

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, OCTOBER 10, 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
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 THE AGENDA

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

PUBLIC HEARING - CONSIDER PROPOSED ORDINANCE NO. 06-10-10 AMENDING THE TOWN OF LAKE LURE ZONING REGULATIONS, TITLE IX, CHAPTER 91, PERTAINING TO STANDARDS AND REQUIREMENTS FOR SUBDIVISION DEVELOPMENT AS IT RELATES TO PROTECTION AND MANAGEMENT OF TREES AND STEEP SLOPES

Mayor Proctor opened the public hearing regarding proposed Ordinance No. 06-10-10.

Page 2 - Minutes of the October 10, 2006 Regular Council Meeting

Community Development Director Shannon Baldwin and Chair of the Lake Lure Tree Management Committee Paula Jordan reviewed and answered questions relating to proposed Ordinance No. 06-10-10.

Mayor Proctor invited citizens to speak during the public hearing. John Cloud and Jeff McGahee asked for clarifications relating to the proposed ordinance. Mr. Cloud recommended stricter regulations be placed on steep slopes. Mr. Cloud suggested that an appeal process be included in the proposed regulations. Mr. Cloud objected to the prohibition of tree cutting on building lots prior to sale. Mr. Cloud suggested that various financial alternatives be provided in Section 91.18C(a) and (b) for securing performance guarantees. Mr. McGahee commended the concept of the tree density table, and recommended that it be given a trial run with an actual project before it is used extensively.

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. 06-10-10 AMENDING THE TOWN OF LAKE LURE ZONING REGULATIONS, TITLE IX, CHAPTER 91, PERTAINING TO STANDARDS AND REQUIREMENTS FOR SUBDIVISION DEVELOPMENT AS IT RELATES TO PROTECTION AND MANAGEMENT OF TREES AND STEEP SLOPES

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

After discussion, Commissioner McCallum made a motion adopt Ordinance No. 06-10-10 as amended to include statutory references of authority. Commissioner Noble seconded the motion and the vote of approval was unanimous. (Copy of Ordinance No. 06-10-10 is attached).

Council members agreed to direct the Lake Lure Tree Management Committee and the Zoning and Planning Board to further review Ordinance No. 06-10-10 with regards to issues brought up by John Cloud and Jeff McGahee during the public hearing.

Mayor Proctor read into the record the vision statement from the 1999 report developed by the strategic planning steering committee.

PUBLIC FORUM

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

1. Karen Van Sickler reported on the sedimentation problems caused by the developers of Blue Heron Point Subdivision. Mrs. Van Sickler asked for an explanation of what was being done by the town to resolve this problem. Mrs. Van Sickler suggested that the town adopt a temporary moratorium on subdivisions in order to develop

Page 3 - Minutes of the October 10, 2006 Regular Council Meeting

regulations to address sedimentation problems.

Town Council members and the Town Attorney Callahan reported on what actions the town was taking with regards to the sedimentation problem caused by Blue Heron Point Subdivision.

After discussion, Commissioner Pitts made a motion to direct the zoning and planning board to explore options and recommendations relating to a temporary moratorium on subdivisions. Commissioner Noble seconded the motion and the vote of approval was unanimous.

2. Bill Bush, Chairman of the Zoning and Planning Board asked for a clarification on the directives relating to his committee concerning the moratorium.

COUNCIL LIAISON REPORTS

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

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 and the Comprehensive Steering Committee.

Commissioner Pitts reported on the activities of the Lake Advisory Committee.

CONSENT AGENDA

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

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

- a. minutes of September 12, 2006 (regular meeting and closed session), and September 14, 2006 (recessed regular meeting);
- b. a lease agreement between the Town of Lake Lure and the Lake Lure Board of Alcoholic Beverage; (a copy of the lease agreement is attached);
- c. a request from Ruth and John Shaw to suspend the town's alcohol ordinance to serve beer

Page 4 - Minutes of the October 10, 2006 Regular Council Meeting

and wine during a promotional event for “The Cruise Planners” inside the community hall of the Lake Lure Municipal Center on October 19, 2006, from 5:00 p.m. until 8:30 p.m.;

- d. a request from Eleanor L. Miller on behalf of the Lake Lure Lions Club to waive the community hall rental fee and the sign permit fee for an annual health fair being held inside the community hall of the Lake Lure Municipal Center on October 28, 2006, from 10:00 a.m. until 2:00 p.m.; grant permission to place a temporary sign on the grassy area in front of the Lake Lure Municipal Center building during this event; and

- e. budget amendments as submitted by the finance director for the following:

water department - road repairs. Increase the water department (maintenance and repairs line item) by \$14,205 and increase fund balance (water/sewer equity) appropriation by \$14,205.

community development - public facilities and DEHNR grant. Transfer \$3,000 to community development-contractual services account #691 from contingency reserve - account #10-991000-970. Increase community development supplies account #214 by \$15,823 and increase the revenues state grant-NCDEHR by \$15,823.

golf course - irrigation system. Increase revenues (sale of assets) by \$13,000 and golf course expenditures (maintenance and repair-grounds account #351) by \$13,000 to balance the budget.

police department - radios. Transfer \$4,500 from the sale of assets to police department - supplies account #214.

(Copies of memorandums dated October 2 - 3, 2006 from finance director and a memorandum dated October 5, 2006 from Police Chief Eric Hester are attached).

End of Consent Agenda

UNFINISHED BUSINESS:

a. Assess Civil Penalty Amount for Violation of Soil Erosion and Sedimentation Control Regulations

Erosion Control Officer Clint Calhoun reported on Darrell Whitlock’s progress with regards to the violations of the town’s soil erosion and sedimentation control regulations. Darrell Whitlock briefed Council members on his progress and intent to comply with the town’s regulations.

After discussion, Commissioner McCallum made a motion to assess a civil penalty fine in the amount \$100 against Darrell Whitlock for violations of the soil erosion and sedimentation

Page 5 - Minutes of the October 10, 2006 Regular Council Meeting

control regulations, but hold the fine in abeyance until satisfactory completion of project. Commissioner Pitts seconded the motion and the vote of approval was unanimous.

UNFINISHED BUSINESS:

b. Other Unfinished Business

There was no other unfinished business for discussion.

NEW BUSINESS:

a. Review and Award Bid for the Town Center Walkway Project

Town Manager Place requested that agenda item 10 a (review and award a bid for the town center walkway project) be removed from the agenda and place this item on the agenda for the special town council meeting being held on Friday, October 27, 2006, at 9:30 a.m. in the Lake Lure Municipal Center. Town council members agreed to remove this item off the agenda.

NEW BUSINESS:

b. Consider Proposed Ordinance No. 06-10-10A Amending Chapter 84 (Miscellaneous Offenses), Replacing Section 84.04 (Unreasonable Noise) of the Town of Lake Lure Code of Ordinances

Town Manager Place read his memorandum of October 3, 2006 into the record regarding proposed Ordinance No. 06-10-10A pertaining to the noise ordinance. Mr. Place gave an overview of the proposed changes.

The mayor and council members agreed that a public hearing should be scheduled to receive public input on this proposed ordinance.

After discussion, Commissioner McCallum made a motion to schedule a public hearing to be held at the next regular town council meeting on November 14, 2006 to consider the proposed ordinance amending Chapter 84 (Miscellaneous Offenses), replacing Section 84.04 (Unreasonable Noise) of the Town of Lake Lure Code of Ordinances. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

c. Consider a Request from Mike Hager, Owner of Highlands of Lake Lure, to Remove Silt From the Lake in the Gray Log Cove Area

Town Manager Place reported on Mike Hager's request to remove silt from the lake.

After discussion, Commissioner Noble made a motion to approve the request from Mike Hager, owner of Highlands of Lake Lure, to remove silt from the lake in the Gray Log Cove area contingent upon meeting all permit requirements. Commissioner Pitts seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

d. Request from the Zoning and Planning Board to Schedule a Joint Workshop Meeting with Town Council Members

Dick Washburn, Chairman of the Zoning and Planning Board requested that a joint meeting to develop priorities and schedule directives for the zoning and planning board.

After discussion, Commissioner McCallum made a motion to schedule a joint workshop meeting with the zoning and planning board to be held on Friday, October 27, 2006, 9:30 a.m., at the Lake Lure Municipal Center, to develop priorities and schedule directives for the zoning and planning board. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

e. Discussion Regarding Secondary Use or Short-term Rental of Homes within R-1 Zoning District

Commissioner Pitts read into the record a statement prepared by him detailing the reason why he requested that a discussion be held regarding secondary use or short-term rental of homes within R-1 Zoning District. (Copy of statement is attached). Mr. Pitts explained that he had prepared a public statement due to a lot of public interest and concerns.

After discussion, Commissioner McCallum made a motion to: (1) continue the discussion on the secondary use or short-term rental of homes within R-1 zoning district at the joint workshop meeting with the zoning and planning board members being held on Friday, October 27, 2006, 9:30 a.m., at the Lake Lure Municipal Center, and (2) direct the zoning administrator to suspend enforcement of prohibition of such activities in the R-1 zoning district. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

Page 7 - Minutes of the October 10, 2006 Regular Council Meeting

The mayor recessed the meeting at 9:25 p.m. and reconvened the meeting at 9:40 p.m.

NEW BUSINESS:

f. Consider a Request from Penn Dameron, Executive Director of the Blue Ridge Heritage Area, for Permission to Erect a Permanent Interpretative Wayside Exhibit on Hickory Nut Gorge to be Placed on Town Property at the Visitor Center

After review, Commissioner Noble made a motion to approve a request from Penn Dameron, Executive Director of the Blue Ridge Heritage Area, for a temporary easement/entry agreement between the Town of Lake Lure and the Blue Ridge National Heritage Area and its contractors to erect an interpretative wayside exhibit on Hickory Nut Gorge to be placed on town property at the Lake Lure visitor center. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

g. Appointment - Board of Adjustment/Lake Structures Appeals Board

Town council members voted by ballot and appointed Paul G. LaQue to fill Linda Swift's position as alternate member on the Board of Adjustment/Lake Structures Appeals Board with a term expiring on December 31, 2006.

NEW BUSINESS:

h. Appointment - Comprehensive Plan Steering Committee

Town council members voted by ballot and the mayor broke the tie vote appointing Roberta Proctor to fill Linda Swift's position on the Comprehensive Plan Steering Committee.

NEW BUSINESS:

i. Consider a Request from Customer Service Supervisor to Require Security Deposits for Events Held at the Town of Lake Lure's Gazebo, Meadows, and the Municipal Hall

Town Manager Place read into the record a memorandum dated October 3, 2006 from Customer Service Supervisor Linda Ward requesting a security deposit for events held at the town's gazebo, meadows, and municipal hall. (Copy of memorandum attached).

After discussion, Commissioner McCallum made a motion to approve a request from the

Page 8 - Minutes of the October 10, 2006 Regular Council Meeting

customer service supervisor to require a \$100 security deposit for events held at the town's gazebo, meadows, and the municipal hall. Commissioner Noble seconded the motion and the vote of approval was unanimous.

STAFF REPORTS

Town Manager Place read his report into the record dated October 10, 2006. (Copy of report is attached).

COUNCIL COMMENTS

Commissioner Noble requested that an article be placed in the town newsletter asking for volunteers on the golf course committee.

ADJOURNMENT

With no further items of discussion, Commissioner McCallum made a motion to adjourn the meeting at 10:07 p.m. Commissioner Noble seconded the motion and the vote of approval was unanimous.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor