

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL  
HELD TUESDAY, DECEMBER 12, 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

<b>CALL TO ORDER</b>
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Mayor Proctor called the meeting to order at 7:00 p.m.

<b>INVOCATION</b>
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Attorney Callahan gave the invocation.

<b>APPROVE THE AGENDA</b>
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After discussion, Commissioner McCallum made a motion to approve the agenda as amended by adding an item as 9a under unfinished business to consider a revised performance agreement between the Town of Lake Lure and J.D. Harrison Investments, LLC for "Blue Heron Point". Commissioner Watkins seconded the motion and the vote of approval was unanimous.

<b>PUBLIC HEARING - CONSIDER PROPOSED ORDINANCE NO. 06-12-12 AMENDING CHAPTER 92, THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE, RELATING TO SETBACKS FROM THE SHORELINE FOR COMMERCIAL STRUCTURES IN THE R-3 RESORT RESIDENTIAL ZONING DISTRICT</b>
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Mayor Proctor opened the public hearing regarding proposed Ordinance No. 06-12-12.

Community Development Director Shannon Baldwin reviewed and answered questions relating to proposed Ordinance No. 06-12-12.

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Mayor Proctor invited citizens to speak during the public hearing. Tom Judson spoke on behalf of Rumbling Bald Resort on Lake Lure asking council members to modify the proposed amendment regarding the set back for commercial buildings from the lake a minimum distance of two hundred feet to be changed to a 100 feet from the shoreline or add a variance provision to the proposed ordinance. Mr. Judson explained if Rumbling Bald Resort were to construct a future building that was in accordance with the proposed ordinance, the building would have to be situated at the top of the ridge adjacent to Lakeview Restaurant. He said the building would have to be at the top of the ridge creating a distinct profile from the lake. Mr. Judson said if the building could be located nearer to the shoreline, it could be built within the ridge, which would present a lesser profile. Mr. Judson stated that the resort currently is not planning stages of building. Ed Kale stated that he was not in favor of the proposed amendment.

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

<b>ADOPT ORDINANCE NO. 06-12-12 AMENDING CHAPTER 92, THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE, RELATING TO SETBACKS FROM THE SHORELINE FOR COMMERCIAL STRUCTURES IN THE R-3 RESORT RESIDENTIAL ZONING DISTRICT</b>
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Public notices were duly given and published in the Forest City Daily Courier newspaper.

After discussion, Commissioner McCallum made a motion to table the adoption of Ordinance No. 06-12-12 (amending Chapter 92, The Zoning Regulations of the Town of Lake Lure, relating to setbacks from the shoreline for commercial structures in the R-3 Resort Residential Zoning District) and refer this ordinance back to the zoning and planning board for further revisions. Commissioner Noble seconded the motion and the vote of approval was unanimous. (Copy of Ordinance No. 06-12-12 is attached).

Council members agreed to reconsider this ordinance at their next regular council meeting being held on Tuesday, January 9, 2007.

<b>PUBLIC FORUM</b>
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Mayor Proctor invited the audience to speak on any non-agenda item. Tyrone Phillips stated that he and his family wanted to go on record opposing the proposed extra territorial jurisdiction(ETJ) referred to in Resolution No. 06-11-14A adopted at the November 14, 2006 town council meeting.

<b>COUNCIL LIAISON REPORTS</b>
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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.

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

- a. minutes of the November 14, 2006 (regular meeting), and November 15, 2006 (recessed meeting and closed session);
- b. a request from Jackie Grimes and Vicki Coggins to suspend the town's alcohol ordinance to serve beer and wine during a New Year's Eve party inside the community hall of the Lake Lure Municipal Center on December 31 , 2006, from 7:00 p.m. until midnight;
- c. a budget amendment transferring \$5,000 from the contingency line item to public works contractual services account #690 as submitted by the finance director for a recreation planning study to be done by Isothermal Planning and Development Commission; (Copy of memorandum from the finance director dated December 12, 2006 is attached);
- d. a budget amendment transferring \$10,000 from insurance and bonding account #450 to unemployment account #130 as submitted by the finance director to cover unemployment cost requested by the Employment Security Commission of North Carolina; (Copy of memorandum from the finance director dated December 7, 2006 is attached);
- e. a request from Terrence Duffy for the town to accept and maintain roads in Lurewoods Manor Phase II (Lurewoods Manor Drive and Lurewoods Forest Drive) as outlined in a

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memorandum from the town manager; (Copy of memorandum from the town manager dated December 8, 2006 is attached);

- f. the town council meeting schedule for year 2007; and

#### **TOWN COUNCIL MEETING SCHEDULE FOR YEAR 2007**

<u>DATE</u>	<u>LOCATION</u>	<u>TIME</u>	<u>TYPE</u>
January 9, 2007	Lake Lure Municipal Center	7:00 p.m.	Regular
February 13, 2007	Lake Lure Municipal Center	7:00 p.m.	Regular
March 13, 2007	Lake Lure Municipal Center	7:00 p.m.	Regular
April 10, 2007	Lake Lure Municipal Center	7:00 p.m.	Regular
May 8, 2007	Lake Lure Municipal Center	7:00 p.m.	Regular
June 12, 2007	Lake Lure Municipal Center	7:00 p.m.	Regular
July 10, 2007	Lake Lure Municipal Center	7:00 p.m.	Regular
August 14, 2007	Lake Lure Municipal Center	7:00 p.m.	Regular
September 11, 2007	Lake Lure Municipal Center	7:00 p.m.	Regular
October 9, 2007	Lake Lure Municipal Center	7:00 p.m.	Regular
November 13, 2007	Lake Lure Municipal Center	7:00 p.m.	Regular
December 11, 2007	Lake Lure Municipal Center	7:00 p.m.	Regular

**\* Regular Town Council meetings are held on the 2<sup>nd</sup> Tuesday of each month.**

- e. a request from the personnel director as submitted on behalf of the town employees to amend the holiday schedule to include an extra day for the Christmas holiday, consistent with the state and many other local governments.(Copy of memorandum from the personnel director dated December 6, 2006 is attached).

#### **End of Consent Agenda**

#### **UNFINISHED BUSINESS:**

- a. Consider a Revised Performance Agreement Between the Town of Lake Lure and J.D. Harrison Investments, LLC for “Blue Heron Point”**

After discussion, Commissioner McCallum made a motion to approve a revised performance agreement between the Town of Lake Lure and J.D. Harrison Investments, LLC for “Blue Heron Point” as submitted by Community Development Director Shannon Baldwin and authorized the mayor to sign this agreement. Commissioner Watkins seconded the motion and the vote of approval was unanimous. (Copy of performance agreement is attached).

**UNFINISHED BUSINESS:**

**b. Other Unfinished Business**

There was no other unfinished business for discussion.

**NEW BUSINESS:**

**a. Consider a Request from J. Edward Kale, III for a Waiver of Section 91.17 Preliminary Plat, Subsection (B)(14) of the Town of Lake Lure Subdivision Regulations**

Community Development Director Shannon Baldwin read into the record his memorandum dated December 7, 2006 regarding the subdivision waiver request from J. Edward Kale, III. (Copy of memorandum is attached).

After discussion, Commissioner McCallum made a motion to approve a request from J. Edward Kale, III to waive portions of Section 91.17, Preliminary Plat, Subsection (B)(14) of the Town of Lake Lure Subdivision Regulations requiring state permits in advance of a preliminary plat approval for Bald Mountain Farm. Commissioner Watkins seconded the motion. Commissioners McCallum, Noble, Watkins voted in favor of the motion. Commissioner Noble abstained. The motion carried with a unanimous vote.

**NEW BUSINESS:**

**b. Consider a Request from John Cloud to Remove Silt from the Lake that has Accumulated at the Mouth of Rock Creek and un-named Tributary that Enters Firefly Cove (Formerly Known as “Dirty Dancing Cove”)**

After discussion, Commissioner Pitts made a motion to approve a request from John Cloud to remove silt from the lake that has accumulated at the mouth of Rock Creek and un-named tributary that enters Firefly Cove (formerly known as “Dirty Dancing Cove”) as outlined in a memorandum dated December 6, 2006 from Erosion Control Officer Clint Calhoun and letter dated December 5, 2006 from John Cloud. Commissioner Noble seconded the motion and the vote of approval was unanimous. (Copy of memorandum dated December 6, 2006 from Clint Calhoun and letter dated December 5, 2006 from John Cloud are attached).

**NEW BUSINESS:**

**c. Consider a Request from Bo Williams Regarding Beach Admission Fees for 2007**

After discussion, Commissioner McCallum made a motion to approve a request from Bo Williams, Beach Manager of Lake Lure Tours, Inc., regarding beach admission fees for 2007 and a rental fee for the entire beach; free admission to all Lake Lure residents; and amended the lease agreement between the Town of Lake Lure and Lake Lure Tours, Inc. for the beach and directed the town manager to revise this agreement. Commissioner Pitts seconded the motion and the vote of approval was unanimous. (Copy of proposed 2007 beach admission policies and prices for the town's beach submitted by Bo William's is attached).

The mayor recessed the meeting at 8:28 p.m. for a break and reconvened the meeting at 8:36 p.m.

**NEW BUSINESS:**

**d. Board Appointments - Lake Advisory Committee, Board of Adjustment/Structures Appeals Board, Lake Lure Zoning/Planning Board, Golf Course Advisory Committee, Lake Lure ABC Board, & Parks/Recreation Board**

Council members voted by ballot and the town manager announced the following results.

Chris Braund, Robert M. Keith, and Robert "Bob" Washburn were reappointed to serve as regular members on the Lake Advisory Committee with terms expiring on December 31, 2008. Blaine Cox was appointed as a regular member to serve on this committee to fill Genevieve Helms's remaining term expiring on December 31, 2007.

Mary Ann Dotson was reappointed to serve as a regular member on the Board of Adjustment/Lake Structures Appeals Board with a term expiring on December 31, 2009. Vicki Smith was appointed to serve as an alternate member on this board with a term expiring on December 31, 2009.

Anthony Brodfuhrer and Jack Lawrence were reappointed to serve as regular members on the Lake Lure Zoning/Planning Board with terms expiring on December 31, 2009.

Commissioner McCallum made a motion to appoint Edwin C. Haskell, III, Robert "Mac" McKenzie, and Melvin Owensby to serve as regular members on the Lake Lure Golf Course Advisory Committee with terms expiring on December 31, 2008. Commissioner Noble seconded the motion and the vote of approval was unanimous.

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Karla C. Brodfuhrer was appointed to serve as a regular member on the Lake Lure ABC board with a term expiring on December 31, 2009. The Mayor voted to break a tie vote.

Martyn Watts was reappointed to serve as a regular member on the Parks and Recreation Board with a term expiring on December 31, 2009. James Dunn was appointed as a regular member on this board with a term expiring on December 31, 2009. Carole McKay was appointed to serve as an alternate member on this board filling James Dunn's remaining term expiring on December 31, 2007.

### **STAFF REPORTS**

Town Manager Place read his report into the record dated December 12, 2006. (Copy of the town manager's report is attached).

After discussion, Commissioner Watkins made a motion to amend the budget by \$3,600 for the construction of four speed tables on Boys Camp Road and authorized the town manager to install these speed tables. Commissioner Noble seconded the motion and the vote of approval was unanimous.

Mr. Place thanked council members on behalf of the town employees for the Christmas dinner.

### **COUNCIL COMMENTS**

Council members talked about dam repairs and the lowering of the lake level.

Commissioner Noble said the ordinance imposing a moratorium for a period up to 60 days within the Town of Lake Lure relative to subdivisions as defined in Title IX, Chapter 91, Section 91.06 of the Subdivision Regulations pertaining to receiving new applications, sketch plans, and preliminary plats for any subdivision would be expiring on December 26, 2006. Commissioner Noble recommended that council members consider extending the moratorium date until unfinished regulations have been completed.

After discussion Commissioner Noble made a motion to approve a budget amendment transferring FEMA reimbursement funds from the reserve fund to the silt fund to be used for dredging. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

Commissioner McCallum reported that the audit of the records for the Lake Lure ABC store had been completed. He said their sales were up showing a profit and the town should be receiving a check from surplus profits.

Mayor Proctor wished everyone a Merry Christmas and a happy new year.

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

ATTEST:

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Anita H. Taylor, MMC  
Deputy Town Clerk

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Mayor Jim Proctor