board Member Robert Herrmann made a motion, seconded by Board Member Bucky Dykes to approve the minutes of the January 28, 2016 board meeting as presented. The motion passed unanimously.

B. NEW BUSINESS

1. Discussion and recommendation on Town policies related to Food Trucks and food carts, and consideration and feedback on a specific request to allow a Food Cart in the Central Business District.

Ms. Teague introduced the topic stating that the subject of Food Trucks had come up several times recently, and she would like to hear the Planning Board's discussion and feedback on how the Town should manage mobile food vendors within Town ordinances. Additionally, she wanted to hear the Board's feedback on a specific request the town had received from Mr. John Catton to allow a hot dog cart to operate in a public park within the Central Business District. Currently, the Town allows food trucks to operate under a temporary permit on private property used for seasonal sales. That type of permit was originally designed to accommodate vendors such as for Christmas Trees. These do not need to be consecutive days.

Ms. Teague asked the Board whether the Town's policies related to Food Trucks and Food Carts should be updated given growing interest. Several food trucks are operating in Waynesville currently, both with and without permits. Ms. Teague said that the Town is aware of a truck in place at R E O's in Hazelwood. That truck has not applied for a permit to operate with the Town. Another truck appears occasionally in Frog Level, but also does not have a permit with the Town. A temporary permit was issued on February 5, 2016, to Mad Anthony's, for a mobile food unit to be placed on their property to serve food. This mobile unit is permitted for 30 days, although they have expressed interest in keeping it there on an on-going basis. She suggested that the Board consider the request of Mr. Catton as being distinct from other mobile vendor units allowed under the Town's temporary permit because he wanted to use public property which our ordinance does not currently allow.

Ms. Teague referred the Board to the current temporary use permit ordinance in their packet and noted that it includes some suggested draft text amendments for Planning Board feedback. She reminded the Board that no decision is to be made at this point, that this discussion was not a public hearing and that these suggestions were provided to get direction and guidance from the Board. She reviewed the proposed definition and suggested regulations which would be a new sub-paragraph, "D" of the Temporary Use Chapter.

Mobile Food Vendor – a mobile food vendor is a person or organization that sells food out of a portable vehicle, cart, or trailer. Examples include food trucks, and food carts.

4.6.1 – Temporary Uses

4.6.4 – Temporary Uses with Specific Requirements

D. Mobile food vendors

1. Mobile food vendors may be placed in any commercial district with a temporary permit on private property. A permit is only valid for one location and must include documentation of property owner permission. Vendors wanting to serve additional locations need additional permits.
2. Mobile food vendors are not allowed in residential districts or the Main Street public services district.
3. Property owners must make their restroom facility available for mobile food vendor staff.
4. Mobile food vendors are not allowed to operate on public property except during special events.
5. All food service operations must obtain an approved mobile food service permit from the Haywood County Health Department. Permits must be posted on the mobile food vendor vehicle so that they are visible to the public.
6. Mobile food vendor permits are valid for 180 days of usage. Days do not have to be contiguous. Special events do not count toward this limit.

7. Signage must abide by the sign regulations as specified in ordinance 11.5.14(H), but mobile food vendors may not be lit or have more than one (1) sign. Vehicular signs do not count toward this limit.

Vice Chairman Wingate asked if anyone wished to speak.

John Catton

Mr. Catton gave a brief history of his experience in the food industry. He proposed setting up a hot dog stand between the hours of 10:00 a.m. – 6:00 p.m. Monday through Saturday in the ‘Mini Park’ near the Haywood County Courthouse. If special events are occurring on Main Street such as festivals or parades, the hours of operation could be flexible. He and his wife, Lucy Catton, would be operating the hot dog stand, and he feels this business on Main Street could serve as a “focal point” for visitors. They are looking forward to representing the Town of Waynesville with their food and good customer service.

John Keith

Mr. John Keith stated he is president of the Downtown Waynesville Association, and owner of Twigs and Leaves Gallery. He stated that the Downtown Waynesville Association as a group did not feel that this was the time or place for Food Carts or Trucks to be allowed. Business owners who operate Food Carts or Food Trucks do not pay Municipal Service District (MSD) taxes, and they would ride the coats tails of those business owners who do pay the MSD tax. Allowing this cart on public property is not fair to restaurant owners that have overhead. Mr. Keith also felt this would open a Pandora’s Box for other street vendors such as jewelry, paintings, and crafts. Mr. Keith added that he supported the current allowance for food trucks on private property on a temporary basis.

Richard Miller

Mr. Richard Miller stated he owner of Church Street Depot and Classic Wine Seller on Church Street. Mr. Miller stated he has been involved in the downtown business district for many years, and helped develop the downtown area. Mr. Miller stated he worked with Fred Baker and the Downtown Waynesville Association in designing the Mini Park. He feels is isn’t fair to him or other business owners who have paid MSD taxes to let someone set up a hot dog stand in the downtown area.

Buffy Phillips

Ms. Buffy Phillips stated she is Executive Director of the Downtown Waynesville Association. She said she had been in communication with many towns across the state that are struggling to develop Main Street programs. Food Carts seemed to have worked best in towns where they are struggling to bring people to the main street. Waynesville’s downtown program however is very successful and the business and restaurants are doing well. Ms. Phillips explained that Waynesville’s downtown is a small tax area with narrow sidewalks. The Mini Park where Mr. Catton would like to place his food cart is the only outdoor space for patrons to enjoy a peaceful, quiet setting. Ms. Phillips said she felt that the Frog Level area would welcome Mr. Catton.

David Young

Mr. David Young stated he is co-owner of Mad Anthony's. He said his business is seeking a more permanent option to better serve its customers since the tavern opened last summer. Mr. Young told the Board that his business is located in a 100 year old farmhouse, and it would be very costly to renovate the building to accommodate serving food to customers. He stated the fifty percent of potential sales are lost by not offering food. Adding a commercial kitchen is not feasible economically for him and his partner. Mr. Young said a compromise solution to the commercial kitchen is purchasing a food truck/mobile kitchen that is permanently installed on his property. The challenge for this option is compliance with building codes in order to be permitted by the Town.

Tom Maguire

Mr. Maguire, Senior Code Enforcement Official for the Town of Waynesville gave some specifics for North Carolina code requirements for the establishment of a food cart, which included restrooms, hot water, lights, and permits from the Haywood County Health Department.

Ms. Teague asked the Board how they felt about food trucks on private property, such as Mad Anthony's, or others who might be invited by the property owners to operate on their site, and how the Board felt about mobile vendors on public property.

The Board had much discussion about how to categorize food trucks, as opposed to food carts and other mobile vendors. They expressed concerns with liability, trash and crowds. Ms. Teague added that without permitting the Town does not know who is operating the food trucks, whether or not they have their health department permits, or how to contact them if something happens. The Board discussed allowing vendors on public property, such as the request for the hot dog cart within the Central Business District. There was consensus that the use of the public park or sidewalk on Main Street was not something they could support because of the limited space available on the public sidewalk and in the park as well as the concerns of the Downtown Waynesville Association. There was also consensus that vendors on public property as part of special events such as those which already take place on Main Street under the management of the Downtown Waynesville Association are appropriate.

There was further discussion regarding the use of public space in other areas of Town. Shell Isenberg indicated that he could see a benefit to mobile vendors in areas such as Frog Level and Hazelwood by encouraging activity in those areas. Anthony Sutton noted that Food trucks are gaining in popularity and could draw customers to those areas of Town. There was Board consensus there might be value in allowing mobile vendors in those areas in support of local businesses but it could be challenging in regards to how the Town would manage that use of public property. The City of Asheville had a program of leasing pre-identified public space for mobile vendors. Ms. Teague noted that use of any public space beyond a special event would require a change in Town policy and approval by the Town Board.

The Board also discussed the current ordinance for temporary uses and supported continuing to allow mobile vendors on private property. The Board also was in favor of allowing temporary uses to be renewed if there were no problems or complaints associated with it. In response to Board

discussion Ms. Teague noted that lease agreements and permission between mobile vendors and private property owners would not involve the Town. She added that currently the Town did not charge any fees for temporary use applications and that local governments can no longer charge business privilege fees, but that a mobile vendor would have to pay sales and income taxes just as other businesses do. There was discussion that the Town should charge an application fee for temporary uses similar to other permit applications.


Ms. Teague discussed with the Board the next steps in the process for the Town Staff, including creating a draft text amendment for the Board to consider. The Planning Board would have to take formal action to initiate a text amendment and a public hearing would have to be scheduled before their recommendations would go to the Board of Aldermen.

C. PUBLIC COMMENT/CALL ON THE AUDIENCE

No Comments.

D. ADJOURN

With no further business, a motion was made by Board Member Robert Herrmann, seconded by Board Member Anthony Sutton, to adjourn the meeting at 6:47 pm. The motion passed unanimously.



Danny Wingate, Acting Chairman

Eddie Ward, Deputy Clerk