

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL  
HELD TUESDAY, OCTOBER 14, 2008, 7:00 P.M. AT THE LAKE LURE MUNICIPAL  
CENTER**

**PRESENT:** Mayor Jim Proctor  
Commissioner Wayne Hyatt  
Commissioner Jeanine Noble  
Commissioner Russ Pitts  
Commissioner Linda Turner

Steve Wheeler, 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 Turner made a motion to approve the agenda as amended. Add an item 11g on the consent agenda to ratify approval of a request from Jerry Cochran for the annual "Run to the Rock" Ford F-100 truck show being held on October 10-11, 2008 to waive the town rental fees for use of the meadows and suspending the town's peddling ordinance during this event. Add item 11h on the consent agenda to approve a budget amendment as submitted by the finance director for storm and rain damage along Boy's Camp Road. Remove item 13c under new business off the agenda. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

**Public Hearing - Proposed Ordinance No. 08-10-14 Amending the Town of Lake Lure Zoning Regulations, Title IX, Chapter 92, Section 92.085 (C) Pertaining to Variances**

Community Development Director Shannon Baldwin gave a brief overview and answered questions pertaining to proposed Ordinance No. 08-10-14 amending the Town of Lake Lure Zoning Regulations, Title IX, Chapter 92, Section 92.085 (C) pertaining to variances. Commissioner Pitts

**Page 2 - Minutes of the October 14, 2008 Regular Council Meeting**

read into the record the proposed amendments in Ordinance No. 08-10-14.

Mayor Proctor opened the public hearing regarding proposed Ordinance No. 08-10-14 and invited citizens to speak during the public hearing. No one requested to speak during this hearing.

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

<p><b>Adopt Ordinance No. 08-10-14 Amending the Town of Lake Lure Zoning Regulations, Title IX, Chapter 92, Section 92.085 (C) Pertaining to Variances</b></p>
--

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

After discussion, Commissioner Noble made a motion to adopt Ordinance No. 08-10-14 as presented, amending the Town of Lake Lure Zoning Regulations, Title IX, Chapter 92, Section 92.085 (C) pertaining to variances. Commissioner Turner seconded the motion and the vote of approval was unanimous.

**ORDINANCE NUMBER 08-10-14**

**AN ORDINANCE CONCERNING VARIANCES; AMENDING SECTION 92.085(C) OF THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE**

**WHEREAS**, the Zoning and Planning Board has recommended modifications to Zoning Regulations of the Town of Lake Lure as noted in the title of this ordinance; and

**WHEREAS**, the Lake Lure Town Council, after due notice, conducted a public hearing on the 14<sup>th</sup> day of October, 2008, upon the question of amending the Zoning Regulations in this respect.

**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 THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE:**

**SECTION ONE.** Paragraph (C) of Section 92.085 of the Zoning Regulations of the Town of Lake Lure, regarding variances, is hereby amended as follows:

**(C) Variances.**

- (1) Upon application, the Board of Adjustment may authorize in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in practical difficulty or unnecessary hardship. The variance may be permitted as long as the spirit of the chapter shall be

### Page 3 - Minutes of the October 14, 2008 Regular Council Meeting

observed, public safety and welfare secured, and substantial justice done. ~~Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of Adjustment that the following conditions exist~~ The Board of Adjustment shall not have authority to grant a variance when to do so would permit a use of land, building or structure which is not permitted within the applicable zoning district.

In judging an application for a variance, the Board of Adjustment shall be guided by the following:

- (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
  - (b) Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
  - (c) A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
  - (d) The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare.
  - (e) The special circumstances are not the result of the actions of the applicant.
  - (f) The variance ~~requested~~ is the minimum ~~variance~~ that will make possible ~~the~~ legal reasonable use of the land, building or structure.
  - ~~(g) The variance is not a request to permit a use of land, building or structure which is not permitted by right or by conditional use in the district involved.~~
  - (g) A nonconforming use of neighboring land, structures or buildings in the same district, and permitted uses of land, structures or buildings in other districts, will not be considered grounds for the issuance of a variance.
- (2) In granting a variance, the Board of Adjustment shall make findings that the requirements of this section have been met. The Board of Adjustment shall make a finding, and a written notice of the decision shall be prepared as prescribed in § 92.086 (D). In granting any variance, the Board of Adjustment may prescribe

**Page 4 - Minutes of the October 14, 2008 Regular Council Meeting**

appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under § 92.999.

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~.]

**SECTION TWO.** Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 92.999 of the Zoning Regulations.

**SECTION THREE.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**SECTION FOUR.** If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

**SECTION FIVE.** The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

**SECTION SIX.** This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 14<sup>th</sup> day of October, 2008.

ATTEST:

\_\_\_\_\_  
Mary A. Flack, MMC  
Town Clerk

\_\_\_\_\_  
Jim Proctor  
Mayor

Approved as to content and form:

\_\_\_\_\_  
J. Christopher Callahan  
Town Attorney

<p><b>Public Hearing - Proposed Ordinance No. 08-10-14A Amending the Zoning Map of the Town of Lake Lure as Requested by John Carroll in Petition No. RZ-08-01 to Rezone a Parcel Located at 2381 Memorial Highway Lake Lure, North Carolina and Further Identified by Tax Parcel Identification Number 231267 from R-1A Residential to R-4 Residential/Office</b></p>
--

Mayor Proctor stated that he is the listing real estate agent for the property being considered for

## **Page 5 - Minutes of the October 14, 2008 Regular Council Meeting**

rezoning described in proposed Ordinance No. 08-10-14A. The Mayor asked council members to excuse him from the meeting for agenda items 6 and 7 regarding the public hearing, the adoption of Ordinance No. 08-10-14A, and appoint Mayor Pro Tem Russ Pitts to continue this portion of the meeting.

After discussion, Commissioner Noble made a motion to excuse Mayor Proctor from the meeting for agenda items 6 and 7. Also, appoint Mayor Pro Tem Pitts to continue this portion of the meeting. Commissioner Turner seconded the motion and the vote of approval was unanimous.

Community Development Director Shannon Baldwin gave a brief overview and answered questions pertaining to proposed Ordinance No. 08-10-14A amending the Zoning Map of the Town of Lake Lure as requested by John Carroll in Petition No. RZ-08-01 to rezone a parcel located at 2381 Memorial Highway Lake Lure, North Carolina and further identified by tax parcel identification number 231267 from R-1A Residential to R-4 Residential/Office. Mr. Baldwin also read into the record and distributed copies of a fact sheet pertaining to the proposed rezoning. (Attached is a copy of the fact sheet presented by Shannon Baldwin.)

Mayor Pro Tem Pitts opened the public hearing regarding proposed Ordinance No. 08-10-14A and invited citizens to speak during the public hearing. No one requested to speak during this hearing.

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

<b>Adopt Ordinance No. 08-10-14A Amending the Zoning Map of the Town of Lake Lure as Requested by John Carroll in Petition No. RZ-08-01 to Rezone a Parcel Located at 2381 Memorial Highway Lake Lure, North Carolina and Further Identified by Tax Parcel Identification Number 231267 from R-1A Residential to R-4 Residential/Office</b>
---

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

After discussion, Commissioner Noble made a motion to adopt Ordinance No. 08-10-14A as presented, amending the Zoning Map of the Town of Lake Lure as requested by John Carroll in Petition No. RZ-08-01 to rezone a parcel located at 2381 Memorial Highway Lake Lure, North Carolina and further identified by tax parcel identification number 231267 from R-1A Residential to R-4 Residential/Office. Commissioner Turner seconded the motion and the vote of approval was unanimous.

### **ORDINANCE NUMBER 08-10-14A**

**AN ORDINANCE AMENDING THE ZONING MAP OF TOWN OF LAKE LURE BY REZONING A LOT FROM R-1A Residential to R-4 Residential/Office AS REQUESTED BY REZONING PETITION RZ-08-01**

**Page 6 - Minutes of the October 14, 2008 Regular Council Meeting**

**WHEREAS**, John F. Carroll is the owner of a parcel identified by tax Parcel Identification Number (PIN) 231267 and described in deed book 892 page 787 at the Rutherford County Register of Deeds Office; and,

**WHEREAS**, the current zoning of the above referenced parcel is R-1A Residential District; and,

**WHEREAS**, Mr. Carroll has petitioned to have this parcel rezoned to R-4 Residential/Office District as described with petition number RZ-08-01; and,

**WHEREAS**, the Lake Lure Zoning and Planning Board, after due consideration on the 16th of September, 2008, recommended approval of this petition; and,

**WHEREAS**, the Lake Lure Town Council, after due public notice, conducted a public hearing on the 14<sup>th</sup> day of October, 2008, 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 231267 from R-1A Residential District to R-4 Residential/Office District.

**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 14<sup>th</sup> day of October, 2008.

ATTEST:

\_\_\_\_\_  
Mary A. Flack, MMC  
Town Clerk

\_\_\_\_\_  
Jim Proctor  
Mayor

Approved as to form:

\_\_\_\_\_  
J. Christopher Callahan  
Town Attorney

<b>PUBLIC FORUM</b>
---------------------

Mayor Proctor invited the audience to speak on any non-agenda item and/or consent agenda topics and no one requested to speak.

<b>STAFF REPORTS</b>
----------------------

Town Manager Wheeler reported on the council action items log. He made copies of this report available at the meeting for anyone interested.

After discussion, Commissioner Pitts made a motion to direct the zoning and planning board to develop a town policy and regulation necessary to require property owners to create a utility easement for the town. The utility easement would be from the town manhole adjacent to the property being subdivided to the point on the property closest to a public roadway. This proposed requirement would come into play anytime a property owner requests the town to approve subdivision of an existing plat. The town would then only approve future plat subdivisions with properties adjacent to the town manholes that have the above stated utility easements. The purpose of this is to improve future access to the town's sewer manholes, especially those manholes that surround the parameter of the lake. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

<b>COUNCIL LIAISON REPORTS &amp; COMMENTS</b>
---

Commissioner Hyatt reported on the activities of the Lake Lure ABC Board and the Board of Adjustment/Lake Structures Appeals Board.

Commissioner Noble reported on the activities of the Lake Advisory Committee and the Golf Course Committee.

Commissioner Pitts reported on the activities of the Zoning and Planning Board. Mr. Pitts mentioned that he had attended a meeting earlier today as Mayor Pro Tem held by state representatives regarding a public hearing for the North Carolina Study Commission on aging.

Commissioner Pitts presented to the mayor a hat, shirt, and a check in the amount of \$250 made out to the Town of Lake for the town's youth center received from Jerry Cochran on behalf of the annual Run to the Rock" Ford F-100 Truck Show recently held on October 10-11, 2008.

Commissioner Turner reported on the activities of the Parks and Recreation Board.

## **Page 8 - Minutes of the October 14, 2008 Regular Council Meeting**

Mayor Proctor reported on the North Carolina League of Municipalities centennial conference that was held in Charlotte, North Carolina on October 12-14, 2008.

After discussion, Commissioner Pitts made a motion to authorize the mayor to write a memorandum on behalf of town council to the zoning and planning board pertaining to an alternate proposal for creating a policy and proposed ordinance amendments with regards to the single family dwelling-vacation rental stakeholders committee study and recommendations which included:

1. Define SFD-VR, as recommended by the stakeholder committee;
2. Develop standards and regulations that all SFD-VR's would have to adhere to;
3. Define districts which SFD-VR's will be permitted and under what conditions they will be permitted;
4. Include R-1 and R-2 districts as districts where SFD-VR's will be allowed for a period of 7 years;
5. Verify with Community Development Attorney Mike Egan, Town Attorney J. Christopher Callahan, the North Carolina League of Municipality legal council, the North Carolina Institute of Government, and other legal entities as deemed necessary by the town attorney that the proposed regulation changes to allow SFD-VR in R-1 and R-2 districts for a period of 7 years is legal, and has no reasonable risk of being seriously challenged in the North Carolina court of law; and
6. Define what constitutes acceptable conditions or adherence to standards for SFD-VR's to be considered for becoming permanently permitted in R-1 and R-2 districts. This includes defining threshold levels and/or conditions which must not be exceeded during the trial period, as well as defining procedures for town administration to track conditions for the trial period of 4 years from when the town council adopts the SFD-VR changes proposed by the zoning and planning board.

Commissioner Noble seconded the motion and the vote of approval was unanimous.

Town Council members determined the above mentioned was necessary after careful consideration of the recommendations from the stakeholder committee in conjunction with the current economic situation. The council believes that this change still allows the original recommendations from the stakeholder committee to remain intact, but at the same time address the current economic environment.

Tyrone Phillips, a member of the SFD-VR Stakeholder Committee, encouraged town council to take the information that the stakeholders committee put forth during a year of long work. Mr. Phillips stated that the stakeholder committee was made up of extremely diverse groups of people and represented approximately 1,500 property owners in the R-1 and R-2 rather well.

Martin Watts stated that from a chamber of commerce's point of view they endorse anything that



**Page 9 - Minutes of the October 14, 2008 Regular Council Meeting**

Council can do to help businesses.

<b>CONSENT AGENDA</b>
-----------------------

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

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

- a. minutes of the September 9, 2008 (regular meeting) and September 16, 2008 (special joint meeting);
- b. Resolution No. 08-10-14 Declaration of Official Intent to reimburse a loan for renovations at the wastewater treatment plant;

**RESOLUTION NO. 08-10-14**

**TOWN OF LAKE LURE, NORTH CAROLINA DECLARATION OF OFFICIAL INTENT TO REIMBURSE**

**WHEREAS**, this declaration ("the Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section; and

**WHEREAS**, the Finance Officer has described to the Board the desirability of adopting a resolution, as provided under federal tax law, to facilitate the town's using the general fund balance to loan funds to the water and sewer fund for wastewater treatment plant upgrades.

**NOW THEREFORE BE IT RESOLVED, BY THE BOARD COMMISSIONERS OF THE TOWN OF LAKE LURE:**

That the Town Council declares their official intent of the Town of Lake Lure ("the issuer") with respect to the matters contained herein.

1. Expenditures to be incurred. The Issuer anticipates incurring expenditures for renovations at the wastewater treatment plant.
2. Plan of Finance. The issuer intends to finance the cost of the project with a loan from the general fund balance in the amount of \$342,500 to be repaid over future fiscal years until paid in full. Yearly amounts will be based on financial strength in the water and sewer fund.

**Page 10 - Minutes of the October 14, 2008 Regular Council Meeting**

3. Declaration of Official Intent to Reimburse. The Issuer hereby declares its official intent to reimburse itself with the proceeds from the water and sewer fund revenues and will budget accordingly based on this declaration.

Adopted this the 14th day of October, 2008 at Lake Lure, North Carolina.

ATTEST:

---

Mary A. Flack, MMC  
Town Clerk

---

Mayor Jim Proctor

- c. a budget amendment as submitted by the finance director for wastewater improvements by Hobson Construction; transferring \$342,500 from the general fund balance into the sewer department wastewater treatment plant improvements account #597; (Attached is a copy of a memorandum from the Finance Director Sam Karr dated October 9, 2008.)
- d. a contract agreement with the Bill's Creek Volunteer Fire Department as submitted by the Lake Lure Fire Coordinator regarding fire protection and rescue service; (Attached is a copy of the Bill's Creek Volunteer Department Agreement.)
- e. a contract agreement with the Chimney Rock Volunteer Fire Department as submitted by the Lake Lure Fire Coordinator regarding fire protection and rescue service; (Attached is a copy of the Chimney Rock Volunteer Department Agreement.)
- f. a contract agreement with the Fairfield Mountains Volunteer Fire Department as submitted by the Lake Lure Fire Coordinator regarding fire protection and rescue service; (Attached is a copy of the Fairfield Mountains Volunteer Department Agreement.)
- g. ratify approval of a request from Jerry Cochran for the annual "Run to the Rock" Ford F-100 truck show being held on October 10-11, 2008; waiving the town rental fees for use of the meadows and suspending the town's peddling ordinance during this event; proceeds received for this event will be donated to the town's youth center after school program; and
- h. a budget amendment as submitted by the finance director for storm and rain damage along Boy's Camp Road; transferring \$16,541 from the contingency fund account #10-991000-970 to the public works department budget account #10-451000.351. (Attached is a copy of a memorandum from the Finance Director Sam Karr dated September 26, 2008.)

**End of Consent Agenda.**

**UNFINISHED BUSINESS:**

**a. Consider Approval of a Request from the North Carolina Department of Transportation Regarding a Deed for a Highway Right-of-way and a Temporary Construction Easement for the Construction of a New Bridge over the Broad River on US 64/74A, NC-9**

Division Construction Engineer Ricky Tipton and Right-of-way Agent Darrin Riddle with the North Carolina Department of Transportation answered questions regarding the Lake Lure bridge replacement project for the NCDOT Bridge No. 7.

Mayor Proctor stated that when he first heard about the replacement project for Bridge No. 7 he spoke with a DOT engineer who has since then retired, about if the speed limit was reduced and the aesthetics were fixed would the current bridge meet code? And the DOT engineer said it would. The Mayor said since that time he has been asking DOT if they would go back through and see if those things were changed if it would be acceptable and they said they would but no one has ever gotten back to him on this matter.

Council members voiced their concerns and objections with regards to replacing the existing bridge number 7. They also expressed their concerns about why they were left out of the loop on the bridge project.

Engineer Tipton informed council that the structural deficiency of the bridge and it being functionally obsolete, there is no repair to widen the bridge to make it fit what is needed today. He said it is not possible to retrofit that bridge. Mr. Tipton said the bridge was not in imminent danger of collapse, but that the 10-foot wide lanes were unsafe and the bridge was nearing a point of decay. Mr. Tipton informed council that not much time was left before this project would begin.

Commissioner Pitts distributed copies of photos that he had took of the existing bridges in Lake Lure and Bat Cave. He showed photographs of a new business in Chimney Rock with vehicles parked over the line into the road. Commissioner Pitts pointed out some of the difficulties in Chimney Rock with the width of lanes and pointed out a bridge on Tryon Bay that was of the same type as the bridge number 7 being replaced. Commissioner Pitts suggested that the DOT not spend money on the new bridge but help Chimney Rock correct many of the safety issues they have been facing for years.

Engineer Tipton informed Council that Commissioner Pitts concerns were enforcement issues and that local law enforcement should be more stringent in the way they handle current regulations in Chimney Rock. Mr. Tipton said he could not tell why this bridge is going to be replaced and that one on Tryon Bay is not. The bridge on 64/74A on Broad River has had its time come up. This bridge was built in 1925 and the contract has been let for the construction of this bridge.

## **Page 12 - Minutes of the October 14, 2008 Regular Council Meeting**

Patrick Carr, business owner in Lake Lure, asked for council's assistance with regards to the DOT redirecting the road access decreasing his parking spaces available on his property due to the replacement of bridge number 7 project. Council members asked Mr. Tipton to respond to Mr. Carr's concerns and help assist him with a solution if possible.

Council members requested that Mr. Tipton furnish them drawings and/or model of the bridge that will be constructed for review before officially approving the project and Mr. Tipton agreed to their request. Mr. Tipton asked for council's approval of an agreement for entry with NCDOT for the construction of State Highway Project Number 33600.2.1. Council members said they would agree to this agreement in order to avoid additional financial burden to the State and prevent the NCDOT proceeding with condemnation procedures against the town.

After discussion, Commissioner Pitts made a motion to approve an agreement for entry with the NCDOT for the construction of the State Highway Project Number 33600.2.1 as presented by Division Construction Engineer Ricky Tipton. Also, authorize the mayor and town manager to sign this document. Commissioner Hyatt seconded the motion and the vote of approval was unanimous. (Attached is a copy of the agreement for entry with the NCDOT).

### **UNFINISHED BUSINESS:**

#### **b. Consider Approval of a Request from the North Carolina Department of Transportation Regarding a Transfer of Ownership Agreement for the NCDOT Bridge No. 7**

Division Construction Engineer Ricky Tipton and Right-of-way Agent Darrin Riddle with the North Carolina Department of Transportation answered questions regarding the transfer of ownership agreement for the Lake Lure bridge replacement project for the NCDOT Bridge No. 7.

Town Council did not approve the transfer of ownership agreement presented by the NCDOT for bridge number 7.

### **UNFINISHED BUSINESS:**

#### **c. Other Unfinished Business**

There was no other unfinished business for discussion.

### **NEW BUSINESS:**

#### **a. Update from Brown Consultants, PA Regarding the Rutherfordton Interconnect "Green Line" and Existing Modification to the Wastewater Treatment Plant**

Jeffrey T. Brown President of Brown Consultants introduced staff members Project Manager Michael Goforth and Chief Engineer Harlow Brown.

**Page 13 - Minutes of the October 14, 2008 Regular Council Meeting**

Michael Goforth gave a brief update on the current status of the wastewater treatment plant project. Mr. Goforth informed council members that the wastewater treatment plant with the new upgrades is scheduled to start up next week. He said there will be trucks hauling sludge out of the treatment plant next week. Mr. Goforth anticipates this project being completed before the Special Order of Consent deadline of October 31, 2008.

Chief Engineer Harlow Brown of Brown Consultants reviewed and distributed copies of a report dated October 14, 2008 on the Lake Lure – Rutherfordton Interconnect “Green Line” project prepared by Brown Consultants, PA. Mr. Brown reported on the Lake Lure short term treatment solutions, major goals of four entities (Lake Lure, Chimney Rock, Rutherfordton, and Rutherford County), project budget, project funding, and project time-line. (Attached is a copy of the Lake Lure – Rutherfordton Sewer Interconnect Report dated October 14, 2008.)

**NEW BUSINESS:**

**b. Consider Adopting Resolution No. 08-10-14B Supporting the Rutherfordton Interconnect “Green Line” Project Jointly with the Town of Rutherfordton**

Chief Engineer Harlow Brown of Brown Consultants encouraged town council to adopt Resolution No. 08-10-14B submitted.

Mayor Jim Proctor read into the record excerpts from Resolution No. 08-10-14B.

Council members expressed their support of the Rutherfordton interconnect “Green Line” project jointly with the Town of Rutherfordton.

After discussion, Commissioner Wayne Hyatt made a motion to adopt Resolution No. 08-10-14B supporting the Rutherfordton interconnect “Green Line” project jointly with the Town of Rutherfordton as presented. Also, authorize Town Attorney J. Christopher Callahan to work with the Town of Rutherfordton Attorney Louis Nanney to proceed with drafting a inter-local agreement for the Rutherfordton interconnect “Green Line” project. Commissioner Russ Pitts seconded the motion and the vote of approval was unanimous.

**RESOLUTION NO. 08-10-14B**

**A JOINT RESOLUTION OF SUPPORT FOR THE RUTHERFORDTON INTERCONNECT “GREEN LINE” BETWEEN THE TOWN OF LAKE LURE AND THE TOWN OF RUTHERFORDTON**

**WHEREAS**, The Town of Lake Lure is currently in a Special Order of Consent (SOC) with NCDENR Division of Water Quality to make certain improvements to our wastewater treatment plant; and

**Page 14 - Minutes of the October 14, 2008 Regular Council Meeting**

**WHEREAS**, the Town of Lake Lure desires and needs additional sewer capacity for the long-term growth of the community; and

**WHEREAS**, the Town of Lake Lure wastewater treatment plant will require extensive improvements or replacement in the next 5-10 years that would cost the Town an estimated \$20 million; and

**WHEREAS**, the estimated cost to complete this project is between \$9-\$10 million to engineer and construct the Interconnect "Green Line"; and

**WHEREAS**, the Interconnect "Green Line" Project would allow the Town of Lake Lure to permanently eliminate our NPDES permit to discharge wastewater into the Broad River; and

**WHEREAS**, the Town of Rutherfordton has substantial capacity in their current wastewater treatment plant; and

**WHEREAS**, the Town of Rutherfordton made substantial improvements to their wastewater treatment plant to upgrade and modernize operations; and

**WHEREAS**, the Interconnect "Green Line" Project would bring additional revenues to the Town of Rutherfordton to support their operation and maintenance of their wastewater plant and collections system; and

**WHEREAS**, the Interconnect "Green Line" Project would allow for potential growth along the 64/74A corridor in Rutherford County; and

**WHEREAS**, North Carolina Department of Natural Resources, the Rural Center, and the Clean Water Management Trust Fund all support regionalization of wastewater plants and elimination of NPDES permits in communities; and

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF LAKE LURE** that the Town of Lake Lure Town Council and the Town of Rutherfordton Town Council support moving forward with all aspects of this project, with a goal of the Interconnect "Green Line" being constructed and operational within 3-4 years of adoption of this Resolution.

Adopted this 14<sup>th</sup> day of October, 2008 by the Town of Lake Lure Town Council.

Adopted this \_\_\_\_ day of \_\_\_\_\_ by the Town of Rutherfordton Town Council.

**Page 15 - Minutes of the October 14, 2008 Regular Council Meeting**

**TOWN OF LAKE LURE**

ATTEST:

\_\_\_\_\_  
Mary A. Flack, MMC  
Town Clerk

\_\_\_\_\_  
Jim Proctor  
Mayor

**TOWN OF RUTHERFORDTON**

ATTEST:

\_\_\_\_\_  
Holly Davis  
Town Clerk

\_\_\_\_\_  
Sally Leshner  
Mayor

**NEW BUSINESS:**

**c. Consider Action Regarding a Lake Structure Condemnation**

Mr. Gilliam furnished a memorandum to town council members dated October 14, 2008 regarding 104 Yacht Island. He stated in his memorandum that a follow up inspection of the lake structure located adjacent to 104 Yacht Island on the morning of October 14, 2008 revealed that demolition of this structure has begun, and that the hazardous portions of this structure have been removed. Due to this new information, Mr. Gilliam recommended that this item be removed from town council's October 14<sup>th</sup> agenda.

After discussion, town council members agreed to remove agenda item 13 c (consider action regarding a lake structure condemnation) off the agenda at the request of Planner/Subdivision Administrator Amos Gilliam.

**NEW BUSINESS:**

**d. Consider a Request from Martyn Watts on Behalf of the Hickory Nut Gorge Chamber of Commerce Regarding a Proposal to Allow the Chamber to Take Over the Rentals of the Town's Meadows Area Surrounding the Visitor Center**

Heard a request from Martyn Watts on behalf of the Hickory Nut Gorge Chamber of Commerce regarding a proposal to allow the chamber to take over the rentals of the town's meadows area surrounding the visitor center. (Attached is a copy of a letter from Martyn Watts received October 6, 2008.)

Commissioner Turner asked Mr. Watts to respond to the following concerns compiled by town staff pertaining to the chamber's request.

## Page 16 - Minutes of the October 14, 2008 Regular Council Meeting

- \* Will the meadows still be open to the public to use freely when there is not a scheduled event? For instance, a family that comes to the park for a picnic and would like to have a little game of sort (soccer, baseball, etc.) in the meadows.
- \* The town would be losing revenue on an already tight budget. Even though the chamber is talking about giving a portion of the rental fees to the town, it would not be equivalent to the income received by the town for renting the meadows themselves.
- \* Police Chief shared his concerns about the use of the meadows. The police chief would still need it to be strictly regulated as to what activities are allowed. The police department would need to be informed of all booked activities in order to police the area properly. The form that customer service fills out and gives to the police department concerning the suspension of ordinances would still be desired by the police chief for approval. The police chief recommends not allowing alcohol in the meadow because it is too hard to contain and control. All fabric structures and entertainment permits would also still need to be filled out and approved.
- \* If the chamber takes over the rental of the meadows, what responsibilities would the maintenance department still have concerning the mowing and clean up?
- \* The town already has a few advanced bookings for next year. How would that be handled?
- \* It seems that the town would still be doing all of the work they do now without getting the income.

Mr. Watts agreed on behalf of the chamber to address concerns mentioned above from town staff and work together on a mutual agreement.

Commissioner Pitts suggested that an agreement be drafted for a trial period basis.

After discussion, Commissioner Turner made a motion to direct the town manager to work together with the chamber drafting an agreement to be brought back for final approval. Commissioner Noble seconded the motion and the vote of approval was unanimous.

A motion was made by Commissioner Noble to excuse herself from the remainder of this meeting. Commissioner Pitts seconded the motion and the vote of approval was unanimous.

### **NEW BUSINESS:**

#### **e. Consider Appointments to the Fireman's Relief Fund Board**

Town Manager Steve Wheeler and Lake Lure Fire Coordinator Ron Morgan reviewed and answered questions pertaining to a request for appointments to the Fireman's Relief Fund Board



## **Page 17 - Minutes of the October 14, 2008 Regular Council Meeting**

outlined in a memorandum from Mr. Morgan dated October 6, 2008. (Attached is a copy of the memorandum from Ron Morgan dated October 6, 2008.)

After discussion, Commissioner Hyatt made a motion to appoint Sam Karr and Blaine Cox to serve on the local Fireman's Relief Fund Board as recommended by Lake Lure Fire Coordinator Morgan. Commissioner Turner seconded the motion and the vote of approval was unanimous.

### **NEW BUSINESS:**

#### **f. Consider Adopting Resolution No. 08-1014A Approving the Lake Lure Identity Theft Prevention Policy**

Town Manager Steve Wheeler gave a brief overview and answered questions regarding the Lake Lure Theft Prevention Policy

After discussion, Commissioner Turner made a motion to adopt Resolution No. 08-10-14A approving a Lake Lure identity theft prevention policy as presented by the town manager. Commissioner Pitts seconded the motion and the vote of approval was unanimous. (Attached is a copy of the Lake Lure identity theft prevention policy.)

### **RESOLUTION NUMBER 08-10-14A**

#### **A RESOLUTION ADOPTING THE TOWN OF LAKE LURE IDENTITY THEFT PREVENTION PROGRAM POLICY**

**WHEREAS**, the Town of Lake Lure desires to protect our customers from the threat of identity theft; and

**WHEREAS**, the Federal Trade Commission (FTC) has required that all financial institutions and creditors who establish or maintain "covered accounts" containing customer "identifying information" as defined by the Fair and Accurate Credit Transactions Act (FACTA) of 2003 establish identity theft protection programs; and

**WHEREAS**, the Town of Lake Lure desires to comply with these Federal regulations by formally adopting a policy concerning the protection of customer information it obtains through programs and services; and

**WHEREAS**, this policy will provide town employees with the tools and procedures to identify and respond to identity theft threats.

**NOW, THEREFORE BE IT RESOLVED**, that the Lake Lure Town Council hereby adopts the Town of Lake Lure Identity Theft Prevention Program policy.

**Page 18 - Minutes of the October 14, 2008 Regular Council Meeting**

Adopted this 14<sup>th</sup> day of October, 2008.

ATTEST:

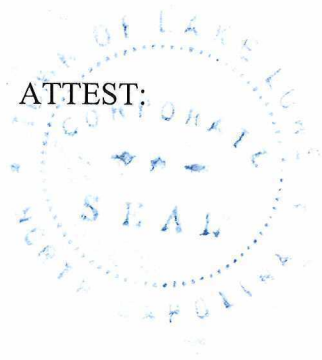
\_\_\_\_\_  
Mary A. Flack, MMC  
Town Clerk


\_\_\_\_\_  
Jim Proctor  
Mayor

**ADJOURN THE MEETING**

With no further items of discussion, Commissioner Pitts 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