



Town of Lake Lure

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Incorporated 1927

MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, MAY 9, 2000, 7:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER

PRESENT: Mayor Jim Proctor
Commissioner Blaine Cox
Commissioner Dick McCallum
Commissioner George Pressley

H. M. Place III, Town Manager
J. Christopher Callahan, Town Attorney

ABSENT: Commissioner Jack Stanier

CALL TO ORDER

Mayor Proctor called the meeting to order at 7:00 p.m.

INVOCATION

Attorney Callahan gave the invocation.

PUBLIC HEARING - PROPOSED ORDINANCE NO. 00-05-09 AMENDING MAP OF THE TOWN OF LAKE LURE TO REZONE THE PROPERTY (MAP 539, BLOCK 1, LOT 1) ON WHICH THE SUNNY DAZE COUNTRY STORE IS LOCATED FROM THE CURRENT ZONING R-3 (RESORT RESIDENTIAL TO CN (COMMERCIAL NEIGHBORHOOD)

Public notices were duly given and published in the Forest City Daily Courier newspaper.

Commissioner McCallum made a motion to open the public hearing regarding the proposed amendment to the town map rezoning the property (map 539, block 1, lot) on which the Sunny Daze Country Store is located from the current zoning R-3 (resort residential) to CN (commercial neighborhood). Commissioner Cox seconded the motion and the vote of approval was unanimous.

Interim Zoning Administrator Lee Jenson stated that Attorney James M. Bowen had submitted a petition to rezone the property (539-1-1) on which the Sunny Daze Country Store is located. Mr. Jenson said if approved, this request will change the zoning from R-3 to CN. He also gave a brief overview defining the zoning classifications of R-3 and CN. In addition, Mr. Jenson reported the Lake Lure Zoning and Planning Board on April 25, 2000, voted to recommend the rezoning of the property on which Sunny Daze Country Store is located from R-3 to CN and the zoning and planning chairman broke the tie vote.

Mayor Proctor invited citizens to speak during the public hearing and the following requested

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to speak.

1. Attorney James M. Bowen stated that he was representing the Wilson family who own the Sunny Daze Country Store. Mr. Bowen said the property of the Sunny Daze County Store has been historically used as a store for many years. He explained this property in its current use under the residential use can not be expanded and it is located in a commercial location. Mr. Bowen said there are various professional commercial businesses including real estate, massage therapist, and energy corporation at Fairfield Mountains which is located within 200 yards directly across from the store. He said these type of businesses (rented) are identical to what his clients would like to conform their property. Mr. Bowen said Town Manager Place best stated their intention by saying it was in the town's interest to get rid of non-conforming uses within the town. Mr. Bowen stated in the plans of development, there needs to be something which benefits the town and residents. He said Lake Lure has made tremendous economic gains in values of property over the last five to ten years. Mr. Bowen emphasized that an undesirable use for this property is virtually economically prohibited and would not sustain the property value. He said the justifications for rezoning this property are best described in the section of the code of ordinances titled Commercial Neighborhood (CN). Mr. Bowen stated there are members present of the Wilson family who are available to answer questions and members from the Fairfield Mountains community present supporting the rezoning request. He asked members in the audience in support of the rezoning change to stand and be recognized. In addition, Mr. Bowen submitted a letter of support which was signed by various members of the Fairfield Mountains Property Owners Association stating their desire for the rezoning and identifying the types of businesses located across the street from the Sunny Daze Country Store.
2. Anthony Brodfuhrer, President of the Lake Lure and Golf Resort POA at Fairfield Mountains, said he was asked by the POA members to represent their views of not allowing the rezoning change for the Sunny Daze County Store property. He stated the POA members did not want to see a change in rezoning to commercial or expansion of this property. Mr. Brodfuhrer stated the current zoning of R-3 is the proper use for this property. Also, Mr. Brodfuhrer submitted a petition of 69 signatures of property owners and tax payers in the Town of Lake Lure who are opposed to allowing Sunny Daze Country Store to be rezoned from R-3 to CN. (Copy of petition attached). Mr. Brodfuhrer asked members in the audience against the rezoning change (from R-3 to CN) of this property to stand and be recognized.
3. Don Suttles, a Lake Lure resident, said he had submitted a letter to Council members on May 4, 2000 listing his concerns regarding the proposed rezoning of property from residential to commercial

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neighborhood. (Copy of letter attached).

4. Len King, a Lake Lure architect, shared his concerns about the proposed rezoning. Mr. King also submitted two drawings pertaining to Sunny Daze Store property for consideration. (Copy of drawings attached).
5. Bill Frykberg, a resident of Fairfield Mountains, voiced his opinions regarding the rezoning request. Mr. Frykberg said he does not have any particular interests regarding the proposed rezoning. Mr. Frykberg stated his concerns of not allowing the owner or tenant to make modifications to their building and could result in a permanent rundown citation.

A motion was made by Commissioner Cox to close the public hearing and enter the regular session of the meeting. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

After discussion, Commissioner Cox made a motion to adopt Ordinance No. 00-05-09 as amended. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

ORDINANCE NO. 00-05-09

AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF LAKE LURE

WHEREAS, the Town of Lake Lure Zoning and Planning Board has reviewed and considered a rezoning petition from Mr. James Bowen and recommended to the Town Council that this rezoning be approved; and

WHEREAS, the Lake Lure Town Council, after due public notice, conducted a public hearing on the 9th day of May, 2000, upon the question of amending the zoning map in certain respects;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF COUNCILMEN VOTING IN THE AFFIRMATIVE:

SECTION ONE: To amend the Zoning Map of the Town of Lake Lure, changing the zoning of map page 539, block 1, lot 1 to CN from R-3.
(Description of property is attached)

SECTION TWO: The Zoning Administrator shall make all the necessary corrections to the zoning map so as to implement the provisions of this ordinance and shall enforce the ordinance as hereby amended.

SECTION THREE: This ordinance shall be effective upon its adoption.

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Adopted the 9th day of May, 2000.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor

APPROVED AS TO FORM:

J. Christopher Callahan
Town Attorney

PUBLIC FORUM

Mayor Proctor invited the audience to speak on any non-agenda item. No one requested to speak during public forum.

CONSENT AGENDA

A motion was made by Commissioner Pressley to add an item (7c) to the agenda under new business to consider a request from Lucian Gago about leasing town property for parking vehicles. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

Mayor Proctor presented the consent agenda and asked if any item should be removed before calling for action. Commissioner Pressley moved to remove item 6c from the consent agenda for discussion under new business as item 7d and Commissioner McCallum seconded the motion. The vote of approval was unanimous.

Commissioner Cox made a motion to approve the following consent agenda items as presented and Commissioner Pressley seconded the motion. Therefore, the consent agenda, incorporating the following items were unanimously approved:

- a. approved minutes of April 11, 2000 (regular meeting), April 18, 2000 (special meeting, and April 26, 2000 (special meeting); and
- b. approved budget amendment for Powell Bill funds as submitted by Finance Director Sam Karr to transfer \$35,029.04 from the reserve for streets and Powell Bill to the public works department line item (105600.5800) for street paving.

End of Consent Agenda

UNFINISHED BUSINESS

a. Capital Improvements Program for Fiscal Year 2000-2006

Town Manager Place read his memorandum of May 4, 2000 to Town Council into the record. (Copy of memo attached).

After discussion, Commissioner McCallum made a motion to approve the Capital Improvements Program (CIP) as presented by the Town Manager. Commissioner Cox seconded the motion and the vote of approval was unanimous.

UNFINISHED BUSINESS

b. Sale of Town Property

Town Manager Place reported that two bids were received for town property located on Memorial Highway. He said Terrence P. Duffy submitted a bid of \$15,000 and Lou Rossi submitted a bid of \$14,250. Mr. Place informed Council members about a deed restriction limiting the use on this particular property.

Following discussion, Commissioner McCallum made a motion to accept a bid offer of \$15,000 for town property located on Memorial Highway and authorize the Town Manager to advertise for an upset bid (contingent upon getting deed restrictions removed from this property). Commissioner Pressley seconded the motion and the vote of approval was unanimous.

NEW BUSINESS

a. Discussion Regarding an Offer for a Boat Dock Free-of-Charge to Accommodate a Fire Boat

Fire Coordinator Ron Morgan said he received a letter of April 24, 2000 from General Manager Reimar K. Steffen offering a boat dock for a fire boat at no charge to the town. Mr. Morgan requested that Town Council approve an additional boat slip to the existing dock at Lake Lure Golf and Beach Resort at Fairfield Mountains to accommodate the fire boat.

After discussion, Commissioner Cox made a motion to approve the request from the Lake Lure Golf and Beach Resort at Fairfield Mountains to add an additional boat slip onto their existing dock (free-of-charge) to accommodate a fire boat with the stipulation that this slip is not to be rented. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

NEW BUSINESS

b. Discuss Getting an Approved Study Underway Focusing on the Lake's Carrying Capacity for Boating & Recreational Use to Include Long Range Planning

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Commissioner Pressley discussed getting an approved study underway focusing on the lake's carrying capacity for boating and recreational use including a long range study.

After discussion, Town Council agreed by consensus to add a line item in the budget of \$10,000 for a lake study.

NEW BUSINESS

c. Consider Request from Lucian Gago about Leasing Town Property for Parking Vehicles

Mr. Lucian Gago submitted a letter requesting permission to use 2.43 acres of town land on the north side of Girl Scout Camp Road at Highway 9 for four days beginning on July 1, 2000 and ending on July 4, 2000 for parking vehicles. (Copy of letter attached).

After discussion, Commissioner McCallum made a motion to authorize the Town Manager to negotiate a lease agreement with Lucian Gago to use town property (located on the north side of Girl Scout Camp Road at Highway 9) for parking vehicles beginning on July 1, 2000 through July 4, 2000. Commissioner Cox seconded the motion and the vote of approval was unanimous.

NEW BUSINESS

d. Request from M.C. Beddingfield and Julia Henderson Heaton to Suspend the Town Alcohol Ordinance During a Wedding Reception

After reviewing a request submitted from M. C. Beddingfield and Julia Henderson Heaton, Commissioner McCallum made a motion to approve their request to suspend the town alcohol ordinance during a wedding reception being held on town property for August 19, 2000 in the leased area of Morse Park and permission to have a professional DJ for this event. Commissioner Cox seconded the motion and the vote of approval was unanimous.

STAFF REPORTS

Town Manager Place reported on the following:

1. Reported on the status of the ongoing sewer problem behind Thelm Phillips Store;
2. Gave a brief report about the Hydro-electric Project; and
3. Reported on the progress of the golf course. Discussed the Laughter's proposal regarding the golf course.

A motion was made by Commissioner Cox to authorize the Town Manager to negotiate a lease agreement (18 months) with Linda Laughter regarding proposal to operate food concessions at the town club house. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

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Town Council agreed by consensus to add an item to the agenda for the recessed meeting of May 12, 2000 to adopt an ordinance amending Chapter 85 of the town regulations providing for limits on the number and size of fish allowed to be caught in Lake Lure.

COUNCIL COMMENTS

Town Council agreed by concensus to approve the cost of the dinner being held on May 20, 2000, at 6:30 for boards and committees.

Commissioner Cox gave an update on the progress of the Golf Course.

CLOSED SESSION MEETING

Commissioner McCallum made a motion and Commissioner Cox seconded the motion to enter into a closed session meeting for legal matters [G.S. 143-318.11(1)3]. The vote of approval was unanimous.

With no further discussion in closed session, Commissioner McCallum moved, seconded by Commissioner Cox, to come out of the closed session meeting at 10:00 p.m. and re-enter the regular session of the meeting. The vote of approval was unanimous.

While in closed session, Council members voted to seal the minutes of the closed session meeting in order to avoid frustrating the purpose of the closed session.

RECESSED THE MEETING

A motion was made by Commissioner Cox to recess the regular meeting at 10:05 p.m. until Friday, May 12, 2000, 9:00 a.m., at the Lake Lure Municipal Center for the purpose of discussing preliminary budget items for Fiscal Year 2000-2001 and other new business. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor