



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

TUESDAY, OCTOBER 24, 2022
9:30 A.M.

Present: Thomas McKay, Chairman
Randall Nelson, Vice Chair
Dave Keenan
Charlie Ellis

Scott Doster, Town Council Liaison

Absent: Mac Hillabush

Staff: Michael Williams, Community Development Director
Richard Carpenter, Development and Environmental Review Specialist

The meeting was called to order at 9:35 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. Randy Nelson made a motion to approve the minutes from September 20, 2022 regular Zoning and Planning Board meeting, as amended. Mr. Ellis seconded and all voted in favor.

IV. **PUBLIC COMMENT**

Liz Geary, Rumbling Bald, expressed that Rumbling Bald management and POA is in support of the amendments to the mobile food vendors ordinance and would like the freedom to have mobile food vendors in Rumbling Bald. Ms. Geary expressed that in Chamber meetings she had attended, it seems that the Chamber is also in favor.

V. **OLD BUSINESS**

A. **Continue review Section 36-72(5) regarding regulating food trucks (Mobile Food Vendors) and review staff-proposed revision of 36-72(5) with goal to prepare Zoning Ordinance amendment recommendation to Town Council.**

Community Development Director Michael Williams presented the Board with the Department's recommended changes. Board members reviewed the recommendations.

Mr. Keenan asked about the \$100 fee. It was determined that the \$100 be taken out of the ordinance language and addressed in the Town fee schedule.

The Board reviewed each section of the recommended ordinance.

Mr. Nelson asked about liability insurance and if the Town Attorney has reviewed the updated recommended changes. Director Williams confirmed that the Town Attorney had reviewed the language. Mr. Ellis broached discussion regarding insurable interest on public property. Chair McKay noted that one of our goals of the Board is to review the costs and buy ins. Mr. Nelson agreed but noted that the vendors should have liability insurance. Director Williams recommended adding language that specifies that mobile food vendors on town property should maintain insurance. Mr. Ellis recommended that the insurance amount be approved by the Town Manager. Development and Environmental Review Specialist Richard Carpenter reviewed the Town of Marion ordinance which requires insurance for private properties, but requires adding the Town to insurance on Town property. Commissioner Doster compared the viewpoints to regulations for regular restaurants and noted that the Town is not responsible if a local restaurants error. Mr. Ellis recommended speaking to someone in the insurance industry to determine if insurance is required. It was noted that the existing ordinance requires proof of insurance on town owned property, but there is no dollar amount. Mr. Ellis asked if the state or county requires insurance. Mr. Nelson expressed support for requiring insurance on private and public property, since the Town would issue the permit and Mr. Ellis expressed that this is inconsistent with regular brick and mortar restaurants. Commissioner Doster noted that he agrees with Mr. Ellis because issuing a permit for brick and mortar restaurant does not require insurance, but expressed support for requiring insurance for mobile food vendors on town owned property. Director Williams expressed that there seems to be consensus that of support for requiring mobile food vendors to have proof of insurance proof on town property and noted that he would reach out to the Town Attorney in regard to the matter.

Director Williams noted that Section 6 requires a land owner to obtain a certificate of zoning compliance which will be a one-time fee. The Board discussed and concluded that the language addressing the one-time fee is appropriate.

The Board discussed locations and restrictions. Board members expressed concerns with allowing vendors to operate on single family lots located in R-3 zoning. It was discussed that mobile food vendors on single family residential properties is prohibited with an exception for campgrounds. Director Williams noted that an additional exception is that the Department may allow mobile food vendors on a private property as an accessory, with written permission from the property owner, regardless of zoning.

Board members discussed making a few minor changes prior to the proposed language going before Town Council. Director Williams agreed.

Mr. Nelson made a motion to recommend the revision of section 36-72(5) to Town Council, subject to the amendments that were discussed. Mr. Keenan seconded and all voted in favor.

VI. NEW BUSINESS

There was no new business to discuss.

VII. SEPTEMBER DEPARTMENT REPORT

Director Williams provided an update that the Community Development Administrative Support Specialist position had been approved and advertised. Director Williams also presented a positive report on The Highlands. There were no updates on the communications tower.


Director Williams Board for reviewing and working on the revisions to the mobile food vendor ordinance.

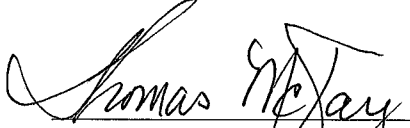
Chair McKay noted he would like to look into conversing in regard to animal husbandry.

VIII. ADJOURN

Mr. Ellis made a motion to adjourn the meeting. Mr. Keenan seconded and all voted in favor. The meeting was adjourned at 11:34 a.m.

ATTEST


Olivia Stewman, Town Clerk


Thomas McKay, Board Chair