

Agenda
April 4, 2023

REGULAR MEETING OF TOWN OF COLUMBUS
BOARD OF PLANNING AND ADJUSTMENT

RULES FOR PERSONS ADDRESSING BOARD MEMBERS

1. Each speaker will identify himself or herself by giving his or her **name and place of residence**.
2. Each speaker will be limited to speaking one time on any topic. When you are finished speaking, please step away from the podium and be seated.
3. Each speaker will be limited to **three (3) minutes** and each group's representative will be limited to a **maximum of ten (10) total minutes**. Each group is encouraged to designate a single spokesperson for their group.
4. Each speaker will confine himself or herself to the general question before the Council and avoid irrelevant comments.
5. Each person entering the Council Chamber will wear a mask until they get to their seat.

PUBLIC MEETING
(6:00 PM)

Planning Board

1. Planning Board Call to Order
2. Roll Call
3. Approval of the minutes of the March 1, 2023 Regular Planning Board Meeting
4. Discussion Regarding Mobile Food Services (Food Trucks)
5. Board Member Comments
6. Adjourn

1 **COLUMBUS PLANNING BOARD & BOARD OF ADJUSTMENTS**
2 **Minutes of Regular Meeting**
3 **Tuesday, March 7, 2023**

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5 The Town of Columbus Planning Board and Board of Adjustments met on Tuesday, March 7,
6 2023, at 6:00 p.m. in the Columbus Town Hall Council Chambers.

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8 **Roll Call**

9 Mark Blanton, Vice-Chairman
10 Marshall Watkins
11 Virginia Green
12 Jimmie Buell
13 Ernie Kan

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15 **Staff Present:**

16 Timothy J. Barth, Town Manager
17 Stephanie Serrano, Administrative Assistant

18 **In absence:** Chairwoman Cathy Elliott

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20 The meeting was called to order at 6:00 p.m. A roll call was taken, and the vice-chairman
21 acknowledge all present.

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23 **Public Comment**

24 There was no public comment.

25
26 **Approval of the minutes of the February 3, 2023, Regular Planning Board Meeting**

27 Mrs. Kan requested to change line item #33 from “Outreach Executive Director, Margot B.
28 Carter, stated” to “*Mr. Barth administered Margot B. Carter, Outreach Executive Director, to be*
29 *sworn to provide evidence to the Planning Board.*”

30 Ms. Buell requested to change line item #76 from “Mr. Barth said they plan to buy 300 acres” to
31 “Mr. Barth said the *county* plans to buy 300 acres.”

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33 Mr. Blanton made a motion to accept the minutes with the changes made to the February 7,
34 2023, meeting as presented. Mr. Watkins seconded, and the motion carried unanimously.

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36 **Discussion Regarding Mobile Food Vendors**

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38 Mr. Barth stated that the town council approved the mobile food services ordinance three months
39 ago but due to several complaints made by business owners the council would like to make a few
40 adjustments. Mr. Barth added that vendors do not have the same expenses as those who have
41 brick-and-mortar buildings, however, if food trucks were taken out of the central business
42 district, then there are no other locations for them. Mr. Watkins stated that there are numerous
43 food trucks in cities such as Boiling Springs, Hendersonville, and Asheville, therefore, it best to
44 take a proactive approach rather than a reactive approach. Mr. Barth stated that business owners
45 are mostly concerned about whether we should allow vendors across the town as well as being
46 allowed to park in public spaces. Mrs. Kan recommended to put into writing that vendors cannot

47 park in town space areas since there is limited parking in the town. Mr. Barth requested to
48 change line item (C) from “each location at which the food truck operates. The application for a
49 mobile food vendor” to “*No mobile food service operator will be allowed to park that takes up*
50 *public parking space*. The application for a mobile food vendor...”. Mr. Watkins stated that
51 vendors do not have parking spaces nor municipality after afterhours and on weekends. Mr.
52 Rodney D., representative of Iron Key Brewing Company, stated that due to the tough market
53 they may require more flexibility, but he is concerned that the new changes to the ordinance may
54 prevent him from investing in a food truck. Mrs. Kan recommended that we consider making
55 temporary changes to the ordinance so that the food truck owners are able to make better
56 financial decisions. Ms. Christine Cowles, representative of Huckleberry’s, recommended that
57 the ordinance is adjusted and clarified all at once to help make future decisions and resolve the
58 concerns of business owners. Ms. Cowles added there is some miscommunication between the
59 town council and the planning board regarding permitting food trucks. Mr. Blanton
60 recommended to have a town council member come as a representative to the next planning
61 board meeting or vice versa to avoid any further confusion.

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63 Mr. Blanton made a motion to table the food truck ordinance with no changes added and revisit
64 the topic at the following meeting. Mr. Watkins seconded the motion carried unanimously.

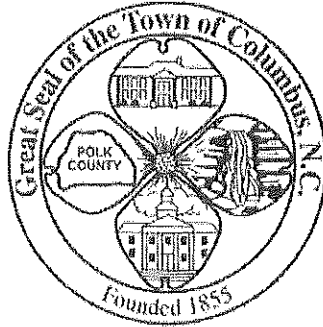
65
66 **Board Comments**

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68 Mr. Watkins asked for an update on the removal of the temporary Samco property sign. Mr.
69 Barth stated that he is currently working directly with an attorney to send out a 30-day notice
70 letter. Mrs. Green recommended that Elegance Permanent Beauty Co. needed to change their
71 terminology in order for them to continue providing their services. Mr. Barth stated that the
72 beauty parlor is allowed to have their business in that location since they were grandfathered in,
73 but he agrees that they need to remove the tattoo sign. Mrs. Kan recommended that we should
74 take the opportunity to beautify our town by applying for a grant from the county which will
75 require the town to do half of the labor. Mr. Barth stated that he will forward that request for
76 beautification to the committee so they can have the county provide the funds. Mr. Blanton
77 stated that he does not want an ordinance made that will violate the constitutional right of an
78 individual. Mr. Barth stated that we adopted our ordinance based off of other locations such as
79 Tryon, and Hendersonville. Mrs. Kan stated that she noticed that Huckleberry’s had multiple
80 signs posted and they left seating tables behind after closing their business for the day. Mr.
81 Watkins stated that Huckleberry’s may be violating the health department regulation because
82 they would be considered as a mobile restaurant.

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84 There being no further business to discuss, Mr. Blanton made a motion to adjourn.
85 Mr. Watkins seconded, and the meeting was adjourned at 7:14 PM.

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89 _____
90 Mark Blanton, Vice-Chairman

91 _____
92 Stephanie Serrano, Administrative Assistant



MEMORANDUM FOR PLANNING BOARD MEETING

To: Columbus Planning Board
From: Timothy J. Barth, Town Manager
Re: Discussion Regarding Mobile Food Services (Food Trucks)
Date: April 4, 2023

Background

The Town Council met on March 16 and discussed food trucks at their meeting. In short, they believe the ordinance needs to be more restrictive. I have attached the summary of the discussion that the Town Council had at their meeting. I have also attached the ordinance as it is in its current form.

If you have questions or concerns, please do not hesitate to contact me.

Item #7B. Food Trucks

Mr. Barth stated the Planning Board met and discussed zoning and whether food trucks should be allowed in the central business district. Mr. Barth added that the central business district runs from Jim Christopher Street to Blanton Street. Mr. Barth said the Planning Board discussed allowing food trucks to park in public spaces. Councilman Phillips asked who would be checking the 180 days permitting. Mr. Barth stated the town would be checking the allowed days per permit. Mayor McCool said he would like to allow the permits for 30 days first instead of 180 days. Councilman Phillips stated he does not believe food trucks should be allowed to park in public spaces. Councilman Phillips said he would like to see in the ordinance that food trucks should not park close to an established restaurant. Councilman Phillips stated the town needs to protect the business owners that pay taxes, water, and sewer. Mr. Barth said Chick Fill A is interested in setting up in town some days a month. Councilman Phillips asked what revenue the food truck brings into the town. Mr. Barth said the only income is the payment of the permit, which is \$75. Mayor McCool stated the permitting fee for a food truck is too low. Councilwoman Kennedy asked if the permit allowed 30 day or 180-day permit. Mrs. Kan from the Planning Board committee stated that the board decided to table the meeting because the committee needed more guidelines. Mrs. Kan said Town Council would like to focus on prices, where they can set up, and the days to allow Food Trucks to set up. Councilman Jackson stated one issue that the ordinance will run into would be when there are events at Veterans Park and food trucks would want to set up. Mr. Barth stated another issue would be if the town charges \$25 daily. Mrs. Kan stated there needs to be set fees instead of day charges; for example, for the first probationary, 30 days have a set fee, and then for 90 days, and so on.

**AN ORDINANCE TO AMEND THE UNIFORM DEVELOPMENT ORDINANCE OF THE TOWN OF COLUMBUS
TO ESTABLISH SECTION 8.13K: MOBILE FOOD SERVICE GUIDELINES**

WHEREAS, the Town of Columbus ordinances do not address mobile food services and,

WHEREAS, the new ordinance contains health and sanitation requirements to safeguard the public and,

WHEREAS, the Town of Columbus Planning Board has recommended the adoption of the following mobile food service guidelines

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS FOR THE TOWN OF COLUMBUS:

Section 1. Section 8.13K be added to the Unified Development Ordinance of the Town of Columbus as follows:

Mobile Food Services Ordinance

Intent.

All Mobile Food Services shall comply with the regulations of this chapter, as well as those of the Polk County Health Department. Mobile Food Services for Town or County special events and locations are at the discretion of the town council.

Definitions.

Mobile Food Service or Food Truck means a readily movable trailer or motorized wheeled vehicle, currently registered with the N.C. Division of Motor Vehicles, designed and equipped to serve food and beverages. No alcoholic beverages will be permitted for sale.

Permitting.

(a) A Mobile Food Service permit shall be required prior to the operation of a food truck within the Town limits. A permit fee as set in the Town's Fee Schedule, will be assessed to cover the costs associated with regulation of Mobile Food Services. All food truck operators shall obtain a semi-annual (180 days) permit from the Town of Columbus, unless otherwise exempted in this chapter.

(b) A Mobile Food Service permit is valid for one 180 days from the month in which the permit was issued. This permit shall be posted in a visible location on the food truck.

(c) The mobile food service operator shall have the signed approval of the property owner for each location at which the food truck operates. The application for a mobile food vendor site shall include a site plan detailing all of the setback and separation measurements. If seeking approval for multiple food vendors, spaces for each desired vendor shall be denoted on the site plan with appropriate setbacks shown for each space. This approval must be made available with the permit.

(d) Mobile food service vendors shall provide documentation of approval from the North Carolina Department of Health and Human Services. A valid health permit must be maintained for the duration of the Mobile Food Service permit and shall be placed in a conspicuous location for public inspection.

Regulations.

- (a) Mobile Food Service Operator must provide a trash receptacle for its customers. All trash generated must be removed from the site.
- (b) Temporary connections to potable water are prohibited. All on board plumbing and electrical connections shall be in accordance with the State Building Code.
- (c) No liquid, grease or solid wastes may be discharged from the food truck. Absolutely no waste may be disposed of in tree pits, storm drains, or onto the sidewalks, streets, or other public space. Under no circumstances shall grease be released or disposed of in the Town's sanitary sewer system.
- (d) Food trucks must have the following fire extinguisher on board during hours of operation: minimum Class 2A, 10B, or C rated extinguisher. If food preparation involves deep frying, a Class K fire extinguisher must also be on the truck. All National Fire Protection Association (NFPA) standards shall be met to include fire extinguishers and fire suppression hood systems shall be maintained.
- (e) Lighting shall be such that minimizes the glare on roadways and surrounding properties and in compliance with the Town UDO.
- (f) No signage shall be allowed other than signs permanently attached to the food truck and one (1) temporary sign. No sign shall be allowed on the vehicular or pedestrian Right-of-way.
- (g) The noise level from the food truck shall comply with the municipality's noise ordinance.
- (h) Vendors shall only operate between the hours of 7am to 11pm. No food trucks shall remain on the lot where they set up for business over night, except if the owner of the food truck owns the lot where the food truck is parked.
- (i) Food trucks shall be positioned at least three (3) feet away from any fire hydrants, any fire department connection, utility box or vault. The food truck shall not locate within any area of the lot that impedes, endangers, or interferes with pedestrian or vehicular traffic. A food truck shall not impede ingress and egress from driveway entrances, handicapped parking spaces and ramps, building entrances and exits.
- (j) The town reserves the right to allow or prohibit operation on town property on any date and time.

Suspension and revocation of permit.

- (a) The permit issued for the food truck business may be revoked if the vendor violates any of the provisions contained in this article.
- (b) If at any time evidence of the improper disposal of liquid waste or grease is discovered, all permits for the mobile food service shall be rendered null and void, and the operation will cease.
- (c) If at any time, the Environmental Health Department revokes or suspends the issued food vending permit, all Town permits shall be revoked or suspended simultaneously.
- (d) The town manager may revoke a permit if he or she determines that the food truck vendor's operations are causing parking, traffic congestion, or litter problems either on or off the property where the use is located or that such use is otherwise creating a danger to the public health or safety.

(e) The town manager reserves the right to temporarily suspend food truck permits during times of special events in the downtown area.

Penalties.

(a) This section shall be enforced by law as provided in G.S. 160A-175 or G.S. 14-4 or as provided in this code.

(b) Operation without a valid permit shall be subject to a penalty in the amount of one-half (½) the permit cost stated in the Town of Columbus fee schedule, and cease operation.

Section 2. All provisions of the Columbus Unified Development Ordinance inconsistent with the language herein adopted are hereby repealed.

Section 3. This Ordinance shall become effective upon adoption.

Adopted the 16th day of November, 2022.

Pat McCool, Mayor

ATTEST: _____
Timothy J. Barth, Town Manager