

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, JANUARY 10, 2012, 7:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

PRESENT: Mayor Bob Keith
Commissioner Mary Ann Silvey
Commissioner John W. Moore
Commissioner Bob Cameron
Commissioner Diane Barrett

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

ABSENT: NA

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 led the pledge of allegiance.

APPROVE THE AGENDA

Commissioner Bob Cameron made a motion to approve the agenda as amended adding an item as 9a under old business to discuss the marina building renovation and an item as 9b to discuss moving the marina fuel tank. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

PUBLIC FORUM

Mayor Keith invited the audience to speak on any non-agenda items and/or consent agenda topics and the following requested to speak.

1. Linda Turner of 211 Hawks Nest Trail stated that in an effort to assist in the appeal of the ruling regarding residential vacation rentals, a group of citizens have established a residential vacation rental appeal support fund. Mrs. Turner

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informed town council that a number of Lake Lure residents who support the appeal of Judge Bridges' court ruling have set up the fund to offset legal expense of appealing the ruling. Funds may only be used for legal costs associated with appeal activity that leads to a court hearing and may only be paid to the appeal attorney and his staff. Should a settlement be achieved before a court hearing occurs, all funds will be returned to contributors.

2. Nancy McNary of 189 Sunset Cove Road stated that 5 years ago council put out an invitation for people to serve on the stakeholders committee and the town spent several months filling positions on this committee. The committee met for 2 years and, with citizen input, town council adopted an ordinance. Then a lawsuit came up regarding window requirements and septic inspection. Mrs. McNary stated that, when she was on committee, she was concerned about failing septic systems. Mrs. McNary stated that, if the town doesn't appeal the judge's decisions regarding the RVR cases, it will be leaving on record a superior court ruling that sanctions bedrooms that are fire hazards and permits questionable sewer systems. For the health and safety of the lake and citizens, Mrs. McNary said she hopes council will not vote to let the court decision stand as it is.
3. Bill Beason of 162 Tanner Drive told council that he would like to provide comments relative to the RVR ordinance and the appeal to the North Carolina court of appeals. Mr. Beason stated that appealing Judge Bridges' decisions regarding the RVR ordinance will allow the town to obtain a proper and fair legal decision from a judge that has expertise in municipal law. Mr. Beason also stated that the town of Lake Lure did not exceed its authority, was not unjustified in creating the ordinance and used the proper procedure when creating and adopting the ordinance. Mr. Beason encouraged town council to continue with the appeal and stated that a conflict of interest is evident by one council member who is involved with rental homes. Mr. Beason suggested that town attorney Chris Callahan provide town council a letter outlining legal consequences regarding conflict of interest.

STAFF REPORTS

Town Manager Chris Braund presented the town manager's report dated January 10, 2012. (Copy of the town manager's report is attached)

COUNCIL LIAISON REPORTS & COMMENTS

Commissioner Diane Barrett reported on the activities of the Parks and Recreation Board.

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Commissioner John Moore reported that since the Zoning/Planning Board has not met since the last town council meeting, he had no report for the board.

Commissioner Mary Ann Silvey reported on the activities of the Lake Advisory Board and the activities of the Lake Lure ABC Board.

Commissioner Bob Cameron 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 Mary Ann Silvey moved, seconded by Commissioner John Moore, to approve the consent agenda items as presented. Therefore, the consent agenda, incorporating the following items was unanimously approved:

- a. minutes of the December 13, 2011 (Regular Meeting and Closed Session)
- b. a budget amendment to include \$4,000 No Man's Land Tax in the Fire Equipment Capital Reserve for future capital fire equipment purchases

End of Consent Agenda.

UNFINISHED BUSINESS:

a. DISCUSSION REGARDING THE MARINA BUILDING RENOVATION

Commissioner Bob Cameron reported that the marina building project has been redefined due to flood plain requirements. The building only appraised for \$20,000. Due to the state requirements, the building improvements can't exceed \$10,000 (50 percent of the appraised value). The building's roof is going to be replaced and a covered shed will be placed next to the building (not touching the building). The project has been re-quoted and the cost went from \$71,000 to \$47,520. Commissioner Cameron reported that contractors are going to proceed with change order approved by council last month.

UNFINISHED BUSINESS:

b. DISCUSSION REGARDING THE MARINA FUEL TANK

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Commissioner Bob Cameron expressed concerns about the fuel tank at the marina and suggested moving it. His main concerns are safety (environmental damages that may occur or a match causing an explosion due to an undetected leak). He has received an estimate of \$75,000 - \$80,000 for the project. In addition, they are looking to add an additional tank and pump so fuel could be purchased wholesale instead of retail and used for town vehicles. Commissioner Cameron has asked for another estimate which should be available in about 10 days

It was the consensus of council to gather more information about the project and consider this matter at a later meeting.

UNFINISHED BUSINESS:

c. OTHER UNFINISHED BUSINESS

There was no other unfinished business.

NEW BUSINESS:

a. CONSIDER A REQUEST ASKING TOWN COUNCIL TO ADOPT A PROCLAMATION RECONIZING THE TOWN OF RUTHERFORDTON'S 225th BIRTHDAY CELEBRATION

Jimmy Dancy, Mayor of Rutherfordton, expressed his pride for the Town of Rutherfordton and stated that he would like to share that pride with other towns in the county. Mayor Dancy read a proclamation and asked town council to adopt the proclamation recognizing the Town of Rutherfordton's 225th Birthday Celebration.

After discussion, Commissioner Diane Barrett made a motion to adopt this proclamation recognizing Rutherfordton's birthday celebration. Commissioner John Moore seconded the motion and the vote of approval was unanimous.

**Proclamation Honoring
Town of Rutherfordton, North Carolina
on its
225th Anniversary**

WHEREAS, the Town of Rutherfordton was formed in 1787 to serve as the seat of government for Rutherford County. Both the County and the Town are the namesakes of General Griffith Rutherford, a popular western North Carolina politician and General during the Revolutionary War period; and

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WHEREAS, Rutherfordton replaced the small village of Gilbert Town, located 3 miles north, which served first as the county seat of old Tryon County during the Colonial period and continued to serve in that capacity when Rutherford County was formed in 1779. Because the move from Gilbert Town to Rutherfordton caused no interruption in the official business of the county or the local court, Rutherfordton holds the distinction of being home to the oldest continuing body of government in western North Carolina; and

WHEREAS, Rutherfordton was the location of the first U.S. Post Office in western North Carolina, established in 1798; and

WHEREAS, Rutherfordton was the home to the first school chartered by the state legislature for western North Carolina, the Rutherfordton Academy, which opened in 1806, and also the site of the first newspaper published in the western portion of the state, *The North Carolina Spectator and Western Advertiser*, founded in 1831; and

WHEREAS, In the 1830s and 1840s, Rutherfordton was home to a successful private mint which produced more than \$2.25 million dollars in gold coinage. The mint, founded by Christopher Bechtler, Sr., in 1831, is credited with producing the nation's first \$1 gold coin; and

WHEREAS, Rutherfordton is home to the only remaining cluster of antebellum houses and public structures in the southern foothills of North Carolina; and

WHEREAS, Rutherfordton's downtown historic district and immediate residential neighborhoods encompass more than 150 public, commercial, religious building and homes, most dating from the late 19th or early 20th centuries, that display a wealth of architectural styles and historic periods; and

WHEREAS, the Town of Rutherfordton is proud of its 225 years of contributions to the Old North State and the Nation.

NOW, THEREFORE, BE IT RESOLVED, that the Lake Lure Board of Commissioners declares and recognizes that 2012 will be a year of celebration and commemoration of the 225th Anniversary of Rutherfordton, North Carolina.

Adopted this the 10th day of January, 2012.

NEW BUSINESS:

- b. CONSIDER A REQUEST FROM THE FRIENDS OF LAKE LURE FLOWERING BRIDGE AND LAKE LURE FLOWERING BRIDGE, INC. FOR ADDITIONAL PRESERVATION FUNDS; ALSO, CONSIDER APPROVAL OF A BUDGET AMENDMENT RELATING TO THE REQUEST**

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Bill Miller, member of the Friends of the Lake Lure Flowering Bridge, presented a request on behalf of the Friends of the Lake Lure Flowering Bridge and Lake Lure Flowering Bridge, Inc. asking town council to adopt the Historic Lake Lure Bridge #7 Preservation and Enhancement Plan.

Commissioner Mary Ann Silvey made a motion to adopt the Historic Lake Lure Bridge #7 Preservation and Enhancement Plan as presented by Friends of Lake Lure Flowering Bridge and Lake Lure Flowering Bridge, Inc. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

Mr. Miller also presented a request on behalf of Friends of the Lake Lure Flowering Bridge and Lake Lure Flowering Bridge, Inc. regarding utilization of bridge funds. Mr. Miller requested that town council allocate additional funds from the Bridge Preservation Reserve Fund.

After discussion, Commissioner Diane Barrett made a motion to authorize allocation of an additional \$10,000 to Friends of the Lake Lure Flowering Bridge and Lake Lure Flowering Bridge, Inc. for bridge preservation from the Bridge Preservation Reserve Fund based on the satisfactory presentation of a 5 year revenue/cost projection; also, approve a budget amendment to move \$10,000 from Bridge Preservation Revenue Fund (Fund#25) into the General Fund Capital Outlay-Bridge Beautification (#10-80000-584). Commissioner Bob Cameron seconded the motion and the vote of approval was unanimous.

Mayor Keith recessed the meeting at 8:48 p.m. and reconvened at 8:55 p.m.

NEW BUSINESS:

c. CONSIDER APPROVAL OF VARIOUS DOCUMENTS RELATING TO GRANT APPLICATIONS

After discussion, Commissioner John Moore made a motion to adopt Resolution No. 12-01-10 regarding Rural Center planning grants. Commissioner Bob Cameron seconded the motion and the vote of approval was unanimous.

RESOLUTION NO. 12-01-10

**Town of Lake Lure
Resolution AUTHORIZING RESOLUTION BY GOVERNING BODY OF THE
APPLICANT**

PLANNING GRANTS PROGRAM

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WHEREAS, the North Carolina Rural Economic Development Center, Inc. (Rural Center) has authorized the awarding of grants from appropriated funds to aid eligible units of government in financing the cost of planning activities needed to address current critical public health and environmental concerns related to water and wastewater infrastructure; and

WHEREAS, the Town of Lake Lure needs assistance in financing a planning project that may qualify for Rural Center funding; and

WHEREAS, the Town of Lake Lure intends to request grant assistance for the Town of Lake Lure Asset Management Plan from the Planning Grants Program;

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE:

That Town of Lake Lure has committed local funds in the amount of \$10,500.00 to the project, and will arrange financing for all remaining costs of the project if approved for a grant.

That Chris Braund, Town Manager and successors so titled, is hereby authorized to execute and file an application on behalf of Town of Lake with the Rural Center for a grant to assist in the Town of Lake Lure Asset Management Plan.

That Suzy Smoyer, Planner or Chris Braund, and successors so titled, is hereby authorized and directed to furnish such information as the Rural Center may request in connection with an application or with the project proposed; to make assurances as contained in the application; and to execute such other documents as may be required in connection with the application.

That the Town of Lake Lure has substantially complied or will substantially comply with all federal, state, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

Adopted this 10th day of January 2012.

Commissioner John Moore made a motion to approve the N.C. Parks and Recreation Trust Fund (PARTF) 2011-2012 Basic Facts and Assurances document as Presented by Town Planner Suzy Smoyer and authorize the mayor to sign the document on behalf of the Town of Lake Lure. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous. (Copy of N.C. Parks and Recreation Trust Fund (PARTF) 2011-2012 Basic Facts and Assurances attached.)

Commissioner John Moore made a motion to adopt Resolution No. 12-01-10A regarding the Recreational Trails Program and the Buffalo Creek Trail System. Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

**RESOLUTION NO. 12-01-10A
TOWN OF LAKE LURE AUTHORIZING RESOLUTION**

RECREATIONAL TRAILS PROGRAM- BUFFALO CREEK TRAIL SYSTEM

WHEREAS, the North Carolina Recreational Trails Program has reviewed a pre-application for the Buffalo Creek Park and has invited the Town of Lake Lure to submit a formal application; and

WHEREAS, the Town of Lake Lure needs assistance in financing the construction of the Buffalo Creek Trail System; and

WHEREAS, the Town of Lake Lure intends to request grant assistance for the Buffalo Creek Trail System from the Recreational Trails Program;

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE:

That the Town of Lake Lure supports funding a 25% match to complete the proposed project.

That upon being awarded the Recreational Trails Program Grant, the Town of Lake Lure is committed to completing the project within two years.

That Chris Braund, Town Manager and successors so titled, is hereby authorized to execute and file an application for the Buffalo Creek Trail System on behalf of Town of Lake.

That Suzy Smoyer, Planner or Chris Braund, and successors so titled, is hereby authorized and directed to furnish such information as the Recreational Trails Program may request in connection with an application or with the project proposed; to make assurances as contained in the application; and to execute such other documents as may be required in connection with the application.

That the Town of Lake Lure has substantially complied or will substantially comply with all federal, state, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

Adopted this 10th day of January 2012.


ADJOURN THE MEETING

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With no further items of discussion, Commissioner Diane Barrett made a motion to adjourn this meeting at 9:05 p.m. Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

ATTEST:


Andrea H. Calvert
Town Clerk


Mayor Bob Keith