

Town of Maggie Valley  
Special Called Meeting  
Tuesday August 24, 2021

## MINUTES

Members Present: Mayor Mike Eveland, Aldermen Twinkle Patel, Tammy Wight, and Phillip Wight

Members Absent: Alderman Clayton Davis

Staff Present: Manager Nathan Clark, Planner Kaitland Finkle, Public Works Director Mike Mehaffey (for part of the meeting) and Town Clerk Vickie Best

Others Present: Lyndia Massey, Dan Massey, Rick Helfers, Teresa Smith, Joy Hearn, Amber Keeney, Pam Catoe, Robert Catoe, Carolyn Moncada, Julio Moncada, Greg Wingate, Jessica Newharth, Dave Angel, Paula McMahon, Charlotte Ruiz, Jimmy (Tinker) Moody, Lynn Collins, John C. Hinton, Jim Blyth

Mayor Eveland called the workshop to order at 9:33 am on Tuesday August 24, 2021, in the Pavilion adjacent to Town Hall.

Manager Clark along with Planner Finkle explained the most current regulations, recommendations, and analysis.

### Code & Plan Review

#### Zoning Ordinance

##### 154.039 Commercial 1 District: General Business (GB)

- To provide for general and commercial activity at convenient points in the town.
- It is not the intent of this district to encourage extensive strip commercial development, but rather to provide concentrations of general commercial activities.
- It is also intended that all businesses shall be conducted in permanent buildings that meet state and local building code. *Text would need to be amended*
- Business may be conducted in temporary or portable structures not in manufactured homes or vehicles. *Text may need to be amended*
- The Zoning Code Enforcement Officer may issue a temporary permit for outdoor sales and exhibits for groups, clubs, and civic organizations.

##### 154.056 Handling of Sewage

- Privies, outhouses, and other similar sewage handling facilities are prohibited. Approved "porta johns" or similar facilities will be allowed by permit for special events and construction sites for as long as permit is valid.
- All commercial structures shall have restroom facilities. Public restrooms may be required in a PUD. *Text will need to be amended*

##### 110.01 Outdoor Sales

- Permanent businesses permitted to have outdoor sales/displays of merchandise offered inside on their property. *Text will need to be amended.*
- No outside/out of town vendors permitted to sell/display.
- Exempt: Nonprofit organization with property owner consent

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Events at the Festival Grounds

Entertainment/convention facilities obtaining a special event permit.

**Land Use Plan: November 2007**

Lack of economic diversity

- Maggie Valley's dependence on a minimal number of businesses in a narrow amount of industries, primarily services and trade.
- Maggie Valley need to promote additional business and a larger variety of full-time businesses to persuade tourists to return year after year, and seasonal residents to settle in Maggie Valley full time.
- Maggie Valley needs to diversify its shopping opportunities to compete with neighborhood towns and increase the family activities available throughout the year and during inclement weather conditions.

Lack of a "Town Center"

- Largely because of the population base, Maggie Valley lacks a downtown or "Town Center".
- Until the development of the Festival Grounds, there had been no place for community gatherings.
- The town is in need of a destination that offers pedestrian-oriented shopping, eating, a municipal presence, and general places to sit and get away from the automobile dominated Soco Road.
- Residents want to encourage shops, restaurants, and attractions to locate in this area of town and make this area the central location for gatherings and street life.
- Another recommendation is to provide a concentration of these types of uses in the form of a planned development.

Recommendations

- Adopt the Conditional Use Rezoning process into the Zoning Ordinance.  
 The conditional use process would allow for more flexibility in the rezoning of property. This would allow the governing board to impose conditions on rezoning's, require site plans, and have more latitude in their decisions.
- Require Conditional (Special) Use Permits for certain land uses.  
 Certain land uses require additional review above and beyond a staff-level approval. Each site should be looked at on a site-specific basis.
- Provide Supplemental Regulations for certain uses.  
 Certain land uses necessitate mitigating requirements such as greater setbacks or more stringent buffer requirements.

**Driving Miss Maggie September 2004:**

A Comprehensive Plan for Growth and Change

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#### Economic Base Analysis

- Employment (and earnings) within the project area is seasonal and tourism dependent.
- The non-basic part of the project area economy (i.e., local market) offers consumers few choices (e.g., not even a major grocery store or pharmacy)
- In addition, both the basic and non-basic parts of the economy lack diversity.

#### Trends

- An economic and social transformation has been occurring
- The rise of the creative class derives its name from the creative economic core of individuals that drives both businesses and communities.
- Successful employers and communities in the future will be the ones that develop policies to attract the creative class.
- The old patterns of development (neighborhoods without character, blasé activity centers, large malls and sports arenas, and chain stores) is the type of environment that the class typically avoids.
- If employers and communities are to lure the creative class, they must adjust to a new paradigm and cater to the expectations of the creative class.

#### Implications for Planning and Land Use

- The project area has most of its economic eggs in two baskets... services and trade (especially services).
- The project area economy can benefit from greater diversity. This, however, will require exploring regional linkages (that might help to grow other economic sectors) and attracting the creative class to Maggie Valley.
- The significant economic dependency on tourism and recreation suggests that Maggie Valley must create a distinct and marketable image that will attract both tourists and recreation enthusiasts.
- Existing and potential tourism/recreation opportunities should provide balance between both enroute and destination clientele. This both a marketing and an attraction issue. Enroute opportunities already exist, but destination opportunities (especially with linkages to physical and cultural assets) will continue to require partnering and strategic development.

#### Community Character

Maggie Valley is a great place to live, work, play, and visit because of its:

- Climate and seasons- summers are cool, and winters are mild...the changing seasons and weather is enjoyable.
- Surroundings and natural environment- the mountains are beautiful and majestic; recreational opportunities are excellent; one can listen to the wind, smell the seasons, find diverse wildlife, and see a clear sky.

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- Good location- businesses are visitor-oriented; festivals and fairs are enjoyable; access to medical care excellent; major shopping is near; and opportunities exist for small businesses.
- People and feelings-low crime rate ...feeling safe; building friendships is easy; school system is excellent; nice family atmosphere; residents are friendly, caring, happy relaxed, and visitor-friendly; a quiet, peaceful, small-town atmosphere and feeling exists; and the pace of life is slow.

Commercial Activities: Root problems...Keys to community character

- At this time, town is not attractive to investors
- Need to be more open to different possibilities
- Need more attractions/activities for families visiting Maggie Valley
- Need more businesses/services for residents
- Need more things to do...diverse shopping experiences
- Need to slow traffic...the highway is an important first impression, but most drivers just speed through.

It has been determined that the hardest days to find food in Maggie Valley are Monday through Wednesday. Days and hours seem to vary from week to week. The lack of labor has created a hardship for most restaurants.

Food trucks are most popular in urban areas.

Mayor Eveland asked that we not forget where we came from. Yes, Ghost Town was a great draw for people, but liquor-by-the-drink was as well. Maggie Valley had bars and students would come from Western Carolina University. People would come from Waynesville to have a mixed drink with their steak dinner.

Planner Finkle provided the following regulations for Food Trucks/ Pushcarts in the surrounding areas:

**Haywood County:**

- Mobile Food Units: Any food service establishment that is vehicle-mounted and easily moved is considered a mobile food unit.
- Pushcart: Smaller, open mobile equipment that is designed to serve simple items such as hot dogs.
- Mobile food units and pushcarts must be permitted. Required to operate in conjunction with a permitted restaurant or commissary.

**Waynesville:**

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, food trailers and food pushcarts.

- May be placed in any commercial-industrial regional center, or business district.
- Time Limit: Such uses shall be allowed for ninety days and may be renewed by the Administrator on a one-time basis for up to one hundred and eight (180) days on any specific site. Allowable

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days do not have to be contagious if an alternate schedule is approved by the Administrator and accompanies the permit. Special events do not count toward this limit.

- Written documentation of the property owner's permission and a copy of its Health Department Permit.
- Permission to utilize public parking or sidewalk area must be approved by the Town Manager and at the request of a sponsoring business owner adjacent to the proposed location. Within the Main Street Public Services District vendors are permitted on private property only. The Town may require a lease agreement and fees in certain cases.
- No Mobile Food Vendor shall:
  - Leave a mobile food unit or pushcart unattended, or store, park or leave mobile food unit or pushcart overnight within any public right of way or public property.
  - Leave any location without removing and disposing of all trash or refuse
  - Pour waste products (including hot water or drainage from coolers) down a storm drain.
  - Operate within fifty (50) feet of an existing restaurant during the restaurant business hours.
- Property owners or sponsoring adjacent businesses must make their restroom facility available for mobile food vendor staff.
- Exhaust outlets shall be located not less than ten (10) feet from any structure or building.

**Canton**

- Mobile Food Units shall only operate on private property located in approved commercial or industrial zones.
- Operations of a mobile food unit(s) on Town of Canton property may be allowed under one of the following circumstances.
  - In association with a privately hosted and/or organized event previously approved by the Town.
  - At any event hosted and/or organized by the Town on any Town property, at Recreation Park in lieu of Canton operated concessions, and in any other circumstances which the Town Manager feels a mobile food unit(s) could be a positive impact.
- Adequate parking including a designated space for the mobile food unit
- Setback a minimum of 100' from brick-and-mortar restaurants
- Require valid driver's license, proof of insurance, copies of health department certificate.
- Letter of approval from private property owners including location map, address, site plan, list of special conditions imposed.
- The Town Manager shall have the ability to revoke mobile food permits if the operation causes parking issues, traffic congestion, litter problems, and/or health and safety risks.
- Pushcarts are only permitted for Town approved special events.

**Sylva**

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- Mobile food vendor, food truck: A readily movable trailer or motorized wheeled vehicle, currently registered with the North Carolina Department of Motor Vehicles, designed and equipped to serve and sell food and beverages to the general public on a recurring basis.
- Mobile Food Vendors/Pushcarts: A mobile piece of equipment used by a person that prepares or serves proportioned food for sale to the general public on a recurring basis. The food has been prepared at a restaurant or commissary or on site.
- An approved zoning permit from the Zoning Administrator is required prior to food vending activities in appropriate commercial districts only.
- All vendors shall be required to maintain active liability insurance.
- Written consent must be given from the property owner.
- The Town Board of Commissioners must give permission to locate in any public space within the city limits.
- Mobile food vendors shall not be parked or set up closer than 15-feet from any fire hydrant.
- Mobile food vending units shall be setback ten feet from the road edge.
- Food truck vendors are responsible for removal of their own garbage and recycling as well as their patrons.
- Shade is permissible: Awnings, umbrellas, or tents should not obstruct or cause a safety hazard.

**Brevard**

- Mobile food vendors are licensed motor vehicles or mobile food units which often for sale and consumption, food, and beverages (excluding alcohol).
- Mobile food units shall secure all necessary permits required by the Transylvania County Health Department.
- In the issuance of permits for mobile food vendors sites and mobile food vendors, the administrator shall have broad discretion to assign such conditions as may be necessary to protect the health, safety, and welfare of the public.
- Mobile food vendors shall be situated at ten feet from all property lines and any road right-of-way, shall not encroach onto any street, sidewalk, or travel way and shall not obstruct any loading zone or handicapped parking space. This requirement shall not apply to special events approved by the city for placement upon public streets.
- Mobile food vendors shall be situated at least 20 feet from one another.
- Mobile food vendors shall be situated at least 25 feet from any permanent structures.
- Mobile food vendors shall be situated at least 200 feet from any residential structures that is located within a general residential (GR) zoning district.
- Mobile food vendors must be set back a minimum of ten feet in all directions from the hydrants.
- Outside the Heart of Brevard district, generators may be used to power the vending unit. Within the Heart of Brevard only dedicated power supplies shall be used.
- Hours of operation for mobile food vendors shall be limited to 7:00am to 10:00 pm except during an approved special event, when other operating hours may be established as part of the event.

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- Each food truck shall supply at least one waste receptacle which must be removed and emptied at the end of each day. City trash receptacles shall not be used for food truck waste.

With all the information provided by Planner Finkle, each table of people were instructed to go through the "Six Thinking Hats" that is designed to encourage critical thinking (the objective analysis and evaluation of an issue in order to form a judgment).

**White Hat: Facts:** Information and data. Neutral and objective. What do I know? What do I need to find out? How will I get the information I need?

Remarks from the groups present:

Facts (White Hat)

Currency/accuracy of open restaurant data

Neighboring communities recently allowed (food trucks)

Code section requiring Health Department Approval, already allows food trucks

Need to define problem:

Target Market

Short-term (COVID) or long term

More successful/prevalent in urban areas due to:

Parking, Visibility, Ingress/egress

Too much of any one thing is not a good thing

Employee issues/staffing -Local workers need lunch options

Wait times

Lack of Walkable places

Reliability/steadiness of places

Lack of Fast food/To-go Places

Less parking is needed

Consistently send people to Waynesville

Quick-Outdoor options

Timeliness

Inconsistency of restaurant hours (Mon-Wed)

County allows only in conjunction with restaurant

Facility

Parking

Trash

Public vs. Private Property (Bryson City)

Lot of vacant land

Power, trash pickup, parking, safety

Lack of diversity, outdoor dining, family friendly

5 Italian, > American

Permits/Inspection fees as revenue source

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Sanitation/bathrooms

Visitor Center-Monday is the busiest day

**Red Hats: Feelings:** Intuition, hunches, gut instinct. My feelings right now. Feelings can change.  
No reasons are given.

Remarks from the groups:

Lack of diversity (# of each food style currently available)

Additional source of money

Alleviate staffing

Test case to gather more data

Centralized gathering space

Accessibility to lodging, shopping, food

Tourism

Regulations are key

Distinctly different-Identify who we are/want to be

Seasonal vs. Year round

Liquor by the drink (Need food where alcohol is served)

Festival Grounds

Hours/Days

COVID

Enforcement

Outdoors

Fun/Exciting

Special events in Neighborhoods/associated with hotels

Efficiency/Fast food

Separate market will not compete with restaurants

Family oriented

Bikers/rallies not at the festival grounds

Spacing (key locations)

Openness

Locals

**Black Hats: Cautions:** Difficulties, weaknesses, dangers, Logical reasons are given, spotting the risk.

Cleanliness/Sanitation (Inspections-weekly)

Attractiveness

Adequate parking

Overly regulated is prohibitive

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Impact on restaurants

Lack of enforcement (Additional staff-Public works/police)

Fair rules, Seasonal Hours, Off-site trash cans

**Yellow Hat: Benefits:** Positives, plus points, Logical reasons are given. Spotting the risks

\*\*Diversity (Type of food and customers)

Reduced staffing (alleviate staffing issues)

Associated with motels

Pushcarts for seasonal items (hot chocolate)

Accessibility

\*\*Demographic (New tourists)

\*Economic growth

Options for locals

\*\*Competition promotes growth

Removes stress of existing restaurants having to fill take-out orders

New fast-food options

**Green Hat: Creativity:** ideas, alternatives, possibilities, Provocations-"PO" Solution to black hat problems.

Scattering for foot traffic

Consistency in schedule

Diversity of food options (How to regulate?)

Don't over regulate

Don't restrict to current restaurant locations

Don't restrict to specific days of the week

Allow awnings/outdoor seating

Burden of cleanliness on commissary (grease)

Thriving tourism economy

Fast/convenient food options (Restaurants must adapt)

Pilot program (current restaurants)

Test case at the festival grounds/possibly hotels (Mon-Wed)

Trash responsibility by truck/restaurant location

Option to participate for each business

Town approval of specific public locations (overlay zones)

Market driven

Flexibility is key

Sanitation/Inspections

Sufficient parking

Power-no generators (flexibility on where this applies)

Various locations

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Give permit options to locals first  
Restrict the number of permits available  
Noise restrictions

There was a discussion about having a trial run to see how it goes.

Jim Blyth spoke from the floor: "Pathways has a food truck and the biggest problem we have found is parking."

**Comments received via email.**

Please share this e-mail with the Board of Alderman for input regarding allowing Food Truck vendors in Maggie Valley. Harold and I vehemently oppose this idea and we vote NO. Our reasoning for this is that the Maggie Valley restaurant owners already struggle to stay afloat so why would the Town leaders vote to make their business even less likely to survive.

I understand the frustration of not being able to get a meal in Maggie on Tuesdays but with all due respect to Mr. Dave Angel's suggestion, I think a more viable solution would be to encourage the restaurant owners to consider staggering their "close" days.

Since Tuesday, Wednesday and Thursday are slow days for tourists and traffic in town, they could use these days as their staggered days to close.

Thank you so much.  
Harold and Margaret Adams  
80 Market Street

Howdy!

I read in the Alderman meeting minutes that you three might be interested in local business owners' opinions on food trucks.

Just wanted to say Our Place Inn is a fan of the idea of having food more available in Maggie Valley, especially outdoor/to-go options. We personally tend to patronize restaurants that offer such options. While I can appreciate Mayor Eveland's view on the harm it might cause "brick and mortar" restaurants, I don't think the whole Valley should experience a loss just because a few restaurants can't adapt to the changing times.

Jose's Taco Truck is a respected food truck of Waynesville that started small and built a fantastic customer base in just a few short years. It's rare to see them not busy while they are open. I think a similar opportunity would be beneficial for Maggie Valley.

Thanks for your time,

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Kitty Currin  
Our Place Inn

Margaret told me about the Tuesday morning meeting regarding Food Trucks. Unfortunately, Frank and I cannot attend. We would both like to cast our votes as NO. Our restaurants are having a hard enough time getting up and running. We feel this would definitely be a step in the wrong direction for our local restaurants.

Thanks!

Anne and Frank Brunetto

As a Maggie Valley commercial property & future restaurant owner, I would like to voice my opinion in reference to the Food Truck Ruling for Maggie Valley. Food trucks are probably a necessity during events inside the Festival Grounds to offer festival goers & vendors the best experience. I do not agree with them parking outside the Festival Grounds at a business on a regular basis. Restaurants are required to pay taxes. Have permits and follow all local & state health department & ALE (where alcohol is served) laws & guidelines. If a business wants to offer food service on a regular basis, they need to purchase the required equipment & be required to pay the same taxes & permits & follow the same laws & guidelines.

Sincerely,

Denise Sheppard  
LSD Enterprises, LLC  
2748 Soco Road

The data will be collected and distributed to the Sunshine List.

  
\_\_\_\_\_  
Mayor Mike Eveland

  
\_\_\_\_\_  
Vickie Best, Town Clerk, CMC

