

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, JUNE 10, 2003, 7:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER**

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

Sam A. Karr, Finance Director
J. Christopher Callahan, Town Attorney

ABSENT: H. M. Place III, Town Manager

CALL TO ORDER

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

INVOCATION

Attorney Callahan gave the invocation.

APPROVE AGENDA

Commissioner Pressley made a motion to approve the agenda as presented. Commissioner Cox seconded the motion and the vote of approval was unanimous.

PUBLIC FORUM

Mayor Proctor invited the audience to speak on any non-agenda item. Clarence W. Walker presented a petition from the residents of Luremont Subdivision regarding a conditional use permit for a cell phone tower and structure. Mr. Walker read the following petition into the record:

“We, the undersigned, petition Lake Lure officials to enforce existing zoning regulations and deny the conditional use permit application allowing construction of a cell phone structure in Luremont Subdivision. The existence and operation of this structure will have a negative impact on the quality of life and the continued economic viability of the subdivision. It is the intent of Zoning Regulation 92.027 to discourage any use which would be detrimental to the low-density, single-family residential nature of this area. We respectfully petition Lake Lure Officials to deny the application for a conditional use permit for a cell phone tower/structure in the

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Luremont Subdivision and to enforce our current zoning regulations.” (Copy of petition attached).

Zoning Administrator Terri Potts reported that this particular property referenced by the petition would not be permitted to place a cell tower on this property.

CONSENT AGENDA

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

- a. minutes of May 13, 2003 (regular meeting and closed session) and May 28, 2003 (special workshop meeting); and
- b. budget amendment of \$10,000 from the contingency fund (account #109100.1000) to be transferred to the golf course department expenditure accounts as requested by the finance director in his memorandum of June 5, 2003. (Copy of memorandum attached).

End of Consent Agenda

UNFINISHED BUSINESS

a. Discussion Regarding Extra Territorial Jurisdiction for Corporate Limits of Lake Lure

Zoning Administrator Terri Potts read into the record a memorandum of May 27, 2003 pertaining to extra-territorial jurisdiction (ETJ) for the corporate limits of Lake Lure. Ms. Potts said the Zoning and Planning Board recommended that town council not pursue the adoption of ETJ at this time. (Copy of memorandum attached).

Several residents from the Bill's Creek Community were present and requested to speak at the meeting. Some residents expressed their concerns including the following: (1) why did the Bill's Creek Community need to be zoned; (2) Bill's Creek residents don't want to be zoned by Lake Lure or Rutherford County; and (3) Bill's Creek residents don't want to be told how they can use their property nor do they want additional property taxes.

Town Attorney Chris Callahan explained the advantages and disadvantages of being zoned by the Town of Lake Lure vs Rutherford County. He stated that the Town of Lake Lure was not pursuing an involuntary annexation or ETJ at this time. Mr. Callahan said town council just asked the Zoning and Planning Board to look into the possibility of adopting a voluntary ETJ one mile contiguous with the Town of Lake Lure's current mapped existing boundary.

Council members shared their concerns and intent regarding ETJ within corporate limits of Lake Lure.

Mayor Proctor recessed the meeting at 7:55 p.m. and reconvened the meeting at 8:05p.m.

UNFINISHED BUSINESS

b. Proposed Ordinance No. 03-06-10 Amending Chapter 85, Section 85.53: Regulations Regarding Operation of Boats of the Code of Ordinances

Council members reviewed the proposed Ordinance No. 03-06-10 amending Chapter 85, Section 85.53: Regulations Regarding Operation of Boats of the Town of Lake Lure's Code of Ordinances.

Attorney Callahan agreed to make the recommended changes suggested by Council members and bring back to the next town council meeting held on Tuesday, July 8, 2003 for final approval. Mr. Callahan recommended that Town Council schedule a public hearing regarding the proposed amendments.

A motion was made by Commissioner Cox to schedule a public hearing at the next town council meeting on July 8, 2003 to consider proposed amendments to Chapter 85, Section 85.53: Regulations Regarding Operation of Boats of the Town of Lake Lure's Code of Ordinances. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

NEW BUSINESS

a. Adopt Resolution No. 03-06-10 Authorizing the Filing of an Application for Approval of a Financing Agreement Authorized by North Carolina General Statutes 160A-20

After review, Commissioner McCallum made a motion to adopt Resolution No. 03-06-10 as presented. Commissioner Pressley seconded the motion and the vote of approval was unanimous.

RESOLUTION NO. 03-06-10 AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTES 160A-20

WHEREAS, the Town of Lake Lure desires to finance fire station improvements; and

WHEREAS, the Town of Lake Lure desires to finance these improvements by the use of an installment contract or revenue bonds authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, Findings of Fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its Findings of Fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Lake Lure, North Carolina, meeting in regular session on June 10, 2003, that the said Council makes the following FINDINGS OF FACT:

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1. The proposed contract is for the purpose of financing \$137,000 for fire station improvements by the Town of Lake Lure.
2. The proposed contract is preferable to a bond issue because: 1) the total costs of the financing are not sufficient to warrant the expenses involved in a General Obligation Bond issue; 2) the proposed project is too expensive to be funded through current revenues and/or fund balance, thus the installment contract method of financing proves to be the best alternative for the Town of Lake Lure; and 3) the desired term of the financing is ten years, thereby making bonds a less desirable alternative.
3. The sum to fall due under the contract will be adequate and not excessive for the proposed purpose and the rate of interest will be approximately the same or lower than that of a general obligation bond issue, when considering total costs involved in a referendum, legal expenses, insurance etc.
4. The Town of Lake Lure's debt management procedures and policies are acceptable. The Town adheres to its Budget Ordinance, has a history of timely debt obligation payments, and maintains an acceptable level of unappropriated fund balance. The Town Manager and Finance Officer constantly monitor the Town's fiscal structure and periodically report the financial condition to the Town Council.
5. The Town of Lake Lure is not in default in meeting its debt service obligations.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Town Manager is hereby authorized to act on behalf of the Town of Lake Lure in filing an application with the North Carolina Local Government Commission for approval of the Financing and other actions not inconsistent with this resolution.

BE IT FURTHER RESOLVED that a Public Hearing be held to hear public input on the financing of existing debt by the use of an installment financing contract as allowed for under N.C.G.S 160A-20 for the said financing on June 24 at 9:00 am in the Municipal Center, Lake Lure, NC, and that the Clerk to the Board is hereby authorized and directed to cause to be published, a notice of the said meeting as by law required.

This Resolution is effective upon its adoption this 10th day of June, 2003.

The motion to adopt this resolution was made by Council member Dick McCallum, seconded by Council member George Pressley, and passed unanimously by the Town Council of Lake Lure, North Carolina.

Attest:

Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor

NEW BUSINESS

b. Discussion Regarding Security Deposits for use of Town Rental Facilities

Council members reviewed a memorandum of June 6, 2003 furnished by Customer Service Supervisor Anita Taylor regarding security deposits for use of town rental facilities. (Copy of memorandum attached).

After discussion, Commissioner Hullender made a motion to change the current policy to state that a cancellation of the rental of the community hall in the Municipal Center, Lake Lure community center, or the town pavilion will result in a non-refundable security deposit (currently \$50.00). Commissioner Cox seconded the motion and the vote of approval was unanimous.

STAFF REPORTS

Finance Director Sam Karr distributed and reviewed changes made to a revised revenue and expenditure summary sheet for the proposed budget of fiscal year 2003-2004.

COUNCIL COMMENTS

. Commissioner Pressley explained why he was absent from a previous budget workshop meeting held on May 28, 2003 to review the proposed budget for fiscal year 2003-2004. He asked that Council members consider reviewing the budget once again prior to the adoption.

Council members agreed to discuss the proposed budget further at a special meeting being held on Thursday, June 19, 2003, at 9:00 a.m.

Mayor Proctor mentioned that he had received a letter of June 5, 2003 from Charles Hill, Chairman County Commissioner, informing him that during work sessions held by the County Commissioners, the sales tax distribution was discussed. Mr. Hill stated in his letter that at this time there is no support among any County Commissioner to change the current method of sales tax allocation.

C. J. Sands, President of the Hickory Nut Gorge Chamber of Commerce, stated that the chamber was unable to display the fireworks on July 4th in Lake Lure but would display them on July 5th instead.

ADJOURNMENT

With no further items of discussion, Commissioner McCallum made a motion to adjourn the meeting at 10:59 p.m. Commissioner Cox seconded the motion and the vote of approval was unanimous.

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ATTEST:

Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor