

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, NOVEMBER 13, 2007, 7:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

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

Newly elected Commissioner Linda Turner
Newly elected Commissioner Wayne Wyatt

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

ABSENT: Commissioner Jeanine Noble

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

PUBLIC FORUM

Mayor Proctor invited the audience to speak on any non-agenda and/or consent agenda topic and the following requested to speak.

1. Bill Beason congratulated Mayor Jim Proctor on being re-elected as the mayor. Mr. Beason expressed his concerns about the gas prices at the town's marina and asked that town staff explore ways to reduce gas prices. Mr. Beason requested that the town obtain a minimum of three bids as engineering services is needed by the town. Mr. Beason asked council members to terminate Town Manager Place because of additional town funds being spent to pay for reimbursement costs to John Cloud for the town's water system improvements.

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After discussion, Commissioner Pitts made a motion to amend the agenda to add an item under new business as 9k to consider a request from Bill Beason regarding the town's fuel prices at the marina. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

2. Gary McCall reported safety concerns about a lot of traffic by oversized heavy duty vehicles traveling on Boys Camp Road. Mr. McCall said he had been run off the road by an oversized heavy duty vehicle near Jim Proctor's pond. Mr. McCall requested that the town look into the maximum size and weight limits for these type vehicles. He recommended that anyone driving this type of vehicle be required to use individuals flagging traffic and/or an escort vehicle with signage warning about the oncoming oversized vehicle. Mr. McCall said this road needs to be widened.

STAFF REPORTS

Town Manager Place read his report into the record dated November 13, 2007. (Copy of the town manager's report is attached).

COUNCIL LIAISON REPORTS & COMMENTS

Commissioner Pitts reported on the activities of the Lake Advisory Committee. Mr. Pitts updated council members about a sewer leak found in the lake by divers. Mr. Pitts briefed council members about his meeting with the National American Management Society held in Orlando, Florida.

Commissioner McCallum reported on the activities of the Zoning/Planning Board. Mr. McCallum spoke briefly about the problem of property tax evaluations by Rutherford County.

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

Mayor Proctor reported on the selection process of the new town manager to replace the current town manager who is retiring as of January 31, 2008. Mr. Proctor stated that town council should have a new town manager by January, 2008.

Town Manager Place reported that the Parks and Recreation Board are almost finished with the walkway trail project.

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 Pitts, 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 October 5, 2007 (special meeting), October 9, 2007 (regular meeting), October 25, 2007 (special meeting), and October 30, 2007 (closed session);
- b. a budget amendment of \$3,200.00 for tree removal by Shield's Tree Service as presented by the finance director; transfer \$3,200.00 from the contingency account (#991000-970) to the public works department account (#10-451000-351); (Attached is a copy of the memorandum dated November 6, 2007 from Finance Director Sam Karr);
- c. a budget amendment of \$118,200 to cover the cost of replacing a sewer valve at the wastewater treatment plant as presented by the finance director; transfer \$118,200 from the water/sewer fund equity account to the sewer department valve replacement project-550 account; (Attached is a copy of the memorandum dated November 7, 2007 from Finance Director Sam Karr);
- d. a budget amendment of \$335,753.04 to cover costs associated with the wastewater treatment plant improvements project pertaining to Dellinger, Inc. as presented by the finance director; transfer \$335,753.04 from the water/sewer fund equity account to the sewer department stag grant project-610 account; (Attached is a copy of the memorandum dated November 6, 2007 from Finance Director Sam Karr);
- e. Resolution No. 07-11-13 approving the North Carolina Department of Transportation and the Town of Lake Lure Municipal agreement replacement of bridge #7 over the Broad River project B-4258, WBS Element: 33600.3.1; (Attached is copy of Resolution No. 07-11-13 and the Town of Lake Lure Municipal agreement);
- f. a request from Chris Braund and Karen Van Sickler as submitted to waive the boat permit fees for non-motorized boats (canoes and/or kayaks) for the Rutherford Outdoor Coalition (ROC) Group on November 17, 2007 for a boating event in Lake Lure and a cook out in appreciation for the group's volunteer cleanup activities in the Broad River during the year; and
- g. a request from Amos Gilliam as submitted to grant permission to participate in the local update of census addresses (LUCA) program to verify the accuracy of addresses in the Town

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of Lake Lure for the 2010 census. (Attached is a copy of the memorandum dated November 2, 2007 from Amos Gilliam)

End of Consent Agenda

UNFINISHED BUSINESS:

- a. **Consider Ordinance NO. 07-11-13 Amending the Zoning Map of the Town of Lake Lure by Rezoning three Lots from R-4, R-1A, AND R-1D TO R-4 AND R-1C as Requested by Rezoning Petitions RZ-07-01, RZ-07-02, and RZ-07-03**

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

Community Development Director Shannon Baldwin and representatives Angie Beeker and Peter Anderes of the Anderes Development Group answered questions pertaining to proposed Ordinance No. 07-11-13.

Mayor Proctor stated that a public hearing was held at the October 9, 2007 regarding the proposed ordinance. He invited citizens to speak briefly. Berry Blake, Erin White, Jane Phillips, Don Henderson, and Jane Fountain expressed their concerns about the proposed rezoning. Citizens voiced their concerns about property views, safety and density with regards to more traffic.

After discussion, Commissioner McCallum made a motion to adopt Ordinance No. 07-11-13 as amended. Commissioner Watkins seconded the motion. Commissioners McCallum and Watkins voted in favor of the motion. Commissioner Pitts voted against the motion. Therefore, the motion carried with a vote of 2 to 1.

ORDINANCE NUMBER 07-11-13

AN ORDINANCE AMENDING THE ZONING MAP OF TOWN OF LAKE LURE BY REZONING THREE LOTS FROM R-4, R-1A, and R-1D TO R-4, R-1B, and R-1C AS REQUESTED BY REZONING PETITIONS RZ-07-01, RZ-07-02, and RZ-07-03 , and By VERBAL REQUEST FROM THE DEVELOPER

WHEREAS, Peter Anderes is the owner of three parcels identified by tax Parcel Identification Numbers (PIN) 1633150; 230478; and 230479 and described in deed book 925 page 146 at the Rutherford County Register of Deeds Office; and,

WHEREAS, the current zoning of the above referenced parcels is currently R-4 Residential/Office District, R-1A Residential, and R-1D Residential; and,

WHEREAS, Mr. Anderes has petitioned to have these parcels rezoned to R-4 Residential/Office

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District and R-1C Residential as described with petition numbers RZ-07-01, RZ-07-02, and RZ-07-03; and,

WHEREAS, the Lake Lure Zoning and Planning Board, after due consideration on the 18th of September, 2007, found the request to be generally consistent with the Lake Lure 2007-2027 Comprehensive Plan and recommended approval of this petition; and,

WHEREAS, the Lake Lure Town Council, after due public notice, conducted a public hearing on the 9th day of October, 2007, on the question of amending the zoning map in this respect and, after further consideration, determined that the rezoning is in the best interests of the Town of Lake Lure;

NOW THEREFORE, be it ordained by the town council of the Town of Lake Lure, North Carolina, meeting in regular session and with a majority of councilmen voting in the affirmative:

SECTION ONE: The zoning map referenced in Chapter 92 of the Lake Lure Code of Ordinances is hereby amended to change the lot having County tax PIN 1633150 from R-4 Residential/Office District and R-1A Residential to R-4 Residential/Office District, R-1B Residential, and R-1C Residential, change the lot having County tax PIN 230478 from R-4 Residential/Office District and R-1D Residential to R-4 Residential/Office District, and change the lot having County tax PIN 230479 from R-4 Residential/Office District to R-4 Residential/Office District and R-1C Residential.

SECTION TWO: The Zoning Administrator shall make all the necessary corrections to the zoning map so as to implement the provisions of this ordinance and shall henceforth enforce the zoning regulations as hereby amended.

SECTION THREE: This ordinance shall be effective upon its adoption.

Adopted this 13th day of November, 2007.

Attest:

Mary A. Flack, MMC
Town Clerk

Jim Proctor
Mayor

Approved as to Form:

J. Christopher Callahan
Town Attorney

UNFINISHED BUSINESS:

b. Update Pertaining to a Request from Jayne Mann Regarding Access to the Town's Sewer System and Discuss Options to Acquire Easement to Run New Sewer Line to a Manhole in Hummingbird Cove

Town Council held a discussion regarding a request from Jayne Mann for access to the town's sewer system and options of how to acquire an easement to run a new sewer line to a manhole in Hummingbird Cove.

After discussion, Commissioner Pitts made a motion to direct the town manager to work with property owners on Ridge Road to acquire an easement for a new sewer line to the manhole in Hummingbird Cove and assess users for the costs associated. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

UNFINISHED BUSINESS:

a. Other Unfinished Business

There was no other unfinished business for discussion.

NEW BUSINESS:

a. Oath of Office – Mayor Jim Proctor

Mayor Proctor introduced Judge Laura Powell. Then, Judge Laura Powell administered the oath of office to Mayor Jim Proctor.

NEW BUSINESS:

b. Oath of Office – Linda Turner

Judge Laura Powell administered the oath of office to newly elected Commissioner Linda Turner.

NEW BUSINESS:

c. Oath of Office – Wayne Hyatt

Judge Laura Powell administered the oath of office to newly elected Commissioner Wayne Hyatt.

NEW BUSINESS:

d. Present Awards of Appreciation

Mayor Proctor presented outgoing Commissioner Richard McCallum an award in recognition of his dedicated public service and outstanding contributions as town commissioner and mayor pro tem of the Town of Lake Lure (term 1999-2007).

Commissioner Charles Watkins was presented an award by Mayor Proctor in recognition of his public service and outstanding contributions as town commissioner of the Town of Lake Lure (term 2003-2007).

The mayor recessed the meeting for a reception honoring incoming Mayor and Commissioners and then reconvened the meeting.

NEW BUSINESS:

e. Appoint a Mayor Pro Tem

A motion was made by Commissioner Turner to appoint Commissioner Russ Pitts as Mayor Pro tem. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

f. Appoint Council Members to Serve as Liaison on Various Boards and/or Committees including: Lake Advisory Committee, Board of Adjustment/Lake Structures Appeals Board, Zoning/Planning Board, Golf Course Advisory Committee, Lake Lure ABC Board, and Parks/Recreation Board

After discussion, Commissioner Turner made a motion to make the following appointments. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

1. Appoint Commissioner Jeanine Noble to serve as liaison on the Lake Advisory Committee.
2. Appoint Commissioner Wayne Hyatt to serve as liaison on the Board of Adjustment/Lake Structures Appeals Board.
3. Appoint Commissioner Russ Pitts to serve as liaison on the Zoning and Planning Board.

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4. Appoint Commissioner Jeanine Noble to serve as liaison on the Golf Course Advisory Committee.
5. Appoint Commissioner Wayne Hyatt to serve as liaison on the Lake Lure ABC Board.
6. Appoint Commissioner Linda Turner to serve as liaison on the Parks/Recreation Board.

NEW BUSINESS:

g. Consider a Request from Tom Zink to Discuss the Possibility of Connecting into the Town's Sewer System for the Lago Vista Development

Tom Zink answered questions pertaining to his request to connect into the town's sewer system for the Lago Vista Development. (Attached are copies of a letter dated November 5, 2007 from Tom Zink, a letter dated July 7, 2007 from William James Jones, and a letter dated November 5, 2007 from Tom Zink.)

After discussion, Commissioner Pitts made a motion to approve a request from Tom Zink to connect 28 units into the town's sewer system at Lago Vista development after March 1, 2008 contingent upon the expiration of the Special Order of Consent (SOC) agreement. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

h. Appointment - Lake Advisory Committee

Council members voted by ballot and appointed Harvey Harris to fill Bob Washburn's position on the Lake Advisory Committee with a term expiring on December 31, 2008.

NEW BUSINESS:

i. Consider Recommendations from the Lake Advisory Committee Pertaining to Boat Slip Rental Fees

After discussion, Commissioner Pitts made a motion to approve recommendations from the Lake Advisory Committee to increase the boat slip rental fees as follows. Commissioner Turner seconded the motion and the vote of approval was unanimous.

1. Increase the covered slip for residents to \$1,200.
2. Increase the covered slip for non-residents to \$2,000.

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3. Increase the uncovered slip for residents to \$900.
4. Increase the uncovered slip for non-residents to \$1,500.

NEW BUSINESS:

j. Consider a Request from Melvin Owensby Relating to the Use of Town Owned Vehicles by Town Employees

Heard a request from Melvin Owensby about restricting the use of town owned vehicles by town employees.

Council members agreed to look into this matter further regarding a vehicle use policy and take Mr. Owensby's suggestions under advisement.

Gary McCall suggested that town council consider raising employees salaries for a vehicle allowance instead of providing town vehicles.

NEW BUSINESS:

k. Consider a Request from Bill Beason Regarding the Town's Fuel Prices at the Marina

Heard a request from Bill Beason concerning gas prices at the town's marina.

After discussion, Commissioner Pitts made a motion to direct the town manager to explore ways to reduce gas prices at the town's marina including amending the Lake Lure Tours, Inc. concession agreement, the purchasing of the lowest grade gas and explore alternatives such as relocating the gas pump. Commissioner Turner seconded the motion and the vote of approval was unanimous.

CLOSED SESSION

The mayor recessed the meeting for five minutes and reconvened the meeting.

A motion was made by Commissioner Turner to enter into the closed session meeting in accordance to G.S. 143-318.11(a)(3) for the purpose of attorney client privilege and legal matters. Commissioner Hyatt 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.

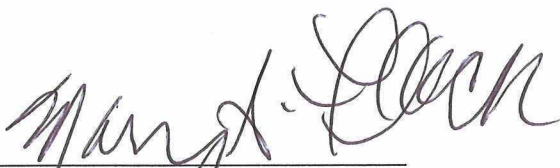
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With no further items of discussion in closed session, Commissioner Noble made a motion to come out of the closed session meeting and re-enter the regular session of the town council meeting. Commissioner Pitts seconded the motion and the vote of approval was unanimous.

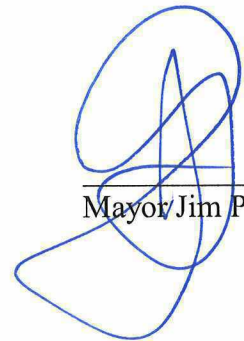
ADJOURN THE MEETING

With no further items of discussion, Commissioner Hyatt made a motion to adjourn the meeting. Commissioner Turner seconded the motion and the vote of approval was unanimous.

ATTEST:



Mary A. Flack, MMC
Town Clerk



Mayor Jim Proctor