

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, JULY 12, 2011, 7:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

PRESENT: Mayor Bob Keith
Commissioner Mary Ann Dotson Silvey
Commissioner Wayne Hyatt
Commissioner John W. Moore

Christopher Braund, Town Manager
J. Christopher Callahan, Town Attorney

ABSENT: Commissioner Linda Turner

CALL TO ORDER

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

INVOCATION

Attorney Chris Callahan gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Bob Keith asked the audience and staff to stand for the pledge of allegiance.

APPROVE THE AGENDA

Commissioner Mary Ann Silvey made a motion to approve the agenda as amended by adding closed session to discuss legal matters and attorney client privilege in accordance with G.S. 143-318.11(a)(3). Commissioner Wayne Hyatt seconded the motion and the vote of approval was unanimous.

**PUBLIC HEARING ORDINANCE NO. 11-07-12 CREATING SECTION 92.019 OF THE
ZONING REGULATIONS OF THE TOWN OF LAKE LURE ESTABLISHING
CONDITIONAL ZONING DISTRICTS**

Community Development Director Shannon Baldwin provided town council members a flowchart outlining the process of conditional zoning and gave a brief overview and answered questions pertaining to Ordinance No. 11-07-12 creating section 92.019 of the Zoning Regulations of the Town of Lake Lure establishing conditional zoning districts.

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Mayor Bob Keith opened the public hearing regarding proposed Ordinance No. 11-07-12 and invited citizens to speak during the public hearing; no one requested to speak.

After discussion, Commissioner John Moore made a motion to close the public hearing. Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

CONSIDER ADOPTION OF ORDINANCE NO. 11-07-12 CREATING SECTION 92.019 OF THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE ESTABLISHING CONDITIONAL ZONING DISTRICTS

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

After discussion, Commissioner John Moore made a motion to adopt Ordinance No. 11-07-12 creating section 92.019 of the Zoning Regulations of the Town of Lake Lure establishing conditional zoning districts. Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

PUBLIC FORUM

Mayor Bob Keith invited the audience to speak on any non-agenda item and/or consent agenda topics.

Rita Robinson of 2255 Fruitland Road in Hendersonville, owner of property at 2728 Memorial Highway in Lake Lure, requested to speak. Mrs. Robinson suggested that town council review Section 92.031 (B) of the Zoning Regulations of the Town of Lake Lure and potentially create an amendment to the regulations to establish a clearer definition for “open storage” and specify a time limit for open storage.

STAFF REPORTS

Town Manager Christopher Braund presented the town manager’s report dated July 12, 2011. (Copy of the town manager’s report is attached)

COUNCIL LIAISON REPORTS & COMMENTS

Commissioner John Moore reported on the activities of the Zoning/Planning Board.

Mayor Bob Keith reported on the activities of the Parks and Recreation Board.

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Commissioner Mary Ann Silvey reported on the activities of the Lake Advisory Board and mentioned that the Lake Advisory Board voted to change the time of their regular monthly meetings from 5:30 p.m. to 1:30 p.m. on the first Monday of each month. Commissioner Silvey also reported on the activities of the Lake Lure ABC Board.

Commissioner Wayne Hyatt reported on the activities of the Lake Lure Board of Adjustment/Lake Structures Appeal Board.

CONSENT AGENDA

Mayor Bob Keith presented the consent agenda and asked if any items should be removed before calling for action.

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

- a. minutes of the June 14, 2011 (regular meeting); and
- b. a request from Mary-Lu B. Elias to suspend the Town Peddling Ordinance on October 9, 2011 from 1:00 p.m. to 5:00 p.m. to sell photographs at the 1st Annual Hickory Nut Gorge Inter-Congregational Blessing of the Animals Service.

End of Consent Agenda.

UNFINISHED BUSINESS:

a. OTHER UNFINISHED BUSINESS

Commissioner Mary Ann Silvey made a motion to direct the Zoning and Planning Board to review Section 92.031 of the Zoning Regulations of the town of Lake Lure, specifically the last paragraph of this section regarding open storage. Commissioner John Moore seconded the motion and the vote of approval was unanimous.

There was no other unfinished business.

NEW BUSINESS:

a. CONSIDER ADOPTION OF RESOLUTION NO. 11-07-12 AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NCGS 160A-20

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After discussion, Commissioner Wayne Hyatt made a motion to adopt Resolution No. 11-07-12 authorizing the filing of an application for approval of financing authorized by NCGS 160A-20, for construction of Marina Boat Slips by the Town of Lake Lure.

Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

RESOLUTION NO. 11-07-12

A RESOLUTION OF THE TOWN COUNCIL OF TOWN OF LAKE LURE, NORTH CAROLINA, AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF FINANCING AGREEMENT AUTHORIZED BY NCGS 160A-20.

WHEREAS, the Town of Lake Lure desires to finance Marina Slip construction;
and

WHEREAS, the Town of Lake Lure desires to finance these improvements by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, Findings of Fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its Finding of Fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Lake Lure, North Carolina, meeting in regular session on July 12, 2011, that the said Council makes the following FINDINGS OF FACT:

1. The proposed contract is for the purpose of financing \$650,000 for construction of Marina Boat Slips by the Town of Lake Lure.
2. The proposed contract is preferable to a bond issue because: 1) the total costs of the financing are not sufficient to warrant the expenses involved in a General Obligation Bond issue; 2) The proposed project is too expensive to be funded through current revenues and/or fund balance, thus the installment contract method of financing proves to be the best alternative for the Town of Lake Lure; and 3) the desired term of the financing is ten years, thereby making bonds a less desirable alternative.
3. The sum to fall due under contract will be adequate and not excessive for the proposed purpose and the rate of interest will be approximately the same or lower than that of a general obligation bond issue, when considering total costs involved in a referendum, legal expenses, insurance etc.

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4. The Town of Lake Lure's debt management procedures and policies are acceptable. The Town adheres to its Budget Ordinance, has a history of timely debt obligation payments, and maintains an acceptable level of unappropriated fund balance. The Town Manager and Finance Officer constantly monitor the Town's fiscal structure and periodically report the financial condition to the Town Council.
5. The Town of Lake Lure is not in default in meeting its debt service obligations.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Town Manager is hereby authorized to act on behalf of the Town of Lake Lure in filing an application with the North Carolina Local Government Commission for approval of the Financing and other actions not inconsistent with resolution.

BE IT FURTHER RESOLVED that a Public Hearing be held to hear public input on the financing of existing debt by the use of an installment financing contract as allowed for under N.C.G.S. 160A-20 for the said financing on August 9, at 7:00 p.m. at the Municipal Center, Lake Lure, NC, and that the Clerk to the Board is hereby authorized and directed to cause to be published, a notice of the said meeting as by law required.

This Resolution is effective upon its adoption this 12th day of July, 2011.

CLOSED SESSION – ATTORNEY CLIENT PRIVILEGE

A motion was made by Commissioner John Moore to enter into closed session to discuss legal matters and attorney client privilege in accordance with G.S. 143-318.11(a) (3). Commissioner Wayne Hyatt seconded the motion.

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.

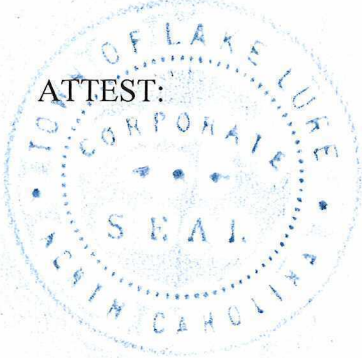
With no further items of discussion in closed session, Commissioner Wayne Hyatt made a motion to come out of the closed session meeting and re-enter the regular session of the town council meeting at 9:55 p.m. Commissioner John Moore seconded the motion and the vote of approval was unanimous.

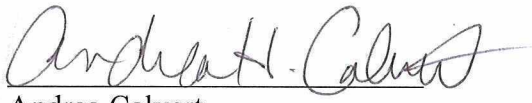
ADJOURN THE MEETING

With no further items of discussion, Commissioner Mary Ann Silvey made a motion to adjourn this meeting at 10:00 p.m. Commissioner Wayne Hyatt seconded the motion and the vote of approval was unanimous.

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ATTEST:





Andrea Calvert
Town Clerk



Mayor Bob Keith