Minutes of the Regular Meeting of the
Zoning and Planning Board

Tuesday, August 16, 2016

Lake Lure Municipal Center

ROLL CALL

Present: Thomas M McKay, Chair
Bruce Barrett
Charlie Ellis
Jonathan Hinkle
Norman McGlohon
John Moore, Council Liaison

Absent: N/A

Also Present: Shannon Baldwin, Community Development Director
Valerie Hoffman, Communications Coordinator
Michelle Jolley, Recording Secretary

The meeting started at 9:39 a.m. Chairman McKay led the pledge of allegiance and Mr. Barrett gave the invocation.

APPROVAL OF THE AGENDA

Mr. Ellis proposed adding "Update on Facilities Committee with LLCA" to the agenda under 'New Business'.

Mr. Barrett made a motion to approve the agenda as amended. Mr. McGlohon seconded the motion. All voted in favor.

APPROVAL OF THE MINUTES

Mr. Barrett made mention that Mr. Calhoun stated at the last month's meeting he would come back with recommendations at the August meeting. Mr. Baldwin explained that Mr. Calhoun is working with the State to incorporate their changes into the Town's regulations and once that occurs he will bring an update back to the Board. He suggested removing the last sentence under

Item (C), "It was decided that Clint would bring recommendations to the next regular meeting on how to incorporate those changes."

Mr. Ellis made a motion to approve the minutes of the July 19, 2016 regular meeting as amended. Mr. McGlohon seconded the motion and all voted in favor.

OLD BUSINESS

Chairman McKay asked for an update on the sewer connection to Chimney Rock Park. Mr. Baldwin stated he did not have an update at this time. Mr. Ellis mentioned he met with the Superintendent and he explained that the State would be closing on that property by the end of the year. Chairman McKay asked that Mr. Baldwin bring an update back to the Board.

NEW BUSINESS

A. Discussion and Approval of Wayfinding Sites List

Mr. Baldwin stated he sent the request for the sites to the Parks & Recreation Board and the Planning Board and the list in the packet are ideas that came from the Board members that responded. The Tourism Development Authority (TDA) has asked the Board to come up with a proposed list. However, they have parameters they exercise on the sites and some items the Board sends may not qualify for items on the list. They're working with towns to create a county wide wayfinding system. He noted that participation is not required.

Mr. Ellis preferred informational signs that shows locations for groceries, food, gas, and drugs. Mr. Baldwin noted that individual businesses would not be added to signs. He stated the signs would have a uniform look throughout the County. He mentioned the Town would have to coordinate with DOT for placement of the signs. He stated that each jurisdiction would have a site plan. Ms. Hoffman noted that the signs would be complimentary and consistent with the Town's brand.

Mr. McGlohon moved that the Planning Board recommend the Wayfinding System Sites list incorporated into the attached memo dated August 2, 2016 to the Rutherford County TDA for review and consideration. He further moved that the Rutherford County TDA apply its policies and parameters to the list and return the list to the Lake Lure Town Council for final review and approval. Mr. Ellis seconded the motion. All voted in favor.

B. Presentation of Rutherford County TDA's "Gift" of a Visitor Information Network (VIN) Sign to the Town of Lake Lure – Outlined by Valerie Hoffman

Ms. Hoffman explained that in connection with its 2014 Wayfinding Master Plan, the Rutherford County TDA's Visitor Information Network (VIN) Committee has created a Visitor Information sign program that it intends to carry through to each of the County's municipalities. The purpose of the particular VIN sign program is to provide information to local and out of area visitors about Rutherford County and the specific area where they are at the moment. The TDA wishes to gift each of these signs to the municipalities. The gift includes the turnkey sign, its frame and its installation at the site selected by each municipality. Following a site visit to one of the signs already installed, the Town of Lake Lure's Community Development Department and its Brand Manager presented detail of the offer to the Parks & Recreation Board on August 4, 2016. The Parks & Recreation Board voted unanimously to recommend its approval and voted to have the sign installed on the grounds to the right of the Welcome Center, pending approval by the Zoning & Planning Board and Town Council. She stated the purpose of today's presentation is to give the Board an opportunity to review and vote on the TDA's offer as well. She stated the packet includes a selection of images showing what the signs look like and specifications of the sign, its value and what is included in the gift.

Ms. Hoffman pointed out that if the Town wished to have more than one sign, the Town would incur the expenses for the additional sign and installation. She noted the cost of the sign is $5,600.00. The Board held a discussion.

Commissioner Webber noted that the Parks & Recreation Board discussed the strategic value of having a sign in Rumbling Bald area and a sign possibly at the Dittmer Watts Park, in addition to the one at the Welcome Center.

Ms. Hoffman explained that the Town has control of the content, pictures, and what goes on the Town's map; the other side of the sign is generic for the entire county. Mr. Ellis felt that all signs throughout Town should be consistent with the brand's image. Ms. Hoffman mentioned this sign may look a little different than other town signs. Mr. Ellis noted an app for a smartphone would be more updated and cost efficient than an interactive sign.

Mr. McGlohon made a motion to make a recommendation to Town Council that ZPB accepts Parks & Rec's recommendation for Town Council's consideration. Mr. Barrett seconded and all voted in favor.

C. Update on the LLCA

Mr. Ellis provided an update on the school. He stated that he serves on the facilities committee with LLCA. At their last meeting, he learned that the Planning Board would be getting a request from the school for an updated approval of their Master Plan. The existing Master Plan approved by Town Council does not give Staff authority to approve certain structures. He explained that the updated Master Plan would show specific improvements to the campus that are not shown on the current plan. The school has a new Executive Director who feels the school needs athletic facilities in order for the school to continue to grow. He conveyed that the school also needs a security gate heading into the driveway to the school.

Mr. Ellis stated that the firing range was anticipated to be gifted to the school but has not yet perked. He noted the school is eligible for grant funds; however, they cannot apply for the grant as they do not own the property. In order to apply for a grant, a certain amount of investigative and consulting work needs to be done, with an estimated cost of between $6,000 - $10,000. He explained that the school has a tight budget and they try to put their dollars into programs and facilities for the students. At present, the cleanup cost is around $250,000 - $300,000 and the Town is ineligible to receive grants for cleanup to take place. In order to facilitate a timely development of the school's campus and to allow for expanded number of athletic fields, they would like the Town to approve an expenditure of up to $10,000 for consulting fees for the proper paperwork for an environmental agency to allow for this grant application to proceed. The school would like this to be approved and funded within a year. He noted the school would like to use the firing range area in the short-term for a community athletic field to be open for anyone in the community. Long-term, there is a desire for some vocational education there. He stated that the school would be requesting an updated and revised Master Plan. The school would also like the Town to find $10,000 of unbudgeted funds to pay for the consulting work to make this application for a grant and get the former firing range property cleaned up.

Mr. Baldwin noted that Town Council made a condition of the approval that the LLCA was to apply to DENR and the EPA for a grant for cleanup of the firing range, having discussions as far back as 2014. Mr. Ellis conveyed the school would like to get the grant application approved in their current budget year. He explained that the longer the lead sits in the ground, the more expensive the cost of cleanup gets. Commissioner Webber noted he would be curious as to the source and validity of the information that the school is not allowed to apply for the grant because they do not own the property. Mr. Ellis stated the only facts he has is the information he received at the school board meeting but stated he could find out. Chairman McKay felt this would be a great opportunity for the Town to have the firing range property cleaned up for a substantially smaller amount of money.

Mr. Ellis conveyed that the school has had some unexpected expenses due to erosion control issues and have also had a loss of enrollment. The school receives $6,300 per pupil from the state; however, enrollment during the school year brings in no money. He explained that the recreational field would be immediately visible. He pointed out that the school has lost students to Henderson County because of their baseball opportunities. He stated he prefers to see the school spend their limited resources on delivering programs and activities for the students. He felt the Town could take care of the cleanup by giving the school the funds to do so to start the cleanup. Commissioner Moore pointed out that there is a provision in the law that prohibits town governments from giving money directly to schools and the Town would need to approach very carefully. Mr. Baldwin explained that the Town could gift the land and not violate state law; however, a cash donation would be handled differently. Mr. Ellis noted that the school would need to retain the consultants to get the paperwork necessary to include with their application. He conveyed that the school would be sending a revised, proposed Master Plan to Town Council. He added that the school does have money set aside to build some of the athletic facilities on the back of the property.

Mr. Baldwin explained that $6,000-$10,000 is what is needed to facilitate the grant application. The cleanup costs is between $200,000-$300,000. Mr. Ellis felt it would be a good idea for Town Council to entertain this issue on an upcoming agenda, to allow someone to come and provide facts to Council. Mr. Baldwin pointed out that in 2014, Town Council made a condition that the school apply for the grant for cleanup of the firing range property and he noted that the school has made no action to do so in the past two years. He noted there needs to be an increase in communication of the school.

Mr. Ellis provided the Board with an update on the former school location. He conveyed that the school purchased a performance bond to provide a guarantee for completion for the construction of the new campus and also a guarantee for completion for removal of the old facilities. He noted that the school does not own the property; the property is owned by John Bryan who was the primary benefactor of the Challenge Foundation. The school's lease has expired and the terms of the lease required the school to remove the old modular units. The school paid for the removal and the company that started the work then filed for bankruptcy. He explained that in order for the modulars to be removed, Mr. Bryan would have to file an action to evict. However, the bankruptcy court deems those modulars as assets and their creditors have rights there. He noted that the problem with a notice of violation is that it would have to be followed up by fines, which would go to the property owner. However, there is an indemnification agreement between the property owner and the school. To the extent that the property owner suffers any financial loss as a result, the fines would then go to the school. He noted that a hearing was supposed to be held last week but he did not know the outcome of that hearing. He pointed out that the cost of moving the modulars is around $90,000. He mentioned that the modulars were appraised at about $350,000 and are surprisingly still in good condition.

Mr. Baldwin felt the Town should question whether the Town's intent to gift would satisfy the EPA or DENR to allow the school to apply for the grant. Mr. Ellis recommended that Town Council consider adding an agenda item for the September meeting to discuss the grant with the school. He explained that he was asked to serve on the committee to act as a liaison and facilitator and provide information to this Board.

PLANNING PROJECTS UPDATE

Mr. Baldwin updated the Board on the Chimney Rock/Town of Lake Lure Pedestrian Facility. Ron Nalley, Town Manager, and Mr. Baldwin have been speaking with Equinox, a landscape design firm out of Asheville, about entertaining a proposal to facilitate a level of design on that facility that would allow them to apply for new monies. He stated DOT mentioned that money is available if the project moves up to the top 13 on the strategic transportation improvement list. Currently, the project is number 17 on the list. The Town has set aside 20%, which was going to be a DOT requirement. There is additional money available through the Appalachian Regional Commission (ARC). He conveyed that the Town is trying to get the project to a level to where a grant can be applied for through the ARC.

Mr. Baldwin pointed out that Ricoh provided a proposal to scan old planning documents currently in storage, to allow for better access to records that are needed. Once those records are scanned, the hard copies could be disposed of and it would free up space for storage. This will be brought before Council in September. Comprehensive Plan update initiative today at 2:00 with the Steering Committee. This was put on hold until the new manager started.

Upon a motion by Mr. Hinkle and seconded by Mr. Ellis, the meeting was adjourned at 11:12 a.m. The next regular meeting is scheduled for Tuesday, September 20, 2016 at 9:30 a.m. at the Lake Lure Municipal Center.

ATTEST

Thomas M. McKay

Thomas M McKay, Chair

Michelle Jolley

Michelle Jolley, Recording Secretary