



**MINUTES OF THE REGULAR MEETING OF THE TOWN  
OF LAKE LURE ZONING AND PLANNING BOARD**

**TUESDAY, AUGUST 16, 2022  
9:30 A.M.**

- Present:** Thomas McKay, Chairman  
Randall Nelson, Vice Chair  
Dave Keenan  
Charlie Ellis  
Mac Hillabush
- Scott Doster, Town Council Liaison
- Laura Doster, the Chamber of Hickory Nut Gorge
- Absent:** N/A
- Staff:** Michael Williams, Community Development Director

**The meeting was called to order at 9:32 a.m.**

- I. ROLL CALL**  
Board Chair Thomas McKay opened with a prayer and invocation. All Board members were present.
- II. APPROVAL OF THE AGENDA**  
**Mr. Charlie Ellis made a motion to approve the agenda, as presented. Mr. Dave Keenan seconded. All members voted in favor.**

**III. APPROVAL OF THE MINUTES**

**Mr. Keenan made a motion to accept the minutes from June 21, 2022 regular Zoning and Planning Board meeting minutes and the June 29, 2022 recessed Zoning and Planning Board meeting minutes, as presented. Mr. Mac Hillabush seconded and all voted in favor.**

**IV. PUBLIC COMMENT**

Laura Doster, Executive Director for the Chamber of Hickory Nut Gorge, noted that she had submitted a letter to the Town regarding mobile food vendors and expressed that the Chamber wishes to work collaboratively with the Town. Mrs. Doster noted that the existing ordinance regulating mobile food vendors was passed in 2019 and events were halted shortly after that, due to COVID. Mrs. Doster explained that since events and festivals, such as Dirty Dancing, have returned there have been issues emerge in connection with the current mobile food truck regulations. Mrs. Doster detailed the redundant and costly challenges that the existing Ordinance poses for event organizers food vendors. Mrs. Doster explained that the existing ordinance allows mobile food vendors during festivals and events and explained that vendors must pay for applications, health department inspections, etc. Mrs. Doster recommended that the Town allow event organizers to turn in an application for all vendors and noted that the health department allows this process to take place. Mrs. Doster detailed that the mobile food vendor application through the Town is \$160 per vendor and per event, and many vendors cannot sustain under the current pricing. Mrs. Doster also recommended taking steps to streamline the process, such as allowing the event organizer to submit applications. Mr. McKay asked for confirmation that the current ordinance is built for accommodating one application submittal and not for an event. Ms. Doster said yes. Director Williams agreed to share the Chamber's recommendations with Town Council.

**V. OLD BUSINESS**

**\* Ordinance No. 22-07-27 amending Sections 36-5 and 36-296 of the Zoning Regulations of the Town of Lake Lure was approved at July 27 meeting of Town Council. This was action was recommended by the Zoning and Planning Board on June 28, 2022 to address regulations for lake structures on lakes other than Lake Lure.**

Director Williams provided the Board with an update that their recommendations in regard to addressing regulations for lake structures on lakes other than Lake Lure was presented as an Ordinance to Town Council and was adopted.

**\* Community Development Department is in process of moving to old bank office at the Arcade Building.**

Director Williams explained to the Board that the Community Development Department is in the process of moving to the Arcade Building and that logistics are being worked out. Director Williams explained that one reason for this change is to accommodate space for a new position in the Department.

Mr. Nelson asked Director Williams to explain the new position. Director Williams explained that the position and noted that that the Department is hoping to hire someone with mapping skills, who can help with enforcement and administrative work.

## **VI. NEW BUSINESS**

### **A. Review and discussion of Section 36-324-340 regarding Sign Regulations**

Director Williams explained that the main goals of this item is to hold discussion regarding signs ordinances that might be outdated or have an unclear interpretation. Director Williams explained that Community Development is working to improve ordinances in order to reflect the needs of the community.

Director Williams explained that there is a need for uniformity regarding sign requirements and expressed support for greater focus on the structure requirements. Director Williams noted that the biggest issues include flags, feather signs, and the “inflatable waving men” which are not allowed. Director Williams expanded that 3 x 5 decorative flags are currently allowed with art work depicting the products and services being offered. It was noted that ‘no text’ could be interpreted as prohibited under the current code verbiage. Director Williams requested guidance from the Board.

Mr. Ellis asked if there is a variance process for signs. Director Williams answered that variances could be requested for signs. Mr. Ellis recalled working on sign regulations in the past and provided examples. Mr. Ellis also recalled that there were portions the existing ordinances such as “roof top signs” which are prohibited, but have been allowed on multiple occasions. Mr. Ellis asked if the off-site signs in the community are prohibited and Director Williams explained that some are grandfathered in and permitted by the DOT. Commissioner Doster asked about the regulations regarding off sight directional signs and Director Williams explained that these types of signs are permitted, but there are limitations as to what the signs can display aside from direction towards a location.

Mr. McKay cited examples of infractions in relations to real estate signs. Mr. Nelson asked if Director Williams if he is comfortable with existing real estate signs. Director Williams answered yes, if the signs are on-site and noted that real estate signs have not been an administrative issue.

Mr. Nelson asked Williams to explain what administrative issues are occurring and Director Williams explained that flags are the main concerns that he would like the Board to address. Mr. McKay asked Director Williams to explain the issues regarding flags. Director Williams noted that depending on the district, there are limitations to the size and type of flags and explained that the Code allows decorative flags on street frontage or special occasion flags are allowed, but advertisement flags are not. It was asked if people have complained about this and Director Williams stated yes. Director Williams noted that there have

been complaints about flags that are ideological, but those are allowed on a higher level and are completely legal.

The Board discussed signs versus works of art.

Mr. Ellis asked if sign regulations will be enforced by initiative from Town administration or if actions would be taken following citizen complaints. Director Williams stated that administrative enforcement is critical and that the new Community Development position will help with administrative enforcement. Director Williams noted that it would not be frowned upon for citizens to report issues as well.

Mr. Nelson asked if Director Williams is going to propose a revision to the sign ordinance and bring it back to the Board for review. Director Williams agreed to do this and expressed appreciations for any input from the Board.

Commissioner Doster explained that the Lake Advisory Board have been reviewing the entirety of the Lake Use Regulations in order to recommend improvements and suggested a similar approach from the Zoning and Planning Board regarding sections of the Code of Ordinances. It was noted that there have been recent issues that have been handled by the Board of Adjustment surround people asked for variances after-the-fact rather than following the Town regulations. Mr. McKay noted that the Board could ultimately review and reconstruct problematic ordinances.

Mr. Ellis mentioned feather signs and explained that the feather sign trend is partially a product of COVID because other priorities overtook the need to address feather signs. Director Williams agreed and explained that this is an example of the need to adapt the Ordinances to fit community goals.

Mr. Nelson asked to verify the administrative issues with enforcing sign ordinance. Director Williams cited that issues include various complaints and emergence of erected signs that are not permitted.

Mr. McKay explained that intents should not be made based on single occurrences, but what is beneficial to the community. Director Williams agreed.

There was consensus from the Board to review sign ordinances.

**B. Review and discussion of Section 36-72(5) regarding regulating food trucks (Mobile Food Vendors)**

Director Williams explained that the existing Ordinance allows mobile food vendors at Town sanctioned events, there is a \$160 permit application fee, and each vendor is expected to pay this fee each time they set up, even during weekly

events such as the Farmers Market. Director Williams explained that the mobile food vendors also require inspection and approval from the Rutherford County Health Department. Director Williams expressed that the current process for allowing food vendors is redundant and unnecessary and suggested having one application submitted by the event coordinator and one permit per event, instead of charging each vendor \$160 per event.

Mr. McKay explained the history with the creation of the existing Ordinance and noted that the concern expressed in the past is creating competition for local restaurants.

Mr. Ellis also recalled past discussions, and expressed the need to address food trucks on private properties, not just Government Use (GU) properties. Mr. Ellis explained that the existing Ordinance allows vendors during events on public property, but not private property.

Director Williams provided the Board with recommended changes, but noted that the recommendations are not finalized.

Mr. Ellis cited pointed out that there was food truck in Rumbling Bald, which was in violation of the Ordinance, but expressed that he did not encounter any issues or complaints.

Mr. McKay asked for Mrs. Doster' to explain her stance on the matter regarding private properties. Ms. Doster noted that the subject of food trucks on private property does emerge often and cited an example involving a local restaurants that was undergoing renovations and wanted to set up a food truck until renovations were completed. Mrs. Doster also noted that some organizations would like to see food truck rodeos or food truck parks on private properties. Ms. Doster expressed the need for additional places to eat in the Town, and explained that the Chamber receives complaints from people wanting a quick in-and-out place to eat. Mrs. Doster mentioned that individuals visit during the winter or live in Town year round, and do not have many options on where to eat because local restaurants are closed seasonally. Mrs. Doster expressed her professional opinion that consideration should be taken regarding the mobile food vendor ordinance.

Mr. Nelson noted that food trucks are a national trend and expressed support for amending the ordinance to be more being more supportive of mobile food vendors.

Mr. McKay reiterated that an issue is competition against local restaurant. Mr. Nelson expressed that this issue may be resolved by differentiating between private versus public property mobile food truck regulations. Mr. Nelson noted that local restaurants can sponsor food trucks.

Mr. Ellis questioned if Town is trying to maximize town land. Mrs. Doster explained there was an individual on the coast who provided sea food to local areas and that he was interested in coming to Lake Lure every Thursday to sale fresh seafood, which was declined by the Town due to the Ordinance. Mrs. Doster expressed it would have been beneficial for community.

Mr. McKay expressed support for developing commercial business, increasing tourism, and allowing private land owners to have authority of their properties. Mr. McKay stated that he does not want local restaurants to be negatively affected, but noted that allowing mobile food vendors might improve business. Mr. Ellis expressed that he feels that it would be beneficial for commercial businesses.

Mrs. Doster noted that this is the first year that people are expressing the want to join the Chamber and people coming into the Chamber office for economic development with plans. Mrs. Doster stated that the Chamber wants to work with the town to improve economic development.

Mr. Ellis asked if Mrs. Doster the Chamber needs any immediate actions taken by the Board for upcoming events. Mrs. Doster answered no, but actions would be appreciated in the future. Mrs. Doster noted that she would like a fee waiver per vendor, and have the event organizer pay a total fee for all vendors. Mrs. Doster expressed that vendors could apply and the Chamber would handle other steps. There was overall support from Board members.

Director Williams explained the discussions on this matter with the Town events team consisting of himself, the Communications Director, Police Chief, and Fire Chief. Director Williams detailed the process to satisfy health department requirements.

Mr. Ellis asked if the arts and craft festival vendors have to go through same process as those at the farmers market and it was confirmed that the processes are the same. Mr. Ellis asked if the Board should craft a recommendation for Council or if Council input should be requested prior to making an official recommendation. Commissioner Doster expressed that he Council may be receptive and that he would like to hold discussion at the upcoming Town Council work session.

Mr. Ellis expressed that two issues are the need to streamline the mobile food vendor process for events and to determine if there is any desire to expand mobile food vendor use to be allowed on private properties. Mr. Nelson expressed support for the streamlining the process for events, but would like to hold further research and discussion regarding mobile food vendors on private properties. Mr. Ellis interpreted private versus public land for mobile food vendor use. Commissioner Doster noted that Town benefits from permits, and that allowing mobile food vendors on properties within Town limits may also

result in tax benefits for the Town. Mr. Nelson noted that certain types of zoning districts would need to be reviewed, but expressed interest in exploring this subject.

Commissioner Doster suggested that the next steps are to allow Director Williams to provide recommendations based on the Board's conversation and present them at the next Town Council work session meeting.

Director Williams read his current recommendations regarding mobile food vendors. Director Williams proposed that event applications fall under the category of accessory. Director Williams noted that inspections might be an additional fee. Director Williams recommended allowing mobile food vendors on private properties in commercial districts, but not on private properties in residential districts. Director Williams noted that certain types of commercial districts could be reviewed and not allowing mobile food vendors in all commercial districts may be a way to resolve any issues with competition with local restaurants. Director Williams detailed that another recommendation is to waive application fees for brick and mortar businesses in Lake Lure if they would like to set up a mobile food vending station, since these businesses already contribute to the community. Director Williams expressed his opinion on allowing mobile food vendors on town owned properties.

## **VII. AUGUST DEPARTMENT REPORT**

Director Williams reported that the communications tower has been approved by all federal and state entities, excluding the North Carolina Historic Preservation Office (NCHPO). The NCHPO recommended constructing slick stick rather than a stealth pole. Director Williams detailed that the issue with the slick stick is that it allows less room for additional service providers. Director Williams explained that AT&T asked for support from the Town to allow AT&T to ask the NCHPO for reconsideration. Director Williams noted that a tower is needed regardless of type, but the Town supported AT&T in their request for reconsideration and should hear back within the next few weeks. Mr. McKay asked what the NCHPO has an issue with and Director Williams answered that their concern is the view from historic locations, but noted that property owners of the historic locations examined are in support of the tower and have expressed this via letters to NCHPO. Director Williams expressed optimism that the tower will still be constructed.

Director Williams provided a positive update on the Highlands.

Director Williams noted that that a nearby property is undergoing construction and the owner is hoping to develop a brewery and would like to host food trucks.


Commissioner Doster expressed appreciation for Director Williams for the work of the Community Development Department and thanked Liz Geary with Rumbling Bald for their work with the Olympiad. Mr. McKay thanked Laura Doster for her leadership and professionalism in the community and Liz Geary for her representation of Rumbling

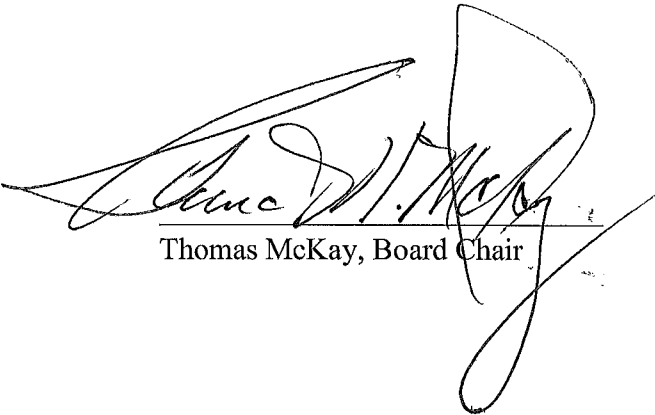
Bald.

**VIII. ADJOURN**

**Mr. Keenan made a motion to adjourn the meeting. Mr. Ellis seconded and all voted in favor. The meeting was adjourned at 11:14 a.m.**

**ATTEST**

  
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Olivia Stewman, Town Clerk

  
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Thomas McKay, Board Chair