

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, AUGUST 8, 2006, 7:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

PRESENT: Mayor Jim Proctor
Commissioner Dick McCallum
Commissioner Jeanine Noble
Commissioner Russ Pitts
Commissioner Chuck Watkins

H. M. Place III, Town Manager

ABSENT: J. Christopher Callahan, Town Attorney

CALL TO ORDER

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

INVOCATION

Commissioner McCallum gave the invocation.

APPROVE THE AGENDA

After discussion, Commissioner McCallum made a motion to approve the agenda as amended by removing item 9 f (discussion pertaining to the operations of Lake Lure Tours, Inc.) from the agenda. Also, move items 12 g and 12 h up on the agenda. Commissioner McCallum said Julian Thrift was unable to attend this council meeting to discuss agenda item 9f. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

PUBLIC HEARING - CONSIDER PROPOSED ORDINANCE NO. 06-08-08A AMENDING THE TOWN OF LAKE LURE ZONING REGULATIONS, TITLE IX, CHAPTER 92, RELATING TO DEFINITIONS, CONDITIONAL USE PERMITS IN THE R-3 ZONING DISTRICT, SPECIAL EVENT SIGNS, AND ATTORNEY'S CERTIFICATE OF TITLE USED TO ESTABLISH NONCONFORMING LOT STATUS

Mayor Proctor opened the public hearing regarding proposed Ordinance No. 06-08-08A amending the Town of Lake Lure zoning regulations, Title IX, Chapter 92, relating to definitions, conditional use permits in the R-3 zoning district, special event signs, and attorney's certificate of title used to establish nonconforming lot status.

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Mayor Proctor invited citizens to speak during the public hearing. Pat Mitchell recommended that the form titled "Attorney's Certificate of Title" referenced in the proposed Ordinance No. 06-08-08A be incorporated into the minutes of this meeting.

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

ADOPT ORDINANCE NO. 06-08-08A AMENDING THE TOWN OF LAKE LURE ZONING REGULATIONS, TITLE IX, CHAPTER 92, RELATING TO DEFINITIONS, CONDITIONAL USE PERMITS IN THE R-3 ZONING DISTRICT, SPECIAL EVENT SIGNS, AND ATTORNEY'S CERTIFICATE OF TITLE USED TO ESTABLISH NONCONFORMING LOT STATUS

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

After discussion, Commissioner McCallum made a motion to adopt Ordinance No. 06-08-08A as presented. Commissioner Pitts seconded the motion and the vote of approval was unanimous. (Copy of Ordinance No. 06-08-08A and the form titled "Attorney's Certificate of Title" are attached).

PUBLIC HEARING - CONSIDER PETITION NO. RZ-06-02 REQUESTING AMENDMENTS TO THE TOWN OF LAKE LURE ZONING MAP TO REZONE A LOT REFERENCED BY COUNTY TAX PIN #1612898 AND A PORTION OF PUBLIC RIGHT-OF-WAY FROM COMMERCIAL TOWN CENTER (CTC) TO GOVERNMENT USE (GU)

Mayor Proctor opened the public hearing regarding proposed Ordinance No.06-08-08B amending the Town of Lake Lure zoning map regarding petition No. RZ-06-02 to rezone a lot referenced by county tax PIN #1612898 and a portion of public right-of-way from Commercial Town Center (CTC) to Government Use (GU).

Mayor Proctor invited citizens to speak during the public hearing. Robin Proctor questioned why this amendment was being proposed now before the comprehensive plan has been finished.

Town Manager Place said he was responsible for the proposed change. He informed council members that this change could wait until after the comprehensive plan was completed.

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

ADOPT ORDINANCE NO. 06-08-08B AMENDING THE TOWN OF LAKE LURE ZONING

MAP REGARDING PETITION NO. RZ-06-02 TO REZONE A LOT REFERENCED BY COUNTY TAX PIN #1612898 AND A PORTION OF PUBLIC RIGHT-OF-WAY FROM COMMERCIAL TOWN CENTER (CTC) to GOVERNMENT USE (GU)

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

After discussion, Commissioner Pitts made a motion to not adopt Ordinance No. 06-08-08B on the basis that town council had previously agreed to not amend the town's zoning map until after a study has been completed by the Comprehensive Plan Steering Committee. Commissioner Noble seconded the motion and the vote of approval was unanimous. (Copy of Ordinance No. 06-08-08B is attached).

PUBLIC FORUM

Mayor Proctor invited the audience to speak on any non-agenda item. Bill Beason asked for an update on the status of what was being done by the town to implement impact fees. He asked council members to give a monthly report on impact fees. Community Development Director Shannon Baldwin informed Mr. Beason about the activities of the Comprehensive Plan Steering Committee with regards to impact fees. Council members also responded on their intentions pertaining to impact fees.

COUNCIL LIAISON REPORTS

Commissioner Watkins reported on the activities of the Board of Adjustment/Lake Structures Appeals Board.

Commissioner McCallum reported on the activities of the Zoning/Planning Board. Commissioner McCallum commented on the status of the proposed tree ordinance.

Commissioner Pitts reported on the activities of the Lake Advisory Committee. Commissioner Pitts said the additional net recently purchased to catch lake debris will be arriving soon. Commissioner Pitts spoke about the impact of the recent flood on the town's lake.

Commissioner Noble reported on the activities of the Golf Course Committee and the Parks and Recreation Board.

CONSENT AGENDA

Mayor Proctor presented the consent agenda and asked if any item should be removed before calling for action.

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Commissioner McCallum moved, seconded by Commissioner Noble, to approve the consent agenda items as presented. Therefore, the consent agenda, incorporating the following items were unanimously approved:

- a. minutes of July 11, 2006 (regular and special meeting);
- b. a contract between the Town of Lake Lure and the town auditor for fiscal year beginning July 1, 2005 and ending June 30, 2006;
- c. a request from Mary and Joseph Fontana to suspend the town's alcohol ordinance to serve beer and wine during a wedding rehearsal dinner inside the community hall of the Lake Lure Municipal Center on November 3, 2006, from 5:30 p.m. until 9:00 p.m.; and
- d. a request from the town manager as submitted declaring a police car no longer necessary to conduct town business. (Copy of memorandum from Town Manager H. M. Place dated August 3, 2006 and memorandum from Chief Eric Hester dated August 2, 2006 are attached).

End of Consent Agenda

<p>UNFINISHED BUSINESS:</p> <p>a. Resolution No. 06-08-08 Adopting Standard Specifications and Details for the Design and Construction of Projects Regulated by the Town of Lake Lure</p>

Town Manager Place read into the record his memorandum dated August 4, 2006 pertaining to proposed Resolution No. 06-08-08 adopting standard specifications and details for the design and construction of projects regulated by the Town of Lake Lure. (Copy of memorandum from H. M. Place dated August 4, 2006 is attached).

After discussion, Commissioner McCallum made a motion to adopt Resolution No. 06-08-08 as presented. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

RESOLUTION NO. 06-08-08

A RESOLUTION ADOPTING STANDARD SPECIFICATIONS AND DETAILS FOR THE DESIGN AND CONSTRUCTION OF PROJECTS REGULATED BY THE TOWN OF LAKE LURE

WHEREAS, the Town of Lake Lure desires to standardize the specifications and constructions details used in construction and development of projects regulated by the Town of Lake Lure; and

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WHEREAS, to that end, the town council commissioned McGill and Associates, the town's consulting engineers, to prepare such specifications and constructions details in a form to be made available to engineers, contractors and others for use in the design and construction of such projects;

NOW, THEREFORE, BE IT RESOLVED by the Town of Lake Lure that the Standard Specifications and Details for Construction, dated May 2006 and attached hereto is hereby adopted.

This resolution shall be in effect upon it's adoption.

Adopted this 8th day of August, 2006.

**UNFINISHED BUSINESS:
b. Other Unfinished Business**

There was no other unfinished business for discussion.

**NEW BUSINESS:
a. Report from Community Development Director Regarding Lake Lure's Zoning Map**

Community Development Director Shannon Baldwin distributed his memorandum dated August 2, 2006 and an official zoning map. Mr. Baldwin said the latest version of the zoning map comes after several weeks of research and cooperation among numerous persons including the town manager, mayor, chairman of the zoning and planning board, and others. He expressed his appreciation to Marie Hogan, Rutherford County's GIS Coordinator, who made all the necessary edits, produced numerous working drafts, and printed the map using the Rutherford County's GIS. Mr. Baldwin said his staff will be using this map to apply the town's land use regulations to parcels with the jurisdiction of the Town of Lake Lure.

**NEW BUSINESS:
b. Consider Approval of Resolution No. 06-08-08A Urging the State of North Carolina to Acquire Chimney Rock Park**

Mayor Proctor read into the record proposed Resolution No. 06-08-08A urging the state of North Carolina to acquire Chimney Rock Park.

After discussion, Commissioner Watkins made a motion to adopt Resolution No. 06-08-08A as presented. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

TOWN OF LAKE LURE

**RESOLUTION NO. 06-08-08A
URGING THE STATE OF NORTH CAROLINA
TO ACQUIRE CHIMNEY ROCK PARK**

Whereas, Chimney Rock Park, a 1,000 acre privately held natural preserve in Rutherford County, North Carolina, has been offered for sale; and

Whereas, this extraordinary parcel has been well maintained and has benefitted from, the sound ecological practices employed by the same family for 104 years; and

Whereas, the Park is home to numerous state and federally listed rare species; and

Whereas, the Park has contributed to the local and state economy by hosting 200,000 to 250,000 visitors annually, the great majority of those being out of area tourists; and

Whereas, Chimney Rock Park is situated in Rutherford County which in 2005 had the third highest unemployment rate in North Carolina out of 100 counties (USDA Economic Research Service); and

Whereas, Chimney Rock Park being operated as a tourist destination has traditionally employed 60 full and part-time individuals; and

Whereas, Rutherford County ranked 26th in tourism impact out of the state's 100 counties generating tourism revenues of over 118 million dollars; and

Whereas, Rutherford County tourism, greatly aided by tourism in the Chimney Rock/Lake Lure area, contributed state and local tax receipts in 2005 of 7.1 million and 3.75 million dollars respectively (NC Department of Commerce); and

Whereas, the citizens of Hickory Nut Gorge and the Town of Lake Lure strongly support continuation of park presence and facilities in the gorge area; and

Whereas, the Rutherford County Daily Courier has opined that "It would be a disaster unprecedented in Rutherford County to see all that the Park has become and all that it still might be relegated to our memories." (Daily Courier 7/19/2006); and

Whereas, the Asheville Citizen-Times has stated "Losing Chimney Rock Park to private development would severely harm the economy of Hickory Nut Gorge and be a sad end to a remarkable legacy of family stewardship" (Citizen-Times 7/21/2006); and

Whereas, the North Carolina Division of Parks and Recreation, the legislators of Rutherford County, the General Assembly and Governor Easley have shown the desire, foresight and

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commitment to establish a state park in Hickory Nut Gorge; and

Whereas, the 1,000 acre Chimney Rock Park would be an addition of inestimable value to a new state park and such has been previously recognized by the North Carolina Division of Parks and Recreation and state officials; now

Therefore, be it resolved that the Lake Lure Town Council does hereby strongly urge and encourage the State of North Carolina through its various agencies, divisions, and legislative bodies, to do all that is possible and necessary to acquire Chimney Rock Park and add that acreage to the planned Hickory Nut Gorge State Park for the benefit of all citizens of and visitors to this state for generations to come.

Adopted this 8th day of August, 2006.

NEW BUSINESS:

c. Consider a Request from Linda Marsh on Behalf of the Hickory Nut Gorge Chamber of Commerce Regarding a Business Meeting

Linda Marsh answered questions pertaining to her request on behalf of the Hickory Nut Gorge Chamber of Commerce to hold a business-after-hours meeting at the town gazebo and suspend the town's alcohol ordinance to serve beer and wine. Pat Maringer spoke on behalf of the Hickory Nut Gorge Chamber of Commerce asking the town to approve Ms. Marsh's request.

Police Chief Eric Hester expressed his concerns about setting a president of allowing alcohol to be served at the town gazebo which is open to the public. He said if the general public sees individuals consuming alcohol in this area they will think they can also. Chief Hester informed council members that the town has signs posted as you enter the walkway to the gazebo that prohibit the use of alcohol on town property. He suggested that if the Chamber of Commerce desires to serve alcohol to do it in a contained area away from the general public's view. For example: inside of the town's municipal hall.

After discussion, Commissioner McCallum made a motion to approve Linda Marsh's request on behalf of the Hickory Nut Gorge Chamber of Commerce to: (1) hold a business-after-hours meeting at the town's gazebo on August 15, 2006 from 5:30 p.m. until 7:30 p.m.; (2) suspend the town's alcohol ordinance to serve beer and wine during the business meeting contingent upon it being contained in a roped off area to be coordinated with the Lake Lure Police Department and Fire and Emergency Coordinator. Commissioner Pitts seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

d. Consider a Request from Saudra Nelson Regarding a Silent Auction Fundraiser to Benefit the Mountains Branch Library

Saudra Nelson answered questions pertaining to her request on behalf of the Friends of the Mountains Branch Library to hold a silent auction fund-raiser event on October 1, 2006 from 1:00 p.m. until 7:00 p.m. in the Lake Lure Municipal Hall and on the grassy area directly behind of the Municipal Hall. Ms. Nelson requested that the town waive the rental fees, suspend the town's peddling ordinance and suspend the town's alcohol ordinance to allow two local wine merchants to offer a wine testing during this event. Ms. Nelson withdrew her original request to serve beer and wine during this event. Ms. Nelson agreed that the wine would be served in a contained area either under an awning structure (being placed on town property directly behind the Lake Lure Municipal Hall adjacent to parking lot) to be roped off or inside the Lake Municipal Hall.

Chief Eric Hester recommended that the serving of alcohol be contained inside the Lake Lure Municipal Hall. Chief Hester suggested that if council members allow the consumption of alcohol to make sure patrons who are served alcohol are not mixing in with the public.

After discussion, Commissioner Watkins made a motion to approve Saudra Nelson's request to: (1) hold a silent auction fund-raiser event on October 1, 2006 from 1:00 p.m. until 7:00 p.m. in the Lake Lure Municipal Hall and on the grassy area directly behind of the Lake Lure Municipal Hall; (2) waive the rental fees contingent upon Mountains Branch Library cleaning up after this event; (3) suspend the town's peddling ordinance during this event; and (4) suspend the town's alcohol ordinance to allow two local wine merchants to offer a wine testing contingent upon it being contained in a roped off area to be coordinated with the Lake Lure Police Department during this event. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

e. Consider a Request from Bob Keith Regarding the 2nd Annual Lake Lure Olympiad Event

Bob Keith answered questions pertaining to his request on behalf of the Lake Lure Olympiad regarding 2nd Annual Lake Lure Olympiad event. Mr. Keith withdrew his original request to serve beer and wine during the shag dancing event. Mr. Keith requested that an Ingles shopping bag balloon be allowed temporary during the 10K run event.

Community Director Shannon Baldwin informed council members that allowing the Ingles shopping bag balloon violated the town's sign ordinance.

Council members discussed the zoning staff issuing a letter giving notice of the violation up to 15 days to remove the Ingles shopping bag balloon.

After discussion, Commissioner McCallum made a motion to approve Bob Keth's request

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to: (1) hold the 2nd annual olympiad on town property (meadows, municipal hall, gazebo area, beach and property behind the Lake Lure ABC store) on September 7-9, 2006; and (2) waive rental fees and sign permit fees for this event; and (3) suspend the peddling ordinance during this event. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

f. Appointment - Lake Advisory Committee

Mayor Proctor stated that in the future he would announce board and committee vacancies during the next regular meeting prior to making appointments.

Council members voted by ballot and appointed Robert M. Keith to fill Dick Conrad's position on the Lake Advisory Committee with a term expiring on December 31, 2006.

NEW BUSINESS:

g. Appointment - Comprehensive Plan Steering Committee

Council members voted by ballot and appointed Diane F. Barrett to fill Tommy Hartzog's position on the Comprehensive Plan Steering Committee.

STAFF REPORTS

Town Manager Place read his report into the record dated August 8, 2006. (Copy of report is attached).

Council members directed the town manager to seek proposals for a utility rate study.

Council members agreed to appoint representatives to the North Carolina Municipal League 2006 annual business meeting as a voting delegate and an alternate voting delegate at the September 12, 2006 regular town council meeting.

After discussion, Commissioner McCallum made a motion to approve the request from the parks and recreation board committee to create a trail system on the Lake Lure municipal golf course property contingent upon budgetary considerations. Commissioner Pitts seconded the motion and the vote of approval was unanimous.

COUNCIL COMMENTS

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Council members held a brief discussion concerning a letter received from Dr. L. Don and Gail Shumaker dated July 10, 2006 regarding deteriorating retaining walls at the base of Yacht Island bridge. (Copy of letter from Dr. L. Don and Gail Shumaker dated July 10, 2006 is attached).

After discussion, Commissioner Pitts made a motion to direct the town manager and the community development director to seek an attorney to represent the town who specializes in land use law. Commissioner Noble seconded the motion and the vote of approval was unanimous.

Council members agreed to review and approve the town attorney's contract annually.

Council members discussed an incident regarding the issuing of a boat permit in error at the Lake Lure Marina by Lake Lure Tours, Inc.

Commissioner Pitts recommended to add a clause on the boat permit for the upcoming year to require an individual obtaining the permit to certify that he or she is familiar with and complies with all of the town's boating regulations.

Mayor Proctor announced that the Pediatric Brain Tumor Foundation was holding their annual "Ride for Kids" event on August 27, 2006. Mayor Proctor said donations were being accepted from anyone who would like to make a contribution.

ADJOURNMENT

With no further items of discussion, Commissioner Watkins made a motion to adjourn the meeting at 9:54 p.m. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor