



Incorporated 1927

Town of Lake Lure

P. O. Box 255 • Lake Lure, NC 28746-0255 • 828/625-9983 • FAX 828/625-8371

MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, OCTOBER 9, 2001, 7:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER

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

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

ABSENT: N/A

CALL TO ORDER

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

INVOCATION

Attorney Callahan gave the invocation.

APPROVE AGENDA

A motion was made by Commissioner McCallum to approve the agenda as presented. Commissioner Cox seconded the motion and the vote of approval was unanimous.

PUBLIC HEARING – PROPOSED ORDINANCE NO. 01-10-09 ESTABLISHING A TEMPORARY MORATORIUM ON THE DEVELOPMENT OF NEW MAJOR AND MINOR SUBDIVISIONS WITHIN THE TOWN OF LAKE LURE

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

Mayor Proctor opened the public hearing regarding the proposed Ordinance No. 01-10-09 establishing a temporary moratorium on the development of new major and minor subdivisions within the Town of Lake Lure.

Town Manager Place reviewed and answered questions pertaining to the proposed Ordinance No. 01-10-09.

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Mayor Proctor invited citizens to speak during the public hearing. Bill Bush, ZPB member spoke on behalf of the Zoning and Planning Board. He explained why a moratorium was necessary. Jack Donovan, a Lake Lure resident, asked what was going to happen regarding the moratorium after 6 months later?

A motion was made by Commissioner Pressley 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.

Council members expressed their concerns about extending the moratorium date and the impact it would have on developers.

After discussion, Commissioner Stanier made a motion to adopt Ordinance No. 01-10-09 as presented. Commissioner Pressley seconded the motion. Commissioners Stanier and Pressley voted in favor of the motion. Commissioners Cox and McCallum voted against the motion. Mayor Proctor voted against the motion. Therefore, the motion did not pass with a vote of 3 to 2.

A motion was made by Commissioner Cox to approve the following Ordinance No. 01-10-09 as amended. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

ORDINANCE NO. 01-10-09

AN ORDINANCE TO ESTABLISH MORATORIUM FOR CONSTRUCTION AND DEVELOPMENT OF NEW MAJOR AND MINOR SUBDIVISIONS WITHIN THE TOWN OF LAKE LURE

WHEREAS, the Planning and Zoning Board, in conjunction with the Town Council of Lake Lure, meeting in Special Workshop Meeting on August 28, 2001, have discussed the need to establish a moratorium for construction and development of New Major and Minor Subdivisions within the town limits of the Town of Lake Lure, and whereas as a result of said discussions and debate, the Town Council, unanimously approved the following ordinance:

WHEREAS, the 2000 US Census has shown unprecedented growth within the town limits of Lake Lure, and

WHEREAS residential construction within the town limits appears to be continuing unabated and at an even greater acceleration; and

WHEREAS the Town Council is concerned about the Town's ability to provide services for such growth, and that even highways and traffic control may need considerations and modifications to meet the needs caused by such growth; and

WHEREAS the density of boats and usage of the lake itself also need to be studied to see how this growth rate will impact the future use of the lake; and

WHEREAS the Town desires that new subdivisions have better water and sewer facilities for lot owners; and

WHEREAS a public hearing was held on October 9, 2001, and after much discussion and debate the Town Council elects to adopt the following Ordinance:

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE AS FOLLOWS:

1. The Town Council hereby initiates and declares a temporary moratorium on the development of any new major and minor subdivision development (as defined by Lake Lure's Subdivision Regulations) within the town limits for a period of six months from this date: August 28, 2001 to February 25, 2002.
2. No preliminary subdivision plats or minor subdivisions will be received, reviewed or approved during this temporary moratorium.
3. This temporary moratorium shall not apply to any preliminary subdivision plats received and approved by the Town of Lake Lure prior to August 28, 2001 and any development authorized by preliminary plats approved by the Town prior to August 28, 2001 the developer may continue.
4. All other requirements of the Town's subdivision and zoning ordinances shall remain in full force and effect.
5. The Town Planning and Zoning Board is hereby directed to forthwith propose modifications to the Town's Subdivision Ordinances and other ordinances to meet the needs and concerns addressed in this Ordinance.

Read and approved this 9th day of October, 2001.

PUBLIC FORUM

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

COMMITTEE REPORT: DIAMOND JUBILEE
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Bill Bush, DJC Chairman gave a brief report on the activities of the Diamond Jubilee Committee. He said the DJC would be mailing approximately 3,000 letters asking for donations.

The meeting was recessed for ten minutes and reconvened at 8:15 p.m.

CONSENT AGENDA

Mayor Proctor presented the consent agenda and asked if any items should be removed before calling for action. A motion was made by Commissioner McCallum to approve the following consent agenda items as presented and Commissioner Pressley seconded the motion. Therefore, the consent agenda, incorporating the following items was unanimously approved:

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- a. approved minutes of September 11, 2001 (regular meeting), and September 18, 2001 (special meeting); and
- b. approved request from the Mary Ann Hollifield for the Crafty Tarheels to: (1) hold craft shows on June 29-30, 2002, July 1, 2002, August 31, 2002, September 1-2, 2002, and October 12-13, 2002; (2) suspend the town peddling ordinance to allow vendors to sell crafts and food; (3) use of the town community center kitchen area and the grassy area adjacent to the town community center/visitor center and between the town marina; and (4) suspend the town ordinance prohibiting overnight camping for these events to allow two self-contained campers to stay on town property located on the grassy area adjacent to the town community center/visitor center..

End of Consent Agenda

UNFINISHED BUSINESS

a. Progress Report Regarding the Lake Use Study

Bob Washburn, Lake Advisory Committee Chairman gave a progress report regarding the lake use study and survey.

Town Council thank the Lake Advisory Committee for their work.

After discussion, Commissioner Cox made a motion to schedule a special town council workshop meeting to be held with the Lake Advisory Committee on Wednesday, November 7, 2001, at 9:30 a.m. to hold a discussion regarding the Lake Use Study and recommendations from the Lake Advisory Committee. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

NEW BUSINESS

a. Board Appointments - Board of Adjustment/Lake Structures Appeals Board

Town Council voted by ballot and Town Manager Place announced the results. Mary Ann Dotson was appointed to fill the vacancy for Riley Hardy with a term expiring December 31, 2003. Mike Williams was appointed to fill the vacancy for Dick Lorenzen with a term expiring December 31, 2002. Beth Rose was appointed to fill the vacancy for Eugene Whitesides with a term expiring December 31, 2003.

A motion was made by Commissioner Pressley to table appointing alternates until the November 13, 2001 Regular Town Meeting. Commissioner Stanier seconded the motion. Commissioners Pressley, Stanier, and McCallum voted in favor of the motion. Commissioner Cox voted against the motion. Therefore, the motion carried with a vote of 3 to 1.

NEW BUSINESS

b. Approve Memorandum of Understanding for Rural Planning Organization for Transportation

Commissioner Pressley made a motion to approve the memorandum of understanding for Rural Planning Organization for Transportation as presented. (Copy attached). Commissioner Cox seconded the motion and the vote of approval was unanimous.

NEW BUSINESS

c. Adopt Ordinance No. 01-10-09A Amending the Traffic Schedule in Chapter 72, Town of Lake Lure Code of Ordinances to Change the Speed Limits on Boys Camp Road, Cutaway Road, and Burnt Ridge Road within the Town of Lake Lure

Town Manager read into the record his memorandum of October 2, 2001 to Town Council regarding speed limit on Boys Camp Road (Copy of memo attached).

After discussion, Commissioner Cox made a motion to direct the town manager to revise the proposed Ordinance No. 01-10-09A to change the speed limit on all town roads to no more than 25 MPH. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

The meeting was recessed for five minutes and reconvened at 9:45 p.m.

NEW BUSINESS

d. Approve Interim Water Purchase Contract

Town Manager Place read his memorandum of October 4, 2001 into the record. (Copy of memo attached).

After discussion, Commissioner Cox made a motion to approve the interim water purchase contract between the Town of Lake Lure and Chimney Rock Village as presented. (Copy attached). Commissioner McCallum seconded the motion and the vote of approval was unanimous.

STAFF REPORTS

Town Manager Place reported on the following:

1. For everyone's general information, we have instituted stricter security measures at the dam in these uncertain times, at least to the extent of keeping the gate closed and locked at all times. In addition, William and Donny as well as the police department are being more vigilant and watching out for unusual occurrences.
2. McGill Associates have submitted two grant applications the Rural Development Center on the town's behalf. The first is for a "Water and Sewer Regionalization Assessment" in the amount of \$40,000 to determine means to enhance cooperation or actually merge the water

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and wastewater systems of Lake Lure and the Village of Chimney Rock . The second is for a supplemental grant in the amount of \$400,000 for partial funding to support much needed water system improvements. Copies of the applications are on my desk for your review.

3. Bob Crowder of the League of Municipalities has completed his draft of the pay and classification study and review of our personnel policies. In general, our salaries are reasonably in line with our employment "competition," although there are a few employees that are being paid below the recommended entry level for their jobs. The final version is now in preparation and will be presented to you at your next meeting. Bob estimates that the presentation and discussion will take between one and two hours so you may wish to consider a special meeting.
4. The contractor for the lift station has agreed to replace one of the pumps with one from a different manufacturer on a trial basis. If this works (and the manufacturer of the new pump is confident that it will), then our contractor and the pump supply subcontractor will share the cost to replace all three existing units with the new ones. The trial pump is on order and should be installed and tested within a few weeks.
5. Commissioner Cox and I participated in an interview conducted by representatives of the NC Dept. of Commerce. The topic was economic development in Rutherford County and the DC was interested in the opinions of a wide ranging group of individuals from the county.
6. I attended a meeting of the "Rutherford County Water and Sewer Capital Improvements Blue Ribbon Committee" last week. The purpose of the committee initiated by the county is to help the county formulate plans for water and sewer expansion. At this meeting, the county's consulting engineers presented and discussed their recently completed Water and Sewer Study. Future meetings will look at what roll the county can play in the development of municipal and regional systems within the county.
7. Marcia Hardy of the Lake Advisory Committee has requested adoption of another "catch and release" ordinance similar to the one adopted last year to protect newly stocked fish. She indicated that the ordinance should be effective from December 1 through March 1, 2002. We will have an ordinance for adoption at your next meeting.

COUNCIL COMMENTS

A motion was made by Commissioner Cox to schedule a special town council meeting to be held on Tuesday, November 13, 2001, 1:00 p.m. to review the pay and classification plan and recommended personnel policy prepared by the North Carolina League of Municipalities. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

Commissioner Pressley requested the Lake Use Study Survey be published in the Lake Lure Newsletter.

ADJOURNMENT

With no further items of discussion, Commissioner Cox made a motion to adjourn the meeting at 10:25 p.m. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

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ATTEST:



A handwritten signature in black ink, appearing to read "Mary A. Flack", written over a horizontal line.

Mary A. Flack, MMC
Town Clerk

A handwritten signature in blue ink, appearing to read "Jim Proctor", written over a horizontal line.

Mayor Jim Proctor