

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL  
HELD TUESDAY, JULY 12, 2005, 7:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER**

**PRESENT:** Mayor Jim Proctor  
Commissioner Blaine Cox  
Commissioner Lea Hullender  
Commissioner Chuck Watkins

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

**ABSENT:** Commissioner Dick McCallum

**CALL TO ORDER**

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

**INVOCATION**

Attorney Callahan gave the invocation.

**APPROVE THE AGENDA**

After discussion, Commissioner Cox made a motion to approve the agenda as presented. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

**PUBLIC HEARING - ORDINANCE NO. 05-07-12 AMENDING THE ZONING  
REGULATIONS, TITLE IX, CHAPTER 92, ESTABLISHING A COMMERCIAL  
SHOPPING CENTER DISTRICT**

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

Mayor Proctor opened the public hearing regarding proposed Ordinance No. 05-07-12 amending the zoning regulations to establish a commercial shopping center district.

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Community Development Administrator Shannon Baldwin gave a brief overview of proposed Ordinance No. 05-07-12.

The Mayor invited citizens to speak during the hearing. Scott Jones, representative of Ingles Markets Inc., said the town's land use plan and a survey mailed to residents in 1996 referenced the need for a grocery store in Lake Lure.

After discussion, Commissioner Hullender made a motion to close the public hearing. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

### **ORDINANCE NO. 05-07-12 AMENDING THE ZONING REGULATIONS, TITLE IX, CHAPTER 92, ESTABLISHING A COMMERCIAL SHOPPING CENTER DISTRICT**

After discussion, Commissioner Hullender made a motion to adopt Ordinance No. 05-07-12 as presented. Commissioner Cox seconded the motion and the vote of approval was unanimous. (Copy of Ordinance No. 05-07-12 attached).

### **PUBLIC HEARING - ORDINANCE NO. 05-07-12A AMENDING THE ZONING MAP TO REZONE 1 LOT FROM R-3 (RESORT RESIDENTIAL DISTRICT) TO GU (GOVERNMENT USE DISTRICT) AS REQUESTED BY PETITION RZ-05-02**

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

Mayor Proctor opened the public hearing regarding proposed Ordinance No. 05-07-12A amending the zoning map to rezone 1 lot from R-3 (Resort Residential District) to GU (Government Use District) as requested by Petition RZ-05-02.

Community Development Administrator Shannon Baldwin gave a brief overview of proposed Ordinance No. 05-07-12A.

The Mayor invited citizens to speak during the hearing. No one requested to speak.

After discussion, Commissioner Cox made a motion to close the public hearing. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

### **ORDINANCE NO. 05-07-12A AMENDING THE ZONING MAP TO REZONE 1 LOT FROM R-3 (RESORT RESIDENTIAL DISTRICT) TO GU (GOVERNMENT USE DISTRICT) AS REQUESTED BY PETITION RZ-05-02**

After discussion, Commissioner Cox made a motion to adopt Ordinance No. 05-07-12A as presented. Commissioner Watkins seconded the motion and the vote of approval was unanimous. (Copy of Ordinance No. 05-07-12A attached).

**PUBLIC HEARING - ORDINANCE NO. 05-07-12B AMENDING THE ZONING MAP TO REZONE 2 LOTS FROM CG (COMMERCIAL GENERAL) TO CSC (COMMERCIAL SHOPPING CENTER) AS REQUESTED BY PETITION RZ-05-03**

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

Mayor Proctor opened the public hearing regarding proposed Ordinance No. 05-07-12B amending the zoning map to rezone 2 lots from CG (Commercial General) to CSC (Commercial Shopping Center) as requested by Petition RZ-05-03.

Community Development Administrator Shannon Baldwin gave a brief overview of proposed Ordinance No. 05-07-12B.

The Mayor invited citizens to speak during the hearing and the following individuals requested to speak.

1. Scott Jones, representative of Ingles Markets, Inc., mentioned that according to a survey conducted by the town indicated that citizens were favor of a grocery store in Lake Lure.
2. Patricia Maringer asked for a clarification regarding the lots being proposed for rezoning.
3. John Cloud said he was in favor of the Ingles store. Mr. Cloud stated that mistakes were made by the town in regards to the approval process of the application for Ingles store and someone should be accountable for it.

Town Manager Place explained that the staff member responsible for reviewing the Ingles application is no longer working for the town and the town accepts the responsibility.

4. Mark Hammond questioned why there was a need to rezone these lots being requested by Petition RZ-05-03.

Town Manager Place responded to Mr. Hammond's question.

5. Chuck Ross said he didn't understand why there were individuals complaining about the Ingles store. Mr. Ross said the grocery store will help the community and the Ingles store was being built in an appropriate area for Lake Lure.
6. Bill Breen questioned the use of the Ingles store property in Lake Lure. Mr. Breen

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said this particular property was restricted for recreational use only by former owner Lee Powers.

After discussion, Commissioner Hullender made a motion to close the public hearing. Commissioner Cox seconded the motion and the vote of approval was unanimous.

**ORDINANCE NO. 05-07-12B AMENDING THE ZONING MAP TO REZONE 2 LOTS FROM CG (COMMERCIAL GENERAL) TO CSC (COMMERCIAL SHOPPING CENTER) AS REQUESTED BY PETITION RZ-05-03**

After discussion, Commissioner Hullender made a motion to adopt Ordinance No. 05-07-12B as presented. Commissioner Cox seconded the motion and the vote of approval was unanimous. (Copy of Ordinance No. 05-07-12B attached).

**PUBLIC HEARING - RESOLUTION NO. 05-07-12 CREATING A RUTHERFORD COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN**

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

Mayor Proctor opened the public hearing regarding proposed Resolution No. 05-07-12 creating a Rutherford County Multi-Jurisdictional Hazard Mitigation Plan.

Fire and Emergency Coordinator Ron Morgan gave a brief overview of proposed Resolution No. 05-07-12.

The Mayor invited citizens to speak during the hearing. No one requested to speak.

After discussion, Commissioner Cox made a motion to close the public hearing. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

**RESOLUTION NO. 05-07-12 CREATING A RUTHERFORD COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN**

After discussion, Commissioner Watkins made a motion to adopt Resolution No. 05-07-12 as presented. Commissioner Hullender seconded the motion and the vote of approval was unanimous. (Copy of Rutherford County Multi-Jurisdictional Hazard Mitigation Plan and Resolution No. 05-07-12 attached).

**PUBLIC FORUM**

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Mayor Proctor invited the audience to speak on any non-agenda item and the following requested to speak.

1. Bill Beason presented a survey to town council for consideration.

After receiving comments from adjoining property owners, Council agreed to put Mr. Beason's proposal and survey on the next town council's meeting agenda for discussion.

2. Paul Jordan requested that Council consider appointing a water tower committee including the following individuals: Paula Jordan, Harvey and Sally Harris, Chris Braund, Mark and Larkin Hammond, Russ Pitts, Chuck and Jane Mangrum, Bob Washburn, and John and Bonnie Bittle.

3. Patricia Maringer requested on behalf of the Hickory Nut Gorge Chamber of Commerce that the town donate town funds for the July 4<sup>th</sup> fireworks.

After discussion, Commissioner Cox made a motion to allocate \$500.00 from the contingency fund for fireworks. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

Mrs. Maringer also requested that the town consider amending Chapter 50, Section 50.04 of the Code of Ordinances for an exemption requiring property owners within 200 feet of the new water line to connect.

After discussion, Council requested that Mrs. Maringer put her request in writing and submit for the next town council meeting.

4. Jennifer Humphries and Mary Capps expressed their concerns regarding the erosion problems caused by Grey Logs Cove.

Town Manager Place stated that the town was taking measures to put into place an ordinance to regulate these erosion problems.

<b>CONSENT AGENDA</b>
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Mayor Proctor presented the consent agenda and asked if any item should be removed before calling for action.

Commissioner Hullender moved, seconded by Commissioner Cox, to approve the consent agenda items as presented. Therefore, the consent agenda, incorporating the following items was

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unanimously approved:

- a. minutes of June 14, 2005 (regular meeting);
- b. membership agreement with the Municipal Insurance Trust of North Carolina (MIT) and Resolution No. 05-07-12A authorizing the execution of the “Interlocal Agreement for a Group Self-Insurance Pool for Benefit Risk Sharing”;(Copy of MIT agreement and Resolution No. 05-07-12A attached)
- c. membership agreement with the North Carolina Interlocal Risk Management Agency (NCIRMA) and Resolution No. 05-07-12B authorizing the execution of the “Interlocal Agreement for a Group Self-Insurance Pool for Workers’ Compensation Risk Sharing”; (Copy of NCIRMA agreement and Resolution No. 05-07-12B attached); and
- d. membership agreement with the Interlocal Risk Financing Fund of North Carolina (IRFFNC) and Resolution No. 05-07-12C Authorizing the Execution of the “Interlocal Agreement for a Group Self-Insurance Pool for Property and Liability Risk Sharing”. (Copy of IRFFNC agreement and Resolution No. 05-07-12 C attached).

### **End of Consent Agenda**

<b>OTHER UNFINISHED BUSINESS:</b>
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There was no unfinished business.

<b>NEW BUSINESS:</b>
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<b>a. Consider Proposed Ordinance No. 05-07-12C Amending the Lake Structure Regulations, Title IX, Chapter 94, Revising the Intent Section Relating to the Ownership of the Lake</b>
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Town Manager Place reviewed proposed Ordinance No. 05-07-12C amending the Lake Structures Regulations revising the intent section relating to the ownership of the lake.

After discussion, Commissioner Hullender made a motion to adopt Resolution No. 05-07-12 as amended. Commissioner Cox seconded the motion and the vote of approval was unanimous. (Copy of Resolution No. 05-07-12 attached).

<b>STAFF REPORTS</b>
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Town Manager Place reported on the following:

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1. Update on the STAG project at the wastewater treatment plant.
2. Update on the silt removal project. Mr. Place said Lake Norman Dredging and Marine Construction Company is removing the sediment from the lake that was the result of the storms last fall.
3. Update on water tank. Mr. Place said the painting of the water tank had been delayed due to all the rain and high humidity over the past several weeks. However, the contractors worked on the tank today and hope to get it finished soon, weather permitting. Mr. Place said he met with Herman Sisk to look at property for an alternative tank site. Also, Mr. Place said he asked McGill Associates to make a preliminary assessment of alternative sites to determine feasibility and cost, in the event that a decision is made to relocate the water tank.
4. Update on revenue received from Duke Power for hydro-electric power. Mr. Place distributed a report to council members detailing the breakdown of revenue received from Duke Power and comparing figures to prior years. (Copy of report attached).

### **COUNCIL COMMENTS**

There were no comments made by Council for discussion.

### **CLOSED SESSION**

A motion was made by Commissioner Cox to enter into the closed session meeting to discuss attorney client privilege and legal matters pursuant to G.S. 143-318.11(a)(3) regarding litigation between the Town of Lake Lure vs Mike McPherson, Tom Dixon, Faye Resnick; litigation between the Town of Lake Lure vs Patricia Hyatt; and litigation between Lemuel and Sandra Oates, T.M. Equity and Travis Oates. Commissioner Watkins seconded the motion and 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.

With no further items of discussion in closed session, Commissioner Cox made a motion to come out of the closed session meeting at 10:35 p.m. and re-enter the regular session of the town council meeting. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

### **ADJOURNMENT**

With no further items of discussion, Commissioner Cox made a motion to adjourn the

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meeting at 10:36 p.m. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

ATTEST:

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Mary A. Flack, MMC  
Town Clerk

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Mayor Jim Proctor