

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, MARCH 12, 2013, 7:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

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

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

ABSENT: Commissioner Diane Barrett

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

Council members led the pledge of allegiance.

APPROVE THE AGENDA

Commissioner Bob Cameron made a motion to approve the agenda as presented.
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 items and/or consent agenda topics. No one requested to speak.

**PUBLIC HEARING PROPOSED ORDINANCE NO. 12-03-12 CONCERNING
ABANDONED STRUCTURES AND UNFIT DWELLINGS; AMENDING CHAPTER 90
OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE LURE**

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Mayor Bob Keith opened the public hearing regarding proposed Ordinance No. 13-03-12 and invited citizens to speak during the public hearing; no one requested to speak.

Council members agreed to close the public hearing.

<p>CONSIDER ADOPTION OF ORDINANCE NO. 12-03-12 CONCERNING ABANDONED STRUCTURES AND UNFIT DWELLINGS; AMENDING CHAPTER 90 OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE LURE</p>

Public notices were duly published in the Daily Courier newspaper.

Zoning Administrator Sheila Spicer gave a brief overview of Ordinance No. 12-03-12.

After discussion, Commissioner John Moore made a motion to adopt Ordinance No. 13-03-12 as presented. Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

ORDINANCE NUMBER 13-03-12

AN ORDINANCE CONCERNING ABANDONED STRUCTURES AND UNFIT DWELLINGS; AMENDING CHAPTER 90 OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE LURE

WHEREAS, Article 8 of Chapter 160A of the North Carolina General Statutes, N.C.G.S. 160A-174, et seq., delegates to municipalities the authority to exercise the general police power; and

WHEREAS, Part 6 of Article 19 of the North Carolina General Statutes, N.C.G.S. 160A-441, et seq., authorizes municipalities to provide for the repair, closing or demolition of any abandoned structure or unfit dwelling;

WHEREAS, N.C.G.S. 160A-193 authorizes municipalities to summarily remedy, abate or remove public health nuisances; and

WHEREAS, the Lake Lure Town Council finds that it is in the public interest to amend Chapter 90 of the Town's Code of Ordinances to provide the option to repair a dwelling that has been found to be unfit for human habitation when the cost of repairs would exceed 50% of the value of the dwelling; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the 12th day of March 2013, upon the question of amending the Town Code 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 § 90.05 of the Abandoned Structures; Unfit Dwellings Regulations of the Town of Lake Lure, concerning procedures for enforcement, is hereby amended as follows:

- (C) Procedure after Hearing; Order. If, after notice and hearing, the Code Enforcement Officer determines that the structure under consideration is unfit for human habitation in accordance with the standards set forth herein, he shall state in writing his findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order as provided herein.
- (1) If the repair, alteration or improvement of the dwelling can be made at a cost of less than fifty (50) percent of the value of the dwelling, ~~requiring the order shall require~~ the owner, within the time specified, to repair, alter or improve the dwelling in order to render it fit for human habitation ~~or to vacate and close the dwelling as a human habitation, based upon the Code Enforcement Officer's standards for closing dwellings; or~~ .
- (2) If the repair, alteration or improvement of the dwelling cannot be made at a cost of less than fifty (50) percent of the value of the dwelling, ~~requiring the order shall require~~ the owner, within the time specified ~~in the order, to~~ repair, alter, or improve the dwelling in order to render it fit for human habitation or, at the owner's option, to remove or demolish such dwelling.

If continued occupancy during the time allowed for repair will present a significant threat of bodily harm, taking into account the nature of the necessary repairs, alterations, or improvements, the current state of the property, and any additional risks due to the presence and capacity of minors under the age of eighteen or occupants with physical or mental disabilities, the order may require that the property be vacated and closed. The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the remedies afforded the Town in § 90.05(D) of this Chapter.

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

SECTION TWO. Paragraph (D)(2) of § 90.05 of the Abandoned Structures; Unfit Dwellings Regulations of the Town of Lake Lure, concerning the in rem remedy, is hereby amended as follows:

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- (2) After failure of an owner of a dwelling or structure to comply with an order of the Code Enforcement Officer within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in division (D)(1), above, the Code Enforcement Officer shall submit to the Town Council an ordinance ordering the Code Enforcement Officer to cause such dwelling structure to be repaired, altered or improved, vacated and closed, or, in the event the order was issued pursuant to § 90.05(C)(2), removed or demolished, as provided in the original order of the Code Enforcement Officer and, pending such repair, alteration, improvement, vacating, closure, removal or demolition, to placard any such dwelling as provided G.S. 160A-443.

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

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

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

Adopted this 12th day of March, 2013.

STAFF REPORTS

Town Manager Chris Braund presented the town manager's report dated March 12, 2013. (Copy of the town manager's report is attached.)

COUNCIL LIAISON REPORTS & COMMENTS

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

Commissioner Mary Ann Silvey reported on the activities of the Lake Advisory Board and the Lake Lure Classical Academy School Board. Commissioner Silvey also expressed condolences in reporting that Stewart Richardson, chairman of the Lake Lure ABC Board, passed away. Commission Silvey conveyed appreciation for Mr. Richardson's service to the town.

Commissioner Bob Cameron reported on the activities of the Lake Lure Board of Adjustment/Lake Structures Appeal Board.

Since Commissioner Diane Barrett was not present, Town Manger Chris Braund reported the activities of the Parks and Recreation Board.

PRESENT AWARD OF APPRECIATION TO PAULA JORDAN
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Community Development Director Shannon Baldwin recognized Paula Jordan for her work with various town boards and projects including the Zoning and Planning Board, Town Center Master Plan Steering Committee, the 2007-2027 Comprehensive Plan, the Comprehensive Transportation Plan, and the Market Assessment and Brand Development Committee.

Mayor Bob Keith presented an award of appreciation on behalf of Town Council to Ms. Jordan for notable contribution to the Town of Lake Lure and the Zoning and Planning Board from June, 2007 until January, 2013.

CONSENT AGENDA

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

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

- a. minutes of the February 12, 2013 regular meeting
- b. a request from Alicia Davis to suspend the town's alcohol ordinance in order to serve wine during a wedding reception being held inside the Community Hall of the Lake Lure Municipal Center on April 13, 2013 from 6 p.m. until 9 p.m.
- c. a request from Yvonne Cooley on behalf of the Hickory Nut Gorge Community Church Outreach, Inc to: (1) use town property surrounding the Lake Lure Arcade Building for a spring festival being held May 25-27, 2013 and an autumn festival being held October 19-20, 2013; (2) suspend the town's peddling ordinance for the festivals; (3) allow banners on town property prior to and during the festivals and (4) temporarily close a portion of arcade street for the events (as done for festivals in previous years)
- d. a lease extension between the Town of Lake Lure and the State Employees' Credit Union for use of the town's parking lot space for an ATM for 6 months beginning May 1, 2013 and ending October 31, 2013. Monthly rental will be \$0.00 during the lease extension period.
- e. a request submitted by Michelle Yelton on behalf of Lake Lure Classical Academy to waive sign permit fees and the deposit for rental of Morse Park

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Meadows for the school's annual Spring Fling Festival fundraiser being held on April 27, 2013 from 11:00 a.m. to 3:00 p.m. Also, suspend the town's peddling ordinance for the event and allow a portion of Morse Park Meadows parking lot to be used to park construction vehicles, fire trucks, and police cars for kids to view during the event

End of Consent Agenda.

UNFINISHED BUSINESS:

a. OTHER UNFINISHED BUSINESS

There was no other unfinished business.

NEW BUSINESS:

**a. PRESENTATION OF THE FRIENDS FLOWERING BRIDGE FIVE YEAR
BUDGET AND EXPENSE SUMMARY**

Bill Miller, representing the Friends of the Flowering Bridge, gave an update on the Flowering Bridge and presented the five year budget plan and expense summary for the Flowering Bridge.

NEW BUSINESS:

**b. CONSIDER DIRECTING THE ZONING AND PLANNING BOARD TO REVIEW
AND MAKE A RECOMMENDATION CONCERNING VACATION RENTAL
OPERATING PERMIT PROCEDURE**

John Kilby read into the record a memo dated March 5, 2013 from the BOA chairman Stephen Webber concerning the following motion made by the Lake Lure Board of Adjustments:

"We feel the vacation rental permit process duties should be placed back under the control of the Zoning Administrator, who is a trained, qualified Town employee. The only vacation rental permits that should involve the BOA are when the Zoning Administrator deems it necessary due to an unusual issue or when the permit applicant disagrees with the decision of the Zoning Administrator. Our Zoning Administrator, at the inception of this new zoning process, completed over 180 vacation rental permit applications, and we feel she is the proper qualified Town staff member to process this permitting requirement."

Mr. Kilby gave an overview and background concerning the amendment proposed by the board.

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After discussion, Commissioner Bob Cameron made a motion to direct the Zoning and Planning Board to review the conditional use vacation rental permitting process and make a recommendation concerning vacation rental operating permit procedure. Commissioner John Moore seconded that motion and the vote of approval was unanimous.

NEW BUSINESS:

**c. CONSIDER APPROVAL OF THE LAKE LURE AND CHIMNEY ROCK
COMMUNITY IMAGE STYLE GUIDE**

Community Development Director Shannon Baldwin presented the Lake Lure and Chimney Rock Style Guide and gave a brief overview of the document. Mr. Baldwin asked that council approve the document for use until April, 2013, when other documents concerning image and branding will be proposed.

After discussion, Commissioner Bob Cameron made a motion to approve the Lake Lure and Chimney Rock Style Guide as presented. Commissioner John Moore seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

**d. CONSIDER ADOPTION OF RESOLUTION NO. 13-03-12 REQUESTING COUNTY
ASSISTANCE FOR AN AMERICORPS TRAILS STEWARDSHIP COORDINATOR**

Town Manager Chris Braund gave an overview of his memo to council outlining proposed Resolution No. 13-03-12 requesting assistance from Rutherford County for an AmeriCorps Trails Stewardship Coordinator.

After discussion, Commission John Moore made a motion to adopt Resolution No. 13-03-12 as presented. Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

TOWN OF LAKE LURE RESOLUTION NO. 13-03-12

AMERICORPS TRAILS STEWARDSHIP COORDINATOR PROGRAM

WHEREAS, the expansion of public hiking, biking and paddling trails in Rutherford County creates a need for ongoing stewardship, maintenance and expansion of these trails; and

WHEREAS, the strategy of the Town of Lake Lure and Rutherford County is to utilize organized, trained volunteer clubs under an “Adopt-A-Trail” concept; and

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WHEREAS, there is a need for these trail stewardship groups to be recruited, organized and trained; and

WHEREAS, the AmeriCorps Project Conserve program can provide a grant of a team member on a full-time basis for 11 months to serve as a Trails Stewardship Coordinator;

WHEREAS, the local match requirement for this grant resource is \$8,000; and

WHEREAS, this resource would be used to organize and train volunteer stewardship programs for public trails in Lake Lure and the rest of Rutherford County.

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

That the Town of Lake Lure wishes to support the application for this AmeriCorps position and requests assistance from the Rutherford County Board of Commissioners to fund the \$8,000 local match requirement.

Should the grant award be made and the local match funded, the Town of Lake Lure agrees to provide office facilities and supervision for this resource, working in partnership with Jerry Stensland of the Rutherford Outdoor Coalition.

Adopted this date, March 12th, 2013 at Lake Lure, North Carolina.

NEW BUSINESS:

e. BOARD APPOINTMENT - ABC BOARD

Council members voted by ballot and Town Manager Chris Braund announced the following results:

Appointed Linda Samarotto to fill the remainder of Stewart Richardson's term on the Lake Lure ABC Board with a term ending December 31, 2013.

NEW BUSINESS:

f. APPOINT A MEMBER OF TOWN COUNCIL TO SERVE A THREE-YEAR TERM ON THE ISOTHERMAL PLANNING AND DEVELOPMENT COMMISSION BOARD OF DIRECTORS

Commissioner Bob Cameron, town council's current representative on the Isothermal Planning and Development Board of Directors, informed council that the board is composed of more staff representatives than elected officials and suggested that a town staff member serve on the board. Commissioner Cameron recommended that Community Development Director Shannon Baldwin be appointed to serve on the board.

Council members discussed the three Isothermal Planning and Development boards.

After discussion, Town Manager Chris Braund agreed to make a recommendation to town council concerning which staff members would be most appropriate to serve on an Isothermal Planning and Development board at a later town council meeting.

ADJOURN THE MEETING

With no further items of discussion, Commissioner Bob Cameron made a motion to adjourn the meeting at 8:15 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