

LAKE LURE TOWN COUNCIL REGULAR MEETING PACKET

Tuesday, October 8, 2013



Mayor Bob Keith

Commissioner John Moore

Commissioner Mary Ann Silvey

Commissioner Diane Barrett

Commissioner Bob Cameron



REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL

October 8, 2013

7:00 p.m.

Lake Lure Municipal Center

AGENDA

1. Call to Order Mayor
Bob Keith
2. Invocation Attorney
Chris Callahan
3. Pledge of Allegiance
4. Approve the Agenda Council
5. Public Hearing – Proposed Ordinance 13-10-08: An Ordinance Concerning the Board of Adjustment; Modifying the Procedures for Processing Matters to be Heard by the Board, and Modifying the Standards for Granting Variances
6. Consider Adoption of Ordinance 13-10-08: An Ordinance Concerning the Board of Adjustment; Modifying the Procedures for Processing Matters to be Heard by the Board, and Modifying the Standards for Granting Variances
7. Public Forum: *The public is invited to speak on any non-agenda and/or consent agenda topics. Comments should be limited to less than five minutes.*
8. Staff Reports
9. Council Liaison Reports & Comments
10. Consent Agenda:
 - a. Approve Minutes of the September 10, 2013 (Regular Meeting)
 - b. Adopt Resolution No. 13-10-08 Authorizing the Financing of Police Vehicles

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- c. Approve a Request Submitted by the Hickory Nut Gorge Chamber to Suspend the Alcohol Ordinance to Allow Serving of Beer and Wine at a Business Leaders Dinner to Be Held in the Community Hall in October
 - d. Approve a Request to Present a Potential Sign Regulations Amendment to the Zoning and Planning Board
 - e. Approve a Budget Amendment Concerning Electric Connections in the Arcade Building Area
- 11. Unfinished Business
 - a. Other Unfinished Business
- 12. New Business:
 - a. Board Appointment – Board of Adjustment/Lake Structure Appeals Board
 - b. Consider Approval of the Town Fee Schedule for Fiscal Year 2013-2014
 - c. Gateway Property Report: Findings & Recommendations
 - d. Consider Approval of a Correction of the Lake Lure Classical Academy Deed to Correct the Legal Description to Conform to a New Survey
 - e. Consider Approval of a Proposal Concerning Engineering Services to Assess and Modernize the Sewer Ordinance
- 13. Adjournment

Agenda Items: 5 & 6

MEMORANDUM

To: Honorable Mayor and Commissioners
From: Michael Egan, Community Development Attorney
Date: 3 October 2013
Subject: Ordinance Concerning the Board of Adjustment

PROJECT HISTORY & ANALYSIS

Governor McCrory recently signed into law Session Law 2013-126 (House Bill 276), which is a comprehensive rewrite of N.C.G.S. 160A-388 and 153A-340 – the statutory provisions governing boards of adjustment for municipalities and counties, respectively. The new law mandates a number of changes to the way planning departments and boards of adjustment do business. The ordinance which accompanies this memorandum amends §§ 92.080, et seq., of the Town's Zoning Regulations to bring them into compliance with N.C.G.S. 160A-388, as amended.

A summary and explanation of the changes follows:

- § 92.082(C). This section deals with the duty of BOA members to be impartial decision-makers. The existing text has been replaced by language tracking that contained in N.C.G.S. 160A-388(e)(2).
- § 92.082(F). This change, concerning the responsibility of BOA members to notify the Chair in the event of an anticipated absence, is intended to improve syntax.
- § 92.083. Changes the title of "secretary" to "clerk" in order to be consistent with the statute. Adds language tracking that of the statute relating to subpoenas. Makes some syntactical changes.
- § 92.084. This section embodies one of the major substantive changes contained in the Session Law. Whereas, the statute previously required a super-

majority of four-fifths of the membership of the Board to grant relief to an applicant or appellant, N.C.G.S. 160A-388(e) now specifies that a super-majority is only required to grant a variance. All other matters coming before the Board will now require only a simple majority. In light of this change in voting requirements it also seems rational to change the quorum requirements, and you will note this has been done in § 92.084(C).

§ 92.085. Due to the magnitude of the changes mandated by the Session Law, the draft ordinance reorganizes the Zoning Regulations. This section now merely summarizes the powers and duties of the BOA. Procedural requirements for appeals, variances and conditional use permits are treated separately in the following sections of the ordinance.

§ 92.086. This section sets forth the general requirements for quasi-judicial hearings and decisions. A more detailed analysis of regulatory changes follows:

(A). N.C.G.S. 160A-388(b)(1) now requires a notice of appeal to be filed with the Town Clerk rather than the Board secretary who is typically a member of the staff of the Planning Department. The Session Law is silent as to applications for variances and conditional use permits, and the ordinance leaves in place the requirement that those be filed with the Zoning Administrator.

(B). N.C.G.S. 160A-388(a2) details the procedure whereby staff is to provide notices of hearings. Notice must be mailed to the person who initiated the request for relief, to the owner of the property, to the owners of all other parcels abutting the subject parcel, and to others entitled to receive notice under the Town's Zoning Regulations. In the absence of evidence to the contrary, the Town is entitled to rely on the County tax listing to determine owners of property to receive notice. This section also includes new language contained in N.C.G.S. 160-388(b1)(4) which allows the landowner or applicant to post the property and thereby effect "constructive notice" on all persons with standing to appeal a zoning or subdivision decision.

(C). This paragraph has been reworded to track the statutory language contained in N.C.G.S. 160A-388(e2).

§ 92.087. This section, which tracks the statutory language contained in N.C.G.S. 160A-388(b1), sets forth in detail the procedures for hearing and deciding appeals of administrative officials. The official who made the decision, typically the Zoning Administrator, is now required to be present at the hearing. For the first time, parties have the right to agree to mediation or other forms of alternative dispute resolution.

§ 92.088. This section, mandated by N.C.G.S. 160A-388(d), contains fundamental changes in the standards for granting variances. It does away with the “practical difficulties” test and states that the BOA “*shall vary*” the provisions of the ordinance upon a showing of all of the following.

- a) “Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.”
- b) “The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.”
- c) “The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.”
- d) “The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.”

Language not highlighted, which relates to guiding principles for issuing variances, has been transferred, with minor changes, from existing § 92.085. The provision in existing § 92.085(f) that “the variance is the

minimum that will make possible the reasonable use” of the property has been eliminated as being inconsistent with new § 92.088(d).

§ 92.090. This section has been revised to track the statutory language contained in N.C.G.S. 160A-388(e2)(2).

ZONING & PLANNING BOARD RECOMMENDATION

With regard to the Ordinance Concerning the Board of Adjustment, the Zoning & Planning Board, at its meeting of 17 September 2013, voted unanimously (1) to find that the Ordinance is neither consistent with nor inconsistent with the 2007-2027 Town of Lake Lure Comprehensive Plan and (2) to recommend that Town Council enact said Ordinance.

SUGGESTED MOTION

I move Council to find that the Ordinance Concerning the Board of Adjustment is neither consistent nor inconsistent with the 2007-2027 Town of Lake Lure Comprehensive Plan and that enactment of said Ordinance is reasonable and in the public interest for the reasons stated in the preamble thereto, and I further move Council to enact this Ordinance.

NOTICE OF PUBLIC HEARING

Notice is hereby given that at 7:00 p.m., on 08 October 2013, at the Lake Lure Municipal Center, 2948 Memorial Highway, Lake Lure, North Carolina, the Lake Lure Town Council will hold a public hearing with regard to the following matter:

Ordinance #13-10-08: An Ordinance concerning the Board of Adjustment; modifying the procedures for processing matters to be heard by the Board, and modifying the standards for granting variances.

The public is advised that it has the right to appear at said public hearing and present information with regard to this matter. Copies of the proposed ordinance are available for public inspection at the Lake Lure Municipal Center, 2948 Memorial Hwy, 8:00 a.m. until 5:00 p.m., Monday through Fridays, holidays excepted.

ORDINANCE NUMBER 13-10-08

AN ORDINANCE CONCERNING THE BOARD OF ADJUSTMENT; MODIFYING THE PROCEDURES FOR PROCESSING MATTERS TO BE HEARD BY THE BOARD; MODIFYING THE STANDARDS FOR GRANTING VARIANCES

WHEREAS, N.C.G.S. § 160A-388 authorizes municipalities to establish boards of adjustment to hear and decide requests for variances and conditional use permits and appeals of decisions of administrative officials; and

WHEREAS, the Zoning Regulations of the Town of Lake Lure have established a board of adjustment for the purposes enumerated in N.C.G.S. § 160A-388; and

WHEREAS, Session Law 2013-126 has modified the procedures by which boards of adjustment function, as well as the standards for deciding requests for variances; and

WHEREAS, Town Council finds that this Ordinance is neither consistent nor inconsistent with the 2007-2027 Town of Lake Lure Comprehensive Plan; and

WHEREAS, Town Council further finds that enactment of this Ordinance is reasonable and in the public interest in that it enacts modifications to the procedures and standards for boards of adjustment required by the North Carolina General Assembly; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on October 10, 2013 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. This ordinance is enacted pursuant to the grants of authority contained in Section 160A-381 of the North Carolina General Statutes and North Carolina Session Law 2013-126.

SECTION TWO. Sections 92.080, et seq., of the Zoning Regulations of the Town of Lake Lure, concerning the Board of Adjustment, are hereby amended as follows:

§ 92.080 ESTABLISHMENT.

There shall be and hereby is created a Zoning Board of Adjustment consisting of five members to be appointed by the Town Council. Members of the board shall serve a term

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of three years, provided that upon initial appointment the terms of office may be staggered. In filling vacancies created by resignation or other causes, a new member may be appointed to fill the unexpired term of the member so vacating. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member while attending any regular or special meeting of the board and serving in the absence of any regular members shall have and may exercise all the powers and duties of a regular member. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the Board of Adjustment.

§ 92.081 ALTERNATE MEMBERS.

The Town Council shall appoint three alternate members to serve on the Board of Adjustment in the absence, for any cause, of any regular member. Such alternate members shall be appointed for three year terms. Such alternate members while attending any regular or special meeting of the board and serving in the absence of any regular member, shall have and exercise all the powers and duties of such regular member so absent. The alternate members shall be subject to the provisions of § 92.082.

§ 92.082 RULES OF CONDUCT.

- (A) Members of the board may be removed by the Town Council for cause, including violation of the rules stated below.
- (B) Faithful attendance at meetings of the board and conscientious performance of the duties required of members of the board shall be considered a prerequisite to continuing membership on the board.
- (C) ~~No board member shall take part in the hearing, consideration or determination of any case in which he is personally or financially interested. A board member shall have a financial interest in a case when a decision in the case will cause him or his spouse to experience a direct financial benefit or loss; or will cause a business in which he or his spouse owns any interest to experience a direct financial benefit or loss. A board member shall have a personal interest in a case when it involves a member of his immediate family (i.e. parent, spouse or child). A board member shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.~~

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- (D) No board member shall discuss any case with any parties thereto prior to the hearing on that case; provided, however, that members may receive and/or seek information pertaining to the case from the Zoning Administrator or any other member of the board, its secretary or clerk prior to the hearing.
- (E) Members of the board shall not express individual opinions on the proper judgment of any case prior to its determination on that case.
- (F) ~~Members of the board shall give notice to the chairman at least 48 hours prior to the hearing of any potential conflict of interest which he has in a particular case before the board.~~ When a member is aware of a potential conflict of interest, he or she shall give notice to the chair at least 48 hours prior to the time scheduled for hearing such matter.
- (G) No board member shall vote on any matter that decides an application or appeal unless he has attended the hearing on that application or appeal.

§ 92.083 GENERAL PROCEEDINGS.

- (A) The board shall annually elect a ~~chairman~~ chair and a vice ~~chairman~~ chair from among its regular members. The ~~chairman~~ chair in turn shall appoint a ~~secretary~~ clerk, who may be an employee of the town; or a municipal officer; ~~a member of the Zoning and Planning Board, or a member of the Board of Adjustment.~~
- (B) The ~~chairman, or in his absence the vice chairman~~ chair, or any member acting as chair, and the clerk may administer oaths. ~~and request the attendance of witnesses in accordance with G.S. § 160A-388.~~
- (C) The chair or, in the absence of the chair, anyone acting as the chair may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under N.C.G.S. 160A-393(d) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full board of adjustment.

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- (D) The board shall keep minutes of its proceedings, including the names of members present and absent, a record of the vote on every question, or abstention from voting, if any, together with records of its examinations and other official actions.

§ 92.084 MEETINGS.

- (A) **Board Meetings.** The board shall hold regular monthly meetings at a specified time and place. Special meetings of the board may be called at any time by the ~~chairman~~ chair or by request of three or more members of the board. At least 48 hours written notice of the time and place of meetings shall be given, by the ~~chairman~~ chair, to each member of the board. All board meetings are to be held in accordance with G.S. Ch. 143, Art. 33C, commonly referred to as the Open Meetings Act.
- (B) **Cancellation of Meetings.** Whenever there are no appeals, applications for conditional uses or variances, or other business for the board, or whenever so many members notify the ~~secretary~~ clerk of inability to attend that a quorum will not be available, the ~~chairman~~ chair may dispense with a meeting by giving written or oral notice to all members.
- (C) **Quorum.** A quorum shall consist of three members of the board, but the board shall not pass upon any questions relating to an ~~appeal from a decision or determination of the Zoning Administrator, or an application for a variance or conditional use permit~~ when there are less than four members present.
- (D) **Voting.** ~~All regular members may vote on any issue unless they have disqualified themselves for one or more of the reasons listed in § 92.082. The required vote to decide appeals and applications shall be as provided in § 92.086(D) and shall not be reduced by any disqualification. In all other matters the vote of a majority of the members present and voting shall decide issues before the board. The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide all other issues before the board, including any other quasi-judicial matter or an appeal made in the nature of certiorari. Vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.~~

§ 92.085 POWERS AND DUTIES.

~~The powers and duties of the Board of Adjustment shall be as follows:~~

~~(A) — *Administrative Review.* — To hear and decide appeals from any decision or determination made by the Zoning Administrator in the enforcement of this chapter as provided in § 92.086.~~

~~(B) — *Conditional Uses.* Upon application, the Board of Adjustment may grant in particular cases and subject to appropriate conditions and safeguards, permits for conditional uses as authorized by this chapter and set forth as conditional uses under the various zoning districts. In granting such a permit, the Board of Adjustment may designate such conditions in connection therewith as will, in its opinion, assure that the proposed use will conform to the requirements and spirit of this chapter. Before any conditional use permit is issued, written findings certifying compliance with the specific rules governing the individual conditional use shall be made. (See Section 92.045 through 92.049)~~

~~(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 observed, public safety and welfare secured, and substantial justice done. 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 is the minimum that will make possible the reasonable use of the land, building or structure.~~
- ~~_____ (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 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.~~

The Board of Adjustment is empowered and shall have the responsibility to hear and decide (1) appeals from decisions of administrative officials pursuant to § 92.086, below; (2) applications for conditional use permits pursuant to § 92.045, et seq.; and (3) applications for variances pursuant to § 92.087, below.

§ 92.086 APPEALS AND APPLICATIONS GENERAL REQUIREMENTS FOR QUASI-JUDICIAL HEARINGS AND DECISIONS

A quasi-judicial decision is a process that involves the finding of facts regarding a specific application of an ordinance and the exercise of discretion when applying the standards of the ordinance. Quasi-judicial decisions include decisions involving variances, conditional use permits, and appeals of administrative determinations.

(A) Types of Appeals and Applications:

- ~~_____ (1) *Appeals.* The board shall hear and decide all appeals from any decision or determination made by the Zoning Administrator.~~

~~(2) **Applications.** All applications for variances shall first be presented to the Zoning Administrator, who in turn shall refer the applications to the Board of Adjustment. Applications for conditional use permits shall be filed in accordance with Section 92.046.~~

(A) **Procedure for Filing Appeals and Applications.** ~~No appeal shall be heard by the board unless notice thereof is filed within 30 days after the interested party or parties receive the decision or determination by the Zoning Administrator. Both Notices of appeal shall be filed with the town clerk. Applications for conditional use permits and applications for variances shall be filed with the Zoning Administrator and processed in accordance with these regulations. , who shall act as clerk for the board in receiving this notice. All appeals and applications shall be made upon the form specified for that purpose, and all information required on the form shall be complete before an appeal or application shall be considered as having been filed. Once appeals and applications have been filed with the Zoning Administrator, the Zoning Administrator shall immediately notify the chairman of the board that such appeals or applications have been received.~~

(B) **Notice of Hearing.** Notice of hearings conducted pursuant to this section shall be mailed to the person or entity whose appeal or application is the subject of the hearing, to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by these regulations. In the absence of evidence to the contrary, the Town may rely on the Rutherford County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the Town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. In addition, notice of a hearing on an application for a conditional use permit shall be posted at Town Hall and published in a newspaper having general circulation in the Town within that same time period.

(C) **Hearings.** The Board shall conduct a quasi-judicial hearing on the appeal or application. It shall determine contested facts and make its decision within 45 days of the conclusion of hearing. The Board's decision shall be based upon competent, material, and substantial evidence in the record of the hearing. The decision shall be reduced to writing and reflect the Board's determination of contested facts, if any, and their application to applicable standards. The written decision shall be signed by the chair or other duly authorized member of the

Board. The decision of the Board shall be effective upon filing such decision with the clerk to the Board. The clerk shall see that the decision is delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, any entity granted party status at the hearing, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective and shall certify that proper notice has been made.

- ~~(1) **Time.** After receipt of notice of an appeal or a variance, the board chairman shall schedule a time for a hearing which shall be within 41 days from the filing of such notice of appeal or application. Hearings for conditional use permits shall be in accordance with Section 92.046.~~
- ~~(2) **Notice of Hearing.** In any application for projects involving conditional use permits, notice of the hearing shall be posted at Town Hall and published in a newspaper having general circulation in the town at least 10 days prior to the date of the hearing. All applications and appeals notices of the hearing shall be mailed to the affected parties and to such other persons as the Zoning Administrator shall direct, at least 14 days prior to the hearing. Such notice shall state the location of the building or lot, the general nature of the question involved in the appeal or application, and the time and place of the hearing.~~
- ~~(3) **Conduct of Hearing.** Any party may appear in person or by agent or by attorney at the hearing. The order of business for the hearing shall be as follows:~~
 - ~~(a) The chairman, or such person as he shall direct, shall give a preliminary statement of the case;~~
 - ~~(b) The applicant shall present the argument in support of his appeal or application;~~
 - ~~(c) Persons opposed to granting the appeal or application shall present their argument against the application or appeal;~~
 - ~~(d) Both sides will be permitted to present rebuttals to opposing testimony;~~
 - ~~(e) The chairman shall summarize the evidence which has been presented, giving the parties opportunity to make objections or corrections. Witnesses may be called and factual evidence may be submitted, but the board shall not be limited to consideration of~~

~~only such evidence as would be admissible in a court of law. The board may view the premises before arriving at a decision. All witnesses before the board shall be placed under oath and the opposing party may cross examine them.~~

~~(D) —~~ **Decisions.**

~~———— (1) — **Time.** A decision by the board shall be made within 35 days from the time of hearing. The 35 days shall begin on the date the hearing ends.~~

~~———— (2) — **Form.** Written notice by certified or registered mail of the decision in a case shall be given to the applicant or appellant by the secretary within 7 days after the case is decided. Also, written notice shall be given to owners of the subject property and to persons who have made a written request for such notice. The final decision of the board shall be shown in the record of the case as entered in the approved minutes. Such record shall show the reasons for the determination, with a summary of the evidence introduced and the findings of fact made. The decision on an appeal may reverse or affirm, wholly or partly, or modify the decision or determination of the Zoning Administrator. Where a variance is granted, the record shall state in detail any exceptional difficulty or unnecessary hardship upon which the application for the variance was based and which the board finds to exist. The record shall state in detail what, if any, conditions and safeguards are imposed by the board in connection with the granting of a variance. Where a conditional use permit is granted, the record shall indicate, by reference to the appropriate sections of the chapter, that all requirements and standards for the particular conditional use have been met.~~

~~(D) **Expiration of permits** **Authorizations**. Unless otherwise specified, any order or decision of the board in granting a variance or a conditional use permit shall expire if a certificate of zoning compliance for such use is not obtained by the applicant within six months from the date of the decision. See also Section 92.046(G) for additional requirements for expiration of a conditional use permit.~~

~~———— (4) — **Voting.** The concurring vote of four fifths of the members of the board shall be necessary to reverse any decision or determination of the Zoning Administrator, or to grant a variance or to approve a conditional use permit.~~

- ~~(5) *Public record of decisions.* The decisions of the board, as filed in its minutes, shall be a public record, available for inspection at all reasonable times.~~
- ~~(6) The Board of Adjustment shall submit a copy of its decision on a specific development to the Zoning and Planning Board.~~

§ 92.087 APPEALS

The Board of Adjustment shall hear and decide appeals of administrative officials charged with enforcement of the Zoning Regulations contained in this Chapter 92 and with the Subdivision Regulations contained in Chapter 91 of the Code of Ordinances of the Town of Lake Lure in accordance with the provisions of this section.

- (A) The Town and any person who has standing under N.C.G.S. 160A-393(d) may appeal a decision to the Board. An appeal is taken by filing a notice of appeal with the Town Clerk. The notice of appeal shall state the grounds for the appeal.
- (B) The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.
- (C) The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.
- (D) It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property for at least 10 days. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision.
- (E) The official who made the decision shall transmit to the Board all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

- (F) An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the Board after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the regulations. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the regulations shall not stay further review of an application for permits or permissions to use such property; in these situations the appellant may request, and the Board may grant, a stay of a final decision of permit applications or building permits affected by the issue being appealed.
- (G) Subject to the provisions of Paragraph (F), above, the Board shall hear the appeal within 45 days of the date of filing such appeal, and shall render its decision within a reasonable time thereafter.
- (H) The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board shall continue the hearing. The Board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all powers of the official who made the decision.
- (I) When hearing an appeal pursuant to N.C.G.S. 160A-400.9(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in N.C.G.S 160A-393(k).
- (J) The parties to an appeal may agree to mediation or other forms of alternative dispute resolution.

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When unnecessary hardships would result from carrying out the strict letter of these regulations, the board of adjustment shall vary such regulations upon a showing of all of the following:

- (a) Unnecessary hardship would result from the strict application of the regulations. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (b) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- (c) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- (d) The requested variance is consistent with the spirit, purpose, and intent of the regulations, such that public safety is secured, and substantial justice achieved. Substantial justice is not achieved when granting the variance would be injurious to the neighborhood or to the general welfare.

In determining what constitutes an unnecessary hardship, the Board of Adjustment shall be guided by the following:

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question that are not applicable to other lands or structures in the same district.
- (2) 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.
- (3) 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.
- (4) The requested variance will not be injurious to the neighborhood or to the general welfare.

- (5) The special circumstances are not the result of the actions of the applicant.
- (6) 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.

In granting any variance, the Board of Adjustment may prescribe 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.

[PORTION NOT HIGHLIGHTED TRANSFERRED FROM § 92.085.]

§ 92.089 FEES FOR VARIANCES, CONDITIONAL USES AND APPEALS.

The fee for a request for a variance, or conditional use, or for an appeal to the Board of Adjustment shall be determined by resolution of the Town Council and shall be payable to the town.

§ 92.090 APPEALS FROM JUDICIAL REVIEW OF DECISIONS OF THE BOARD OF ADJUSTMENT.

Appeals from the Board of Adjustment may be taken to the courts pursuant to 160A-388 of the General Statutes. Decisions of the Board of Adjustment shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to N.C.G.S. 160A-393. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with § 92.086(C), above. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

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

SECTION THREE. Paragraph (C) of § 92.046 of the Zoning Regulations of the Town of Lake Lure, concerning the hearing for a conditional use permit application, is hereby amended as follows:

- (C) **Hearing.** Upon receipt of a complete application for a conditional use permit, the Zoning Administrator shall assign the application a hearing before the Board of Adjustment ~~and give notice as required by law.~~ Hearing shall be quasi-judicial and shall be noticed and conducted in accordance with the provisions of § 92.086, above. ~~At the hearing, the applicant or designated representative shall appear for~~

~~the purpose of offering testimony and recommendations as to the application, and the Board shall allocate reasonable time for the expression of views by members of the public with standing attending the meeting in person or represented by an attorney. A decision by the Board of Adjustment shall be made within 35 days. The 35 days shall begin on 45 days of the date the hearing ends.~~

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

SECTION FOUR. Paragraph (A) of § 92.061 of the Zoning Regulations of the Town of Lake Lure, entitled “Duties of the Zoning Administrator”, is hereby amended as follows:

- (A) *Duties of Zoning Administrator.* The Zoning Administrator shall issue certificates of zoning compliance and certificates of occupancy as and shall perform such other duties as are prescribed herein. ~~The Zoning Administrator shall serve as clerk to the Board of Adjustment, and all applications for variances and conditional use permits shall first be presented to the Zoning Administrator who in turn shall refer the applications to the Board of Adjustment.~~ The Zoning Administrator shall be the person principally responsible for the administration and enforcement of this chapter and is authorized to issue notices of violation and citations in accordance with § 92.999, below.

SECTION FIVE. Paragraph (F) of § 92.046 of the Zoning Regulations of the Town of Lake Lure, concerning the written ruling for a conditional use permit application, is hereby repealed.

SECTION FIVE. In administering this Ordinance, the Town shall have all the remedies and enforcement powers contained in Article 13 of the Zoning Regulations, as supplemented herein, and as provided by the General Statutes.

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

SECTION SEVEN. 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 EIGHT. 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 NINE. This ordinance shall be in full force and effect from and after its enactment.

Ordinance No. 13-10-08
October 8, 2013
PAGE 15

Adopted this _____ day of _____, 2013.

Bob Keith, Mayor

ATTEST:

Andi Calvert , Town Clerk

Approved as to content & form:

Tom McKay
Zoning & Planning Board Chairman

Michael Egan
Community Development Attorney

Agenda Item: 10a



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, SEPTEMBER 10, 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 amended, adding approval of a request from Lake Lure Classical Academy to suspend the peddling ordinance for their Fall Festival fundraiser being held on Saturday October 5, 2013 as item 10e under the consent agenda. Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

PUBLIC HEARING PROPOSED ORDINANCE NO. 13-09-10 CONCERNING FABRIC AND METAL STRUCTURES; PERMITTING SUCH STRUCTURES IN ANY ZONING DISTRICT PROVIDED THEY ARE NOT WITHIN SIGHT DISTANCE FROM ANY PRIMARY STREETS OR ADJOINING RESIDENTIALLY ZONED PROPERTY

Mayor Bob Keith opened the public hearing for proposed Ordinance No. 13-09-10 concerning fabric and metal structures; permitting such structures in any zoning district provided they are not within sight distance from any primary streets or adjoining residentially zoned property.

No one requested to speak during the public hearing.

CONSIDER ADOPTION OF ORDINANCE NO. 13-09-10 CONCERNING FABRIC AND METAL STRUCTURES; PERMITTING SUCH STRUCTURES IN ANY ZONING DISTRICT PROVIDED THEY ARE NOT WITHIN SIGHT DISTANCE FROM ANY PRIMARY STREETS OR ADJOINING RESIDENTIALLY ZONED PROPERTY

Public notices were duly published in the Daily Courier newspaper.

Community Development Director Shannon Baldwin gave a brief overview of proposed Ordinance No. 13-09-10.

Commissioner Mary Ann Silvey asked Mr. Baldwin to clarify which streets are considered "primary streets" as described in the proposed ordinance. Zoning Administrator Sheila Spicer stated that currently the primary streets in Lake Lure are NC Highway 9, Memorial Highway, Boy's Camp Road, Buffalo Shoals Road, and Buffalo Creek Road.

After discussion, Commissioner Bob Cameron made the motion to adopt Ordinance No. 13-09-10 as presented. Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

ORDINANCE NUMBER 13-09-10

**AN ORDINANCE CONCERNING FABRIC AND METAL STRUCTURES;
PERMITTING SUCH STRUCTURES IN ANY ZONING DISTRICT PROVIDED THEY
ARE NOT WITHIN SIGHT DISTANCE FROM ANY PRIMARY STREETS OR
ADJOINING RESIDENTIALLY ZONED PROPERTY**

WHEREAS, N.C.G.S. 160A-381 authorizes municipalities to adopt zoning ordinances regulating, among other things, "the location and use of buildings, structures, and land"; and

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WHEREAS, Town Council finds that this Ordinance is neither consistent nor inconsistent with the 2007-2027 Town of Lake Lure Comprehensive Plan; and

WHEREAS, Town Council further finds that enactment of this Ordinance is reasonable and in the public interest in that it provides opportunities for commercial uses to be developed with less expensive fabric and metal structures while, at the same time, preserving the Town's community appearance by ensuring that such structures not be within sight distance from primary streets or adjoining residentially-zoned property; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on September 10, 2013, 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. This ordinance is enacted pursuant to the grants of authority contained in Section 160A-381 of the North Carolina General Statutes.

SECTION TWO. Section 92.118 of the Zoning Regulations of the Town of Lake Lure, entitled "Fabric and Metal Structures", is hereby amended as follows:

§92.118 FABRIC AND METAL STRUCTURES

(B) Metal Structures. Metal framed structures and metal sheathing are permitted in the Town of Lake Lure in ~~residential~~ any zoning districts, provided that no metal sheathed walls shall be visible from any ~~arterial~~ primary streets or adjoining residentially zoned property. All ~~such proposed~~ metal sheathed walls ~~visible within sight distance~~ from any ~~arterial~~ primary streets or adjoining residentially zoned property shall either be sheathed overlaid with wood, stone, or other natural or simulated natural material or hidden by walls, structures, buffer strips, or other structures means.

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

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.

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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 its enactment.

Enacted this 10 day of September, 2013.

PUBLIC FORUM

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

Paul Knave of 347 Lakeview Road expressed concerns about sediment issues in Grey Log Cove. Mr. Knave stated that in the past property owners have paid for dredging in the cove, but that he feels the town should be responsible for dredging in the cove since the lake is owned by the town. Mr. Knave asked that the town either dredge the cove or do something to minimize the sediment coming from a large pipe in the area.

Mayor Bob Keith informed Mr. Knave that council will take this information into consideration.

Pat Maringer, Verlyne Cox, John Kilby, and Stephen Webber asked to hold their comments until item 12c, discussion concerning potential amendments to the residential vacation rental ordinance.

Mayor Bob Keith agreed to allow them to speak later in the meeting.

STAFF REPORTS

Town Manager Chris Braund presented the town manager's report dated September 10, 2013. (Copy of the town manager's report is attached.)

COUNCIL LIAISON REPORTS & COMMENTS

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

Town Manager Chris Braund reported the activities of the Parks and Recreation Board.

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

Commissioner Bob Cameron reported the activities of the Lake Lure Board of

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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 Bob Cameron made a motion to approve the consent agenda as amended. Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous. Therefore, the consent agenda incorporating the following items was unanimously approved and adopted:

- a. minutes of the August 15, 2013 (regular meeting);
- b. a recommendation from Rutherford County Manager Carl Classen to contract with W.K. Dickson to complete the Joint County/Municipal Sewer Study;
- c. a request submitted by Allison Baker to suspend the town alcohol ordinance for a wedding rehearsal dinner being held in the Community Hall on November 29, 2013 from 7:00 p.m. until 9:30 p.m.;
- d. Resolution No. 13-09-10 to establish and maintain a capital reserve fund for the Town of Lake Lure; and
- e. a request submitted by Michelle Yelton on behalf of Lake Lure Classical Academy to suspend the peddling ordinance in order to have food, craft and beverage vendors at their Fall Festival fundraiser being held on Saturday October 5, 2013.

End of Consent Agenda.

UNFINISHED BUSINESS:

a. OTHER UNFINISHED BUSINESS

Commissioner John Moore asked if council was going to appoint two members to fill the remainder of the terms of two Board of Adjustment/Lake Structure Appeals Board members.

Mayor Keith announced that the appointments had been postponed and were scheduled to be placed on the October 8, 2013 meeting agenda.

NEW BUSINESS:

a. CONSIDER APPROVAL OF A REQUEST SUBMITTED BY JANET WALTERS ON BEHALF OF THE BOARD OF DIRECTORS OF THE LAKE LURE FLOWERING BRIDGE, INC. REQUESTING THAT THE TOWN OF LAKE LURE SUSPEND THE ALCOHOL ORDINANCE TO ALLOW THE SERVING OF WINE DURING THE GRAND OPENING OF THE LAKE LURE FLOWERING BRIDGE

Janet Walters was present to answer questions and explained that an employee of the winery that is donating the wine for the event will be pouring the wine to control distribution.

After discussion, Commissioner John Moore made a motion to approve the request submitted by Janet Walters on behalf of the board of directors of the Lake Lure Flowering Bridge, Inc. to suspend the alcohol ordinance to allow the serving of wine during the grand opening of the Lake Lure Flowering Bridge being held on October 19, 2013 from 4:30 until 6:30 p.m. All alcohol must be confined to the bridge. Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

b. CONSIDER APPROVAL OF CONSTRUCTION OF A WOODEN FENCE OUTSIDE THE EXISTING CHAIN LINK FENCE AROUND THE MARINA GAS TANK USING FUNDS REMAINING FROM THE MARINA RENOVATION PROJECT

Parks and Recreation Board chairman Ed Dittmer presented a request on behalf of the Parks and Recreation Board concerning construction of a wooden fence around the marina gas tank.

After discussion, Commissioner Mary Ann Silvey made a motion to approve construction of a wooden fence outside the existing chain link fence around the marina gas tank using funds remaining from the marina renovation project. Commissioner Bob Cameron seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

c. DISCUSSION CONCERNING POTENTIAL AMENDMENTS TO THE RESIDENTIAL VACATION RENTAL ORDINANCE

John Kilby, member of the Board of Adjustments, asked that emotions be taken out of the decision and that the decision be based on facts, evidence, and logic concerning what is best for the town. Mr. Kilby stated that the board members are not qualified to say if a vacation rental is safe or not and pointed out that Zoning Administrator Sheila Spicer approved many RVR permits prior to it becoming a conditional use.

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Patricia Maringer of 1491 Memorial Highway provided council members copies of a map showing the locations of 202 permitted residential vacation rentals in Lake Lure. Mrs. Maringer stated that the town is driving away businesses by making it easier to obtain a permit to operate a residential vacation rental.

Veryle Lynn Cox of 324 Snug Harbor Circle illustrated the importance of notifying neighbors before considering approval of commercial use of residential properties as vacation rentals. Ms. Cox pointed out that if the residential vacation rentals are no longer considered a conditional use and a neighbor wants the board of adjustments to review a decision concerning a vacation rental property, they must file an appeal and pay a substantial amount of money for the appeal.

Stephen Webber of 266 Burnt Ridge Road, Chairman of the Board of Adjustments, explained why the potential amendments have been presented to council for consideration and recommended that residential vacation rentals remain a conditional use with additions to the application and deletion of the DRC (development review committee) requirement.

Community Development Director Shannon Baldwin reviewed a memo from the community development attorney Mike Egan outlining two potential amendments to the residential vacation rental ordinance presented by the Zoning and Planning Board. Mr. Baldwin explained that the objective for the night was to set the stage for the public hearing if council feels an amendment should be considered.

Commissioner Bob Cameron made a motion to leave the ordinance as it currently is and consider reviewing the presented amendments prepared by the Zoning and Planning Board at a later date. Commissioner John Moore seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

d. CONSIDER ADOPTION OF RESOLUTION NO. 13-09-10A AND RESOLUTION NO. 13-09-10B CONCERNING SEWER GRANT APPLICATIONS

Town Manager Chris Braund gave a brief overview of proposed Resolution No. 13-09-10A and Resolution No. 13-09-10B.

After discussion, Commissioner John Moore made a motion to adopt Resolution No. 13-09-10A and Resolution No. 13-09-10B. Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

RESOLUTION NO 13-09-10A

WASTEWATER TREATMENT PLANT DEWATER RESOLUTION

WHEREAS, the Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of upgrade of a wastewater treatment works; and

WHEREAS, the Town of Lake Lure has need for and intends to upgrade a wastewater treatment works, project described as a geo-tube sludge dewatering facility; and

WHEREAS, the Town of Lake Lure intends to request state loan assistance for the project.

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

That Town of Lake Lure, the applicant, will arrange financing for all remaining costs of the project, if approved for a State loan award.

That the applicant will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the applicant agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Lake Lure to make scheduled repayment of the loan, to withhold from the Town of Lake Lure any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the applicant will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Chris Braund, Town Manager, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the applicant with the State of North Carolina for a loan to aid in the construction of the project described above.

That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

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Adopted this the 10th of September 2013 at the Town of Lake Lure, North Carolina.

RESOLUTION NO 13-09-10B

SEWER EXTENSION RESOLUTION

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of a wastewater collection system; and

WHEREAS, The Town of Lake Lure has need for and intends to construct a wastewater collection system, project described as a wastewater collection system extension to eliminate old and obsolete septic tanks on Buffalo Shoals Road; and

WHEREAS, The Town of Lake Lure intends to request state loan assistance for the project.

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

That Town of Lake Lure, the applicant, will arrange financing for all remaining costs of the project, if approved for a State loan award.

That the applicant will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the applicant agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Lake Lure to make scheduled repayment of the loan, to withhold from the Town of Lake Lure any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the applicant will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Chris Braund, Town Manager, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a (loan or grant) to aid in the construction of the project described above.

That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such

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application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 10th of September 2013 at the Town of Lake Lure, North Carolina.

NEW BUSINESS:

**f. CONSIDER APPROVAL OF AN AGREEMENT CONCERNING HOW THE TOWNS
AND COUNTY WILL WORK TOGETHER DURING THE REGIONAL SEWER
STUDY**

Town Manager Chris Braund gave an overview of a proposed agreement between Rutherford County, the Town of Forest City, the Town of Rutherfordton, the Town of Spindale, and the Town of Lake Lure concerning a joint sewer study.

Commissioner John Moore made a motion to approve the agreement between Rutherford County, the Town of Forest City, the Town of Rutherfordton, the Town of Spindale, and the Town of Lake Lure concerning a joint sewer study as presented. Commissioner Bob Cameron seconded the motion and the vote of approval was unanimous.

ADJOURN THE MEETING

With no further items of discussion, Commissioner Bob Cameron made a motion to adjourn the meeting at 8:55 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

Agenda Item: 10b



Finance Director
MEMORANDUM

TO: Town Council

FROM: Sam A. Karr, Finance Director *SAK*

DATE: October 2, 2013

SUBJECT: approving financing two police vehicles

The attached resolution is for approval authorizing the financing of two police vehicles. Last month we sent out RFP's to various financial institutions and received quotes from four institutions; please refer to attachment. Although TD Bank had the lowest rate at 1.93%, they required a down payment of \$11,200 (80% loan) and additional requirements including maintaining town's accounts with TD Bank for the length of the loan (three years). The next lowest is BB&T, at 2.12% which includes full amount financed at \$56,000.

Since the difference between TD Bank and BB&T is less than \$500, BB&T will finance the full amount, and BB&T has fewer restrictions; we recommend choosing BB&T. If this is acceptable, approval of resolution is required.

Town of Lake Lure
Police Vehicles
Financing Proposals

Source of Proposal	Down Payment	Amount Financed	Total Interest Paid	Total Cost	Term of Financing (Years)	Interest Rate	Interest Type	Other Information
Direct Capital	\$3,390.00			\$61,779.00	3.00	6.00%	Fixed	
BB&T	\$0.00	\$56,000.00	\$1,849.12	\$57,849.12	3.00	2.12%	Fixed	1% Prepayment Premium
Tax-Exempt Leasing Corp.	\$0.00	\$56,000.00	\$2,529.88	\$58,529.88	3.00	2.89%	Fixed	3% Prepayment Premium
TD Bank	\$11,200.00	\$44,800.00	\$1,445.85	\$57,445.85	3.00	1.93%	Fixed	80% loan (\$44,800; Town must pay remaining 20% up front), Must maintain \$500,000 in TD Bank accounts, Town pays up to \$5,000 of closing costs, Town must keep TD Bank account for length of loan (3 years)

RESOLUTION NO. 13-10-08

A RESOLUTION OF THE TOWN COUNCIL OF TOWN OF LAKE LURE, NORTH CAROLINA, APPROVING FINANCING OF POLICE VEHICLES

WHEREAS, The Town of Lake Lure ("Town") has previously determined to undertake a project for the financing of two (2) new police vehicles (the "Project"), and the finance officer has now presented a proposal for the financing of such Project.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL, TOWN OF LAKE LURE, NORTH CAROLINA, AS FOLLOWS:

1. The Town hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated September 26, 2013. The Amount financed shall not exceed \$56,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.12% and the financing term shall not exceed three (3) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt

obligations” for the purpose of Internal Revenue Code Section 265(b)(3).

5. The Town intends that the adoption of this resolution will be a declaration of the Town’s official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town’s general fund or any other Town fund related to the project, for project costs may be reimbursed. From financing proceeds.
6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Adopted the _____ day of _____, 2013.

Attest:

Andrea H. Calvert,
Town Clerk

Mayor Bob M. Keith

Agenda Item: 10c



Office of the Town Manager

TO: Mayor and Commissioners

FROM: Chris Braund

DATE: October 1, 2013

RE: Request to Suspend the Alcohol Ordinance on Town Property

The Chamber of Hickory Nut Gorge is planning a business roundtable dinner for a group of business leaders in the community in an effort to increase the level of direct financial support for the new Chamber activities (necessary to fund a skilled economic developer as their executive director).

The Chamber would like to hold this event in the Community Hall at a date TBD in October. At this catered event, the Chamber would like to serve beer and wine and are requesting the council's suspension of the alcohol prohibition on town property for this event.

Thanks —

ORDINANCE NUMBER 13-__-__

**AN ORDINANCE AMENDING THE ZONING REGULATIONS CONCERNING THE
DEFINITIONS AND REGULATIONS RELATED TO PORTABLE SIGNS AND
SANDWICH BOARD SIGNS**

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

WHEREAS, the Town Council finds that the proposed ordinance is consistent with the 2007-2027 Town of Lake Lure Comprehensive Plan, particularly with regard to Element 2.0 Economic Development, which states, "Though residential development generates the largest percent of the revenues that comprise the annual budget, the town could benefit from the revenues generated from sales tax, property tax, and reduced infrastructure costs associated with commercial development." Assisting small business in their effort to successfully communicate with their customers will benefit the town by ensuring sales taxes and property taxes are sustained over the long run; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the __ day of __, 2013, 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. Section 92.147 of the Zoning Regulations of the Town of Lake Lure, entitled "Definitions", is hereby amended to revise the definition of "Portable Sign" and "Sidewalk or Sandwich Sign" as follows:

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

Portable Sign: A sign generally constructed to be easily movable without a permanent attachment to the ground and which may or may not be equipped with wheels. Such signs may be designed for changeable messages. This term does not apply to sidewalk or sandwich board signs permitted in § 92.157.

Sidewalk or Sandwich Board Sign: A An A-frame or inverted V-shape moveable sign not secured or attached to the ground or any building or structure. It is portable and usually double-sided.

Ordinance No. 13-__-__

Date

Page 2

SECTION TWO. Section 92.156 of the Zoning Regulations of the Town of Lake Lure, entitled “SIGNS PROHIBITED”, is hereby amended as follows:

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

The following are prohibited within the jurisdiction of this chapter:

(C) ~~Sidewalk, sandwich, and p~~Portable signs except for special events.

SECTION THREE. Paragraph (B) of Section 92.157 of the Zoning Regulations of the Town of Lake Lure, entitled “SIGNS PERMITTED AND REGULATED”, is hereby amended as follows:

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

(B) Business, commercial and industrial districts.

(9) Commercial districts may be permitted a single sandwich board sign to be placed adjacent to a sidewalk, the front of the individual business, or in the parking area providing such sign is located on the business establishment's property and does not pose a safety hazard. Business establishments located in the Arcade may also be permitted to place one such sign in front of their business under the breezeway on the walkway providing such location does not pose a safety hazard to pedestrians. This sign shall not exceed four feet in height or eight square feet in area per sign face. The sign must be removed at the end of each day when the business closes. Said signs may include artwork depicting the products and services available from the business, changeable copy, and shall be exempt from the permit requirements of this chapter.

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

SECTION SIX. 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 SEVEN. 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.

Ordinance No. 13-__ - __

Date

Page 3

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

Enacted this __ day of __, 2013.

Bob Keith, Mayor

ATTEST:

Andi Calvert , Town Clerk

Approved as to form:

Chris Callahan, Town Attorney

Agenda Item: 10d



Community Development Department
MEMORANDUM

TO: Mayor, Town Council & Town Manager

FROM: Community Development Director

Cc: Planning Board

SUBJECT: Requesting Permission to Forward Sign Amendment to Planning Board

DATE: October 2, 2013

In accordance with standard protocol, Council usually approves planning board work on specific amendments in advance. Attached is language for a proposed amendment in keeping with the “Becoming More Business Friendly” (BMBF) initiative launched by Town Council now being jointly considered by both the Planning Board and the Hickory Nut Gorge Chamber of Commerce.

At the Planning Board meeting wherein the BMBF initiative was discussed, the Planning Board requested town staff consider Chimney Rock Village’s approach to business signage. In keeping with this recommendation, town staff counted at least five sandwich board signs while businesses are open in Chimney Rock Village during the day. All these signs in the Village have changeable copy as a common characteristic and clearly are meant to communicate information to pedestrians.

As a result town staff drafted language for consideration by the Planning Board that will permit sandwich board signs for business establishments in the Town of Lake Lure. After reviewing the regulations of the City of Brevard, staff found language that seems appropriate to accomplish this objective.

Therefore, this memo constitutes an official by town staff to present the proposed language to the Planning Board for consideration and recommendation to Town Council relative to sandwich board signs.

Agenda Item: 10e

MEMORANDUM

To: Town Council
From: Sam A. Karr, Finance Director *SAK*
Subject: Budget Amendment-Electric connections Arcade Building Area
Date: October 3, 2013

The town will need to enhance the electric hookups available in the area in front of the arcade and along Pool Creek. This is necessary to support a growing festival and vendors that need electricity for food preparation, both lighting and arts & crafts demonstrations. Festival organizers have asked the Town to install new electrical infrastructure to support festivals and other events we can bring to this part of the town center.

	<u>Revenue</u>	<u>Appropriation</u>
<u>General Fund</u>		
Transfer from Capital Reserve	\$4,720.00	
Public Works- R&M Grounds		\$4,720.00
 <u>Capital Improvement Reserve Fund</u>		
Transfer to General Fund		\$4,720.00

CC: Thadd Hodge, Accountant

Agenda Item: 12a

**OFFICIAL BALLOT FOR
BOARD OF ADJUSTMENT/LAKE STRUCTURES APPEALS BOARD
(Regular Positions)**

List of candidates to be considered for appointment to fill Vicki Smith and Betty Johnson's regular positions with terms expiring December 31, 2014.

Alternate members to be considered for a regular position:

1. Michael Gray
2. Lance Johnson
3. Melvin Owensby

Applicants not currently serving on the board to be considered:

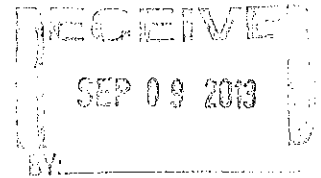
4. David Butts
5. Debbie Ann Frandberg
6. Mark Hoek
7. Roger Jolly
8. Robin Proctor

**** If an alternate member is appointed to a regular position, a new alternate member will need to be appointed. ****

Signature of Commissioner
Date: October 8, 2013

Board of Adjustment / Lake Structure Appeals Board**3 year term****Appointed**

Stephen Webber, Chairman of both 266 Burnt Ridge Rd Lake Lure, NC 28746	674-3582 (Cell)	ustabearmy@aol.com	Term Expire December 31, 2014	December 13, 2011
Betty Johnson 154 Storm Ridge Dr. Lake Lure, NC 28746	625-9340 (Home) 828-244-0241	j_bettyc@bellsouth.net	Term Expire December 31, 2014	December 13, 2011
John Kilby 164 Neighborly Dr Lake Lure, NC 28746	828-625-8186	john.kilby@ncfbins.com	Term Expire December 31, 2015	January 8, 2013
Patricia Maringer 1491 Memorial Hwy Lake Lure, NC 28746	625-0093 (Home)	gaestenhause@bellsouth.net	Term Expire December 31, 2013	December 13, 2011
Vicki Smith PO Box 227 Lake Lure, NC 28746	625-4121 (Home)	bossqueen@bellsouth.net	Term Expire December 31, 2014	December 13, 2011
Michael Gray, Alternate Member 111 Havnaer's Point Lake Lure, NC 28746	625-2807 (Home)	michael@michaelagraycpa.com	Term Expire December 31, 2013	June 12, 2012
Lance Johnson, Alternate Member 335 Village Blvd Lake Lure, NC 28746	625-9927 (Home)	lancealot@mindspring.com	Term Expire December 31, 2015	January 8, 2013
Melvin Owensby, Alternate Member 1808 Memorial Hwy Lake Lure, NC 28746	388-3888 (Cell)	judyjakelure@aol.com	Term Expire December 31, 2013	December 13, 2011



VOLUNTEER APPLICATION FORM

Name: ROGER D. JOLLY
Address: 102 HAVNAGERS POINT Lake Lure Resident for 5 years
Home Phone: 625-0116 Cell Phone: 289-0952 Email: CENTAX@bellsouth.net
Employer: CENTAX TAX SERVICE Address: 542 OAK ST., FOREST CITY NC 28043

PLEASE CHECK THE APPROPRIATE BOX AND INDICATE A PREFERENCE IF CHECKING MORE THAN ONE



Board of Adjustment
& Lake Structure
Appeals Board

Zoning & Planning Board

Lake Advisory Board

Parks & Recreation Board

ABC Board

Rationale and qualifications for serving: I HAVE SERVED ON VARIOUS BOARDS & VOLUNTEERED
IN ORGANIZATIONS FOR MANY YEARS. HAVE BEEN ON A BANK'S BOARD FOR 23 YEARS,
2 AS CHAIRMAN. I HAVE NO AGENDA NOR ANY VENDETTA - I WOULD JUST LIKE
TO SERVE & CONTRIBUTE TO MY COMMUNITY.

Other volunteer activities in which you are currently involved, including other Boards or Committees:

WHILE NOT VOLUNTEER ACTIVITIES, I SERVED AS A BANK BOARD MEMBER FOR FIRST
CITIZENS BANK FOR 18 YRS.; AND SERVED AS BANK BOARD CHAIRMAN CURRENTLY FOR RUTHERFORD
COUNTY BANK (5 YRS.).

Other information you feel might be pertinent, including current or prior occupation or resume:

SERVED AS LITTLE LEAGUE COACH 9 YRS.; OFFICER OF HARRIS - SHILOH LITTLE
LEAGUE 9 YRS.; CHASE YOUTH FOOTBALL 3 YRS.; ELECTED TO RUTHERFORD
COUNTY SCHOOL BOARD & SERVED 8 YRS. - 2 AS CHAIRMAN.

Signature: _____

Date: 9/9/13

Please see other side for a description of Town Boards

BOARD OF ADJUSTMENT AND LAKE STRUCTURE APPEALS BOARD

The Board of Adjustment hears and decides upon appeals from any decision, order or determination made by the Community Development Director in interpreting and enforcing the zoning regulations. The Board also approves conditional use permits and grants variances, in specific cases, from the provisions of the zoning regulations. Membership consists of five regular and three alternate positions appointed for staggered, three-year terms. These same members also serve on the Lake Structure Appeals Board, which is authorized to grant variances, in specific cases, from the dimensional and structural guidelines for lake structures (piers, docks, boathouses, sea walls). Meetings are held on the fourth Tuesday of the month. The Board of Adjustment meets at 1:00 PM and the Lake Structure Appeals Board meets immediately thereafter. Members of this board are required to participate in specialized training.

ZONING AND PLANNING BOARD

The Zoning and Planning Board is responsible for receiving, reviewing and recommending to Town Council revisions to the town's zoning ordinance, zoning map and subdivision ordinance as well as reviewing and approving all applications for major subdivisions. It may also conduct studies and prepare plans for the town council's consideration regarding orderly planning and development within the town. The zoning and planning board consists of five members appointed for staggered three-year terms. Meetings are held on the third Tuesday of the month at 9:30 AM.

LAKE ADVISORY BOARD

The Lake Advisory Board is responsible for making recommendations to the Town Council or the Marine Commission on matters such as revisions to regulations governing construction and use of lake structures, boat use regulations, silt removal, dredging and other means to improve the lake ecosystem and assembling a community network to handle warnings and cleanup after major storms. Seven individuals serve staggered three-year terms and each member has an area of responsibility, which they assume at the January meeting of each year. The Board meets on the first Monday of the month at 3:30 PM.

PARKS AND RECREATION BOARD

The Parks and Recreation Board has been charged with maintaining an inventory of all public lands designated or used for park purposes. The Board monitors the condition of park lands and recommends maintenance or repairs when necessary, or recommends development and landscaping where appropriate. The Board identifies those properties having potential for active recreation and coordinates with the Zoning and Planning Board to incorporate recreation facilities into the land use plan as well as the Lake Advisory Board regarding recreational activities on the lake. This is a seven-member Board serving staggered 3-year terms that meets at 1:30 PM on the first Thursday of the month.

THE ABC BOARD

The ABC Board consists of three members serving staggered, three-year terms. The Board has been charged by the State of North Carolina with the authority to adopt the rules necessary for the operation of its store, subject to approval by the state ABC Commission. This authority includes buying and selling of alcoholic beverages, supervising employees, borrowing money, buying and leasing real and personal property and investing surplus funds. The Board meets on the third Tuesday of the month at 2:00 PM.

If appointed as a Board member, your attendance and participation at the meetings is important and expected. Missing 3 consecutive meetings or 4 in a calendar year may risk removal from a board.



VOLUNTEER APPLICATION FORM

Name: David L. Butts

Address: 207 Charlotte Dr Lake Lure Resident for 8 years

Home Phone: _____ Cell Phone: 704-999-4606 Email: dbutts@camp.lurecrest.org

Employer: Camp Lurecrest Address: 207 Charlotte Dr

PLEASE CHECK THE APPROPRIATE BOX AND INDICATE A PREFERENCE IF CHECKING MORE THAN ONE



Board of Adjustment
& Lake Structure
Appeals Board

Zoning & Planning Board

Lake Advisory Board

Parks & Recreation Board

ABC Board

Rationale and qualifications for serving: See Attached

Other volunteer activities in which you are currently involved, including other Boards or Committees:

See Attached

Other information you feel might be pertinent, including current or prior occupation or resume:

Signature: D L Butts Date: 7/21/13

Please see other side for a description of Town Boards

David Butts
207 Charlotte Dr
Lake Lure, NC 28746
Ph. 704-999-4606

Rationale and qualifications for serving:

I have been Involved with Camp Lurecrest Ministries for over 8 years and currently serve as Assistant Director and Property Manager. My wife and I reside on property and oversee its operations. During this time I have served as the Contractor for the camp and been responsible for all permitting for the water system, ropes course, and construction projects.

Prior to my time with Camp Lurecrest I worked with a commercial resort property in Estes Park, Colorado as project manager and interim property manager. During this time I worked on behalf of the property owner to complete an extensive review for "Non-Conforming Use," as required by Larimer County, Colorado.

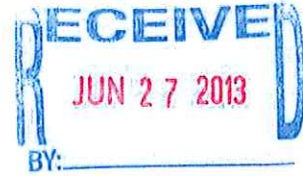
I have been involved in the construction trades since my first summer job when I was 15 years old, working for my father who was a general contractor. Since that time I have worked for general contractors and have been self-employed in Michigan, Colorado, South Carolina and North Carolina, in commercial and residential construction. While working in the residential remodel sector of the construction trades I have gained a firsthand understanding of the zoning and appeals board and their relationship with the board of adjustment as it pertains to remodeling and new construction.

Other volunteer activities in which you are currently involved, including other Boards or Committees:

Lake Lure Fire Department – Volunteer Firefighter, EMT, Chaplain

Christian Camp and Conference Association – Virginia's/Carolina's Sectional Board Member Abroad

Dragon Boat Races – Volunteer



VOLUNTEER APPLICATION FORM

Name: Mark Hoek
Address: 1708 Grassy Knob Rd Lake Lure Resident for .3 years
Home Phone: — Cell Phone: 501-551-7852 Email: mark.hoek@yahoo.com
Employer: Currently self employed Address: —

PLEASE CHECK THE APPROPRIATE BOX AND INDICATE A PREFERENCE IF CHECKING MORE THAN ONE

☒	☐	☐	☐	☐
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Board of Adjustment & Lake Structure Appeals Board Zoning & Planning Board Lake Advisory Board Parks & Recreation Board ABC Board

Rationale and qualifications for serving: Formerly senior level strategic planning/supply chain professional with several multi-billion dollar firms. Recently moved here but we've been frequent visitors for 25 years. Have time, energy and desire to contribute.

Other volunteer activities in which you are currently involved, including other Boards or Committees:
None at the moment as recently relocated here

Other information you feel might be pertinent, including current or prior occupation or resume:

Resume available if needed. Most recent position responsible for \$250 M spend and team of 102 associates of 5 plants in 3 countries. Much negotiation, Ability to influence, ~~and~~ lobbying at local, state and national government. Also involved in M+A (and divestitures) and footprint expansions. Very ethical and continually seek win-win resolutions.

Signature: Mark Hoek Date: 6-25-13

Please see other side for a description of Town Boards

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If appointed as a Board member, your attendance and participation at the meetings is important and expected. Missing 3 consecutive meetings or 4 in a calendar year may risk removal from a board.

MARK K HOEK, MBA, CPM

1708 Grassy Knob Rd. Rutherfordton NC, 28139
501-551-7852 (C); mark.hoek@yahoo.com

EXECUTIVE PROFILE - Driving operational excellence to enhance competitive advantage

Senior Supply Chain / Global Procurement Professional with proven leadership, vision and operational management skills, driving revenue and profit growth in diverse Fortune 500 and high growth corporate environments. Comprehensive international procurement experience includes technology, renewable energy, contract manufacturing, electronics, furniture, chemicals, telecommunications, logistics, commodities, MRO, capital equipment and services. Broad and integrated expertise includes:

- Global Supply Chain Management
- Strategic Planning & Sourcing
- Supplier Relationship Management SRM
- Cross-functional Team Leadership
- Value Engineering / Lean / Six Sigma
- Purchasing Management
- Global Contract Negotiation
- Contract Manufacturing
- Operations / Financial Analysis
- Supplier Cost Management
- Sales Operations
- Partnership Development
- ERP System Introduction
- New Product Launch
- Logistics & Order Fulfillment

Strengths: Innovative manager and articulate communicator with a strong bias for action, delivered through change management, strategy implementation, information technology and quality/continuous improvement.

PROFESSIONAL EXPERIENCE

LM WIND POWER, Global Headquarters, Lunderskov, Denmark 6/2008 to 11/2012
(\$1.3 billion global market leader and manufacturer of large-scale blades and components for the Wind Industry)

Director, Americas Materials & Logistics, Americas Regional Headquarters, Little Rock, AR

Challenge: Recruited into newly created position at new regional headquarters organization, reporting to VP of Global Operations. Challenged with integrating facilities in Canada and North Dakota with 2 start-up facilities in Arkansas, while laying the groundwork for planned footprint expansions in Brazil, Canada and USA. Ensured strategy and cultural alignment with Denmark global HQ, optimizing Americas P&L supply chain spend of over \$260M while improving operational sales, customer order fulfillment and satisfaction. Directed staff of 102.

Strategy: Took ownership of S&OP process and customer fulfillment, from establishment of trade agreements to blade delivery. Created and documented supply chain strategy focused on implementing quarterly PMP process and metric accountability. Initiated supplier agreements and quarterly business reviews (QBRs) with strategic suppliers to drive metrics, cost reductions, operational efficiencies and partnerships. Improved communication with customers. Conducted public speaking engagements at the federal, state and local levels to enhance awareness of wind energy as a renewable energy source.

Results: Initiated aggressive strategies to identify global cost savings and revenue growth opportunities:

- **Cost Reductions:**
 - Eliminated \$2.7M in late penalty fees absorbed in 2007 by ensuring 100% on-time deliveries for past 4 years. Improved EBITDA performance via implementation of top-to-bottom cost reduction program that delivered net savings of \$315K in 2008; \$3.4M in 2009; \$5.3M in 2010 and \$2.03M in 2011.
- **Revenue Growth:**
 - Created and delivered \$7.4M in incremental revenue from \$0 in 2008 through establishment of a blade storage program that was subsequently rolled out on a global basis. Generated \$5.6M positive cash flow in \$20M transport equipment spend by launching a tracking system and improving professionalism.
- **Inventory Efficiencies:**
 - Reduced monthly inventories 53% in 2010 from 2008 levels, while improving inventory accuracy and operational efficiencies. Implemented standard inventory tools, including VMI, consignment, wireless bar coding, buffer stocks and DOH. Americas region consistently leads company in performance metrics.
- **Industry Advocacy:**
 - Participated in lobbying efforts in Washington, DC in 2009 that contributed to a 3-year extension of crucial PTC. Championed wind industry incentives on the state and local levels in coordination with AEDC and Governor Beebe that contributed to bringing three new wind industry manufacturers to Arkansas thus gaining recognition as one of four wind manufacturing hubs in the USA. Selected to two AWEA industry wide improvement groups.

PROFESSIONAL EXPERIENCE (Continued)

KIMBALL INTERNATIONAL, Global Headquarters, Jasper, IN 2005–2008
(*\$1.2 billion high-end furniture manufacturer specializing in office and hospitality market segments*)

Director, Global Supply Chain Solutions, Office Furniture Group

Challenge: Recruited by VP-Global Operations to expand critical supply chain infrastructure needed to drive the largest and most diverse sales/marketing product expansion program in company's 58-year history. Challenged to establish and integrate a new 100% Asian contract manufacturing supply chain to complement existing domestic production (8 factories in USA), along with various strategic components sourced from Europe, Mexico and the US.

Strategy: Created and directed two diverse multifunctional teams providing supply chain strategic direction through all phases of the product development and manufacturing process with the goal of increasing output, reducing time to market, minimizing costs, improving costing integrity and maintaining rigorous quality standards. Implemented logistics, warehouse, inventory and order fulfillment strategies; qualified and managed suppliers; developed metrics to track value engineering costs and deliver operational excellence. Effectively led 12 Advance Sourcing Managers, a 24 member Asian sourcing office and Plant Buyers.

Results:

- Released 11 product lines in both 2006 and 2007, highest in company history, exceeding prior max of 7.
- Realized value engineering cost savings of over \$3M through use of supplier leverage, component standardization and globalization strategies, coupled with increased functional collaboration resulting in 20 of 22 released product programs exceeding profitability targets. Drove design-to-cost strategy.
- Reduced product development time to market by 25%, from previous average of 24 months to 18 months.
- Ensured timely product release of five innovative import product lines projected to generate \$8 million in revenue in the first year (2008) and \$24 million in year two.
- Developed two-day customer delivery model including logistics, procedures, systems, metrics and standards to facilitate new import program.

NCR CORPORATION, Retail Sales Division (RSD) Headquarters, Duluth, GA 2001–2005
(*\$6.0 billion technology solutions provider utilizing 100% contract manufacturing (CM) and open book costing*)

Director of Supplier Cost Management (2003–2005)

Promoted and challenged to lead team of cost analysts chartered to become more weighted strategically vs. tactically. Responsible for initial and ongoing quarterly pricing negotiations with CMs. Concurrently directed 12 cross-functional "cost attack" teams chartered to identify, implement, track and report all cost reduction efforts for divisional \$320M hardware spend. Presented bi-weekly to Executive VP and divisional leadership team on status of cost reduction efforts, strategies and process changes.

- Delivered savings of \$44.1M or 16% above planned \$38M during 2003 on total hardware spend of \$320M. Earned "President's Excellence" overall performance rating awarded to less than 10% of workforce. Documented targeted savings of \$32M in 2004.
- Implemented divisional cost reduction methodology as flagship process within NCR's 5 divisions worldwide.

Director of Operations, RealPrice-Electronic Shelf Labels (2001–2003)

Managed total life-cycle supply chain activities for most innovative product line (\$110M R&D budget) projected to generate \$2B in annual sales. Responsible for life cycle management and day-to-day operations, including product launch, CM selections/development/management, strategic planning, international logistics and global customer order fulfillment.

- Established new suppliers in Asia and North America, ensuring strict quality and testing requirements. Successfully launched RealPrice R3.0 in 2002 on schedule. Exceeded targeted savings goals.
- Ensured order fulfillment and customer satisfaction in key "market-maker" initial rollout of 50 stores located in the UK. Provided operational leadership enabling R3.0 to increase revenue 312% to \$32M in 2003.
- Ensured total E&O less than \$200K (end of 2003) vs. previous release R2.0 that had over \$4M E&O.

PROFESSIONAL EXPERIENCE (Continued)

SCIENTIFIC ATLANTA, INC., Corporate Headquarters, Lawrenceville, GA
(\$2.2 billion telecommunications and cable equipment manufacturer)

2000–2001

Global Purchasing Manager – Corporate-wide Procurement

Strategically managed global spend totaling \$110M of assigned commodities to support continued dynamic growth (2000 best year in 50-year company history with growth above 200%). Managed team of Purchasing Agents & Buyers located in Mexico and the US. Responsible for 2700 SKU's and 50 key suppliers in Asia, Mexico and North America.

- Identified and drove IP development and sourcing strategies with two new Asian suppliers in \$50M interconnect commodity, timely bringing to market strategically-sensitive smart card readers.
- Located/qualified/developed new supplier consolidating \$45M die casting commodity, improving quality and delivery while exceeding targeted piece and tooling savings goals.
- Implemented no cost VMI strategies with three key suppliers in Asia and Mexico.

COTTRELL, INC., Gainesville, GA

1999

(\$240M private family-owned manufacturer of vehicle transport carriers)

Director of Materials

Recruited to newly created position with responsibility for total supply chain management encompassing \$70M purchasing function. Established 27-member, 2-shift team to meet unprecedented growth while identifying suitable ERP system to transition company from paper to electronic record keeping.

UNION CARBIDE / RHONE-POULENC / RHODIA, Inc., RTP, NC and Winder, GA
(\$17 billion Fortune 100 global chemical manufacturer)

1984–1999

Materials Manager, Winder, GA (1992–1999)

Promoted to manage total supply chain function of 110-employee, \$250M surfactant and specialty chemical manufacturing facility. Responsible for \$1.1M annual departmental budget and \$170M spend.

- Restored productivity by creating cohesive team-oriented environment with fiscal responsibility.
- Led ERP technology improvements of JD Edwards (purchasing), MARCAM (transaction/finance) and Manugistics (production planning) while serving as co-leader of ISO-9002 certification achievement.
- Established physical inventory and cycle counting processes that improved write-offs from 500K lbs and \$280K, requiring 36 people in 3 days in 1992, to 198K lbs, \$43K, 18 people and 1.5 days in 1996.
- Recorded savings of \$220K in MRO expenses not previously driven nor recorded.
- Performed due diligence as part of M & A team resulting in profitable sale of one product line and acquisition of adjacent company for \$1.1M.

Strategic Production & Distribution Planner, Union Carbide Agricultural Products Divisional Headquarters, Research Triangle Park, NC (1984–1992)

Responsible for production & distribution planning of three manufacturing facilities and five warehouses.

- Computerized trend and historical production/distribution data resulting in reduced inventories and planning headcount from 6 to 3 FTEs. Promoted twice while earning several recognition awards.

EDUCATION / CERTIFICATION

MBA, Brenau University, Gainesville, GA, 1994

BS, Materials & Logistics Management, Michigan State University, School of Business, 1983

C.P.M. Certified Purchasing Manager, 1992 (ISM / NAPM), authored article in *Purchasing Today*, Jan '97

Completed executive program at Indiana University, Kelly Partnership For Leadership Development, 2007



VOLUNTEER APPLICATION FORM

Name: Robin Proctor
Address: 328 Boys Camp Rd Lake Lure Resident for 18 years
Home Phone: 625-8811 Cell Phone: _____ Email: Rhp177@bellsouth.net
Employer: NC DENR Address: _____

PLEASE CHECK THE APPROPRIATE BOX AND INDICATE A PREFERENCE IF CHECKING MORE THAN ONE

☒☐☐☐☐

Board of Adjustment
& Lake Structure
Appeals Board

Zoning & Planning Board

Lake Advisory Board

Parks & Recreation Board

ABC Board

Rationale and qualifications for serving: familiar with Lake Structure regulation
and zoning regulation

Other volunteer activities in which you are currently involved, including other Boards or Committees:

Formerly on the L.A.B. ; Active in Friends of the
Hickory Nut Grove.

Other information you feel might be pertinent, including current or prior occupation or resume:

Signature: RK Proctor Date: 9-19-13

Please see other side for a description of Town Boards

Application for Appointment to Boards and Committees Appointed by the
Lake Lure Town Council

Request for Appointment to:

RECEIVED

JUN 19 2009

- ☒ Board of Adjustment & Lake Structures Appeals Board
☐ Lake Lure Zoning and Planning Board
☐ Lake Advisory Committee
☐ Golf Course Advisory Committee
☐ ABC Board
☐ Parks & Recreation Board

Name: Debbie Ann FRANDBERG

Address: 322 Vista Apt's Dr. #24

Home Phone #: 625 5579 Business Phone #: 447-1529

e-mail Address: yorkd46@yahoo.com.

How long have you been a resident of Lake Lure? 15 yrs.

Employer: George P. R. Jr. Employer Address: 303 E. Park St.

Professional Activities: Orlando, FL 32804
407 622-6882

Volunteer Activities: _____

Qualifications for Serving on Requested Appointment: WANT to get involve
WANT to learn, make a difference

List any other Board of Committees in which you have an Interest: _____

ABC, Lake Advisory

List any other Boards or Committees on which you Currently Serve: _____

Please attach a résumé or any additional information you feel is pertinent, especially current and prior occupation.

Date: 6-19-09 Signature: Debbie Frandberg

Agenda Item: 12b



Office of the Town Manager

TO: Mayor and Commissioners
FROM: Chris Braund
DATE: October 4, 2013
RE: Updated Town Fee Schedule

Attached is a proposed schedule of fees for Town Council's approval.

The proposed fee or rate changes are highlighted in yellow on this schedule.

- As discussed during the budget sessions, we have proposed a 9% increase in water rates to bring revenues in line with costs. Per council's request, we researched and modeled a flat rate structure for commercial customers (paying the same per gallon regardless of the gallons used) and do not recommend this approach at this time, at least until we perform a more comprehensive rate study with an outside rate specialist. Going to a flat rate would reduce water bills for the highest volume customers, which would need to be borne by higher rates for smaller businesses or residents.
- The pavilion/gazebo rental rate was increased to \$500 per earlier discussion (we've phased in a \$200 increase over two years in order reflect the increased market demand and value of this amenity.
- The cost of copies for the public was reduced and split between color and black/white.
- The cost of recycling bins has been changed to reflect a single-bin purchase. Now that recycling no longer needs to be sorted, we do not have to require the purchase of two bins. Customers can purchase as many as needed.

Thank you -

TOWN OF LAKE LURE FEE SCHEDULE

GENERAL FEES

Effective: Nov 1, 2013

Rental Facilities	Standard Rate	Discounted Rate (for qualifying charitable events /Town Employees		Security Deposit	Trash Disposal Fee
Lake Lure Pavilion (Gazebo) - per event	\$500	\$100		\$250	\$189
Community Hall - Half Day Rental (<4 Hours)	\$100	\$50		\$250	
Community Hall - Full Day Rental (>4 Hours)	\$200	\$50		\$250	
Morse Park Meadows Rental Rates	Standard Rate			Security Deposit	Trash Disposal
Meadows - Full Day Rental	\$250			\$250	\$189
Meadows - Full Day Rental - Qualifying Charitable Event	\$100			\$250	\$189
Electric Hook-up	\$10 per day				
Water Hook-up	\$10 per day				
Beer & Wine Permits	Beer	Fortified Wine & Unfortified Wine	Unfortified Wine	Fortified Wine	
Off Premise (annual)	\$5	\$10	\$10		
On Premise (annual)	\$15	\$15	\$10	\$15	
Public Records Research & Reproduction (extensive)					
Labor - Town Manager (hourly rate)	\$75				
Labor - Town Clerk (hourly rate)	\$25				
Paper Copies (Black/White) each	\$0.05				
Paper Copies -Color (each page)	\$0.10				
CD/DVD	\$5				
Other Administrative Fees/Rates					
Lake Lure License Plates	\$15				
Lake Front Address Signs	\$15				
County Maps	\$5				
Copies (each)	\$0.25				
Fax (sending)	\$5, for up to 5 pgs. \$1/each add. pg.				
NSF - Return Check Fee	\$25				
Printed Police Report	\$3				

increased from \$400

reduced from \$0.25
reduced from \$0.25

FIRE (these fee do not apply to non-profit and charitable events in Town)

Fire Inspection	Inspection Fee	Reinspection	2nd Reinspection
0 - 2,500 Square Feet	\$20.00	No Fee	\$40.00
2501 - 5,000 Square Feet	\$30.00	No Fee	\$60.00
5,001 - 10,000 Square Feet	\$50.00	No Fee	\$100.00
10,001 - 25,000 Square Feet	\$60.00	No Fee	\$120.00
25,001 - 50,000 Square Feet	\$70.00	No Fee	\$140.00
50,001 - 100,000 Square Feet	\$80.00	No Fee	\$160.00
100,001 - 500,000 Square Feet	\$100.00	No Fee	\$200.00
500,001 - PLUS Square Feet	\$150.00	No Fee	\$300.00
Carnivals and Fairs	\$50 per event		
Covered Mall Buildings	\$500 per year		
Explosives	\$50 for 48 hours		
	\$100 for 30 days		
Use of Outdoor Fireworks (does not include peroneel or standby)	\$100 per event		
	\$500/event after 5th permit issued in fiscal year		
Flammable Liquids	\$50.00		
Fumigation and thermal insecticidal fogging	\$100.00		
Liquid or gas vehicles or equip. in assembly	\$50.00		
Open burning and open flame use	\$50.00		
Pyrotechnics Special weffects	\$50.00		
Fireworks Tent	\$300 for 30 days		
Assembly Tent	\$50.00		
All other Tents requiring a Permit			
Any other operational permits not listed above required by NC Fire Code	\$50.00		
Dedicated Services of Fire/Rescue Personnel			
Firefighter (hourly rate or portion of ny hour, 2-hour min.)	\$30.00		
Fre Inspector (hourly rate or portion of ny hour, 2-hour min.)			
Company Officer (hourly rate or portion of ny hour, 2-hour min.)			
Chief Officer (hourly rate or portion of ny hour, 2-hour min.)			
Dedicated Stanby of Emergency Apparatus			
Support Vehicle Chiefs Vehicle	\$25 per hour		
Light duty/quick response vehicle, boat	\$50 per hour		
Bursh Truck	\$75 per hour		
Fire Engine/Tanker	\$150 per hour		

TOWN OF LAKE LURE FEE SCHEDULE

UTILITY BILLING

Effective: November 1, 2013

Water & Sewer Connections	Water Inside Rate	Water Outside Rate	Sewer Inside Rate	Sewer Outside Rate
Connection 3/4" or less	\$1,112	\$1,390		
Connection 1"	\$1,668	\$2,001		
Connection 2"	\$2,780	\$3,113		
Connection 3"	\$3,891	\$4,447		
Connection 4"	\$5,559	\$6,115		
Connection 4" or less			\$1,112	\$1,390
Connection 6"			\$1,668	\$2,001
Connections 8"			\$2,780	\$3,113
Discovery of Unapproved Connection:			Double Tap Fee + 2 yrs service back pay	
Bimonthly Rates For Lake Lure Users on Water & Sewer or Water Only				
Basic Service Residential	\$48.00	\$97.00	\$46.00	\$92.00
Basic Service Commercial	\$58.00	\$114.00	\$51.00	\$104.00
Usage 0-5,000 gals. (per 1,000 gal. rate)	\$4.01	\$8.01	\$4.01	\$8.01
Usage over 5,000 - 20,000 gals.	\$4.58	\$9.16	\$4.29	\$8.59
Usage over 20,000 gals.	\$5.16	\$10.31	\$4.87	\$9.73
Lake Lure User with Sewer Only				
Basic Service Residential			\$73.00	\$145.00
Basic Service Commercial < 5,000 gals.			\$84.00	\$167.00
Comm.-Medium User (5,000-20,000 gals.)			\$140.00	\$278.00
Comm.- Large User (>20,000 gals.)			\$334.00	\$667.00
Other Fees				
Late Payment	\$25.00	\$25.00	\$25.00	\$25.00
Water Turn-On Fee (voluntarily turned off)	\$40.00	\$40.00		
Transfer Fee	\$20.00	\$20.00	\$20.00	\$20.00
Re-connection Fee (non-payment cutoff)	\$200.00	\$200.00	\$200.00	\$200.00

Note: 9% increase from FY 2012-2013 water rates (Lake Lure)

Chimney Rock Water Bimonthly Rates	Basic Service
Basic Service Residential	\$60.00
Basic Service Commercial	\$60.00
Usage 0-5,000 gals. (per 1,000 gal. rate)	\$2.50
Usage over 5,000 - 20,000 gals.	\$3.00
Usage over 20,000 gals.	\$4.00

Garbage / Recycling		
Curbside Residential Garbage Collection (weekly)	free	included in taxes
Curbside Collection of Hard Trash or Lake Debris	free	by appointment
Curbside Recycling Collections	\$8/month	
Recycle Bins (each)	\$9.00	
Recycle Bin Lids (each)	\$6.00	

*TWO BINS NO LABEL REQUIRED
- NO SORTING OF RECYCLES NECESSARY*

TOWN OF LAKE LURE FEE SCHEDULE

LAKE USE

Effective: January 1, 2014

Boat Permits	Annual Fee	Weekly Fee	Daily Fee
Resident Annual Motorized Boat Permit	\$160		
Resident Annual Motorized Weekday Only Boat Permit	\$85		
Resident Annual Motorized 10hp or Less Boat Permit	\$85		
Weekly Timeshare Boat Permit	\$160		
Annual Motorized Fishing Boat Permit (Resident)	\$60		
Annual Motorized Fishing Boat Permit (Non-resident)	\$110		
Non-resident Annual Motorized Boat Permit	\$550		
Non-resident Annual Motorized Weekday Only Boat Permit	\$310		
Non-resident Annual Motorized 10hp or Less Boat Permit	\$310		
Annual Motorized Boat Permit - volunteer firefighters, EMS, town employees	1 complimentary		
Daily Motorized Boat Permit			\$30
Weekly Motorized Boat Permit (Peak Season)		\$210	
Weekly Motorized Boat Permit (Non-peak Season)		\$110	
Annual Non-motorized Boat Permit	\$25		
Weekly Non-motorized Boat Permit		\$12	
Daily Non-motorized Boat Permit			\$6
Boat Permit Replacement Fee - motorized	\$15		
Boat Permit Replacement Fee - non-motorized	\$10		
Temporary Permit (Special Use)	\$10		
Commercial License Fee	\$35		
Commercial License Fee (Service & Real Estate Classifications)	\$20		
1st Boat - Commercial Motorized Boat Permit Classifications 1 (Livery), 2 (Resort), 3 (Camps), 4 (Ski-Schools), 5 (Tour Boats), & 6 (Fishing Guides)	\$260		
2nd Boat - Commercial Motorized Boat Permit Classifications 1 (Livery), 2 (Resort), 3 (Camps), 4 (Ski-Schools), 5 (Tour Boats), & 6 (Fishing Guides)	\$360		
3rd Boat - Commercial Motorized Boat Permit Classifications 1 (Livery), 2 (Resort), 3 (Camps), 4 (Ski-Schools), 5 (Tour Boats), & 6 (Fishing Guides)	\$520		
Each Additional Boat - Commercial Motorized Boat Permit Classifications 1 (Livery), 2 (Resort), 3 (Camps), 4 (Ski-Schools), 5 (Tour Boats), & 6 (Fishing Guides)	\$670		
Commercial Motorized Boat Permit Classifications 7 (Service boats) and 8 (Realtors) - 1st Boat	\$210		
Commercial Motorized Boat Permit Classifications 7 (Service boats) and 8 (Realtors) - 2nd Boat	\$360		
Commercial Motorized Boat Permit Classifications 7 (Service boats) and 8 (Realtors) - 3rd Boat	\$520		
Commercial Motorized 10hp or Less	\$160		
Commercial Non-motorized	\$40		
Marina Slip Rentals	Annual Fee		
Annual Boat Slip Fee (Property Owners/Residents)	\$1,100		
Annual Boat Slip Fee (Non-residents)	\$1,800		
Civil Penalties (Lake Citations)	1st Offense	2nd Offense	3rd Offense
Class A	\$50		
Class B	\$65	\$125	\$250
Class C	\$125	\$250	\$500
Class D	\$1,000		
Lake Structure Applications			
Lake Structure Permit	\$150		
Shoreline Stabilization	\$0		
Seawall Exemption	\$100		
Decktop Accessory Structure	\$100		
Lake Structure Variance	\$100		
Lake Structure Adm. Appeal	\$100		

TOWN OF LAKE LURE FEE SCHEDULE

LAND USE

Effective: November 1, 2013

Subdivision Applications			
Master Plan Application	\$205		
Minor - Final Plat	\$155		
Major Preliminary Plat	\$510 + \$21 per lot		
Major Final Plat	\$310		
Plat Review	\$55		
Professional Fees for DRC Reviews	<1 acres of land disturbance	1-5 acres of land disturbance	5 or more acres of land disturbance
Erosion Control Plan	\$155	\$240	\$345
Stormwater System	\$155	\$240	\$345
Water System	\$55	\$205	\$255
Sewer System	\$55	\$205	\$330
Road Plan	\$30	\$135	\$270
Sketch Plan (if requested)	\$230	\$230	\$230
Each additional acre			\$55
Zoning Applications			
Certificate of Zoning Compliance	see below		
Class I	\$130		
Class II	\$155		
Class III	\$180		
Class IV	\$205		
Vacation Rental Permit	\$255		
Conditional Use Permit	\$255		
Special Use Permit	\$255		
Conditional District Application	\$650		
Community Shopping Center	\$510		
Zoning Variance	\$255		
Zoning Text Amendment	\$510		
Zoning Map Amendment	\$510		
Zoning Appeal	\$310		
Permanent Sign	\$55 + \$1 per sq. ft. over 24		
Temporary Sign	\$55 + \$1 per day (waived for nonprofit comm. events)		
Civil Penalties for Zoning Violations			
Notice of Violation	\$0		
1st Citation	\$40		
2nd Citation	\$80		
3rd Citation	\$160		
4th Citation	\$320		
Code Enforcement Appeal (Non-Zoning)			
Appeals Other than Zoning	\$50		
GIS Maps			
24"	\$15		
36"	\$20		
42"	\$25		

ENVIRONMENTAL MANAGEMENT

Land Disturbance Applications	<1 acres of land disturbance	1-4.9 acres of land disturbance	5 or more acres of disturbance
<100 sq. ft.	no permit		
100 sq. ft. - 499 sq. ft.	\$10		
500 sq. ft. - 10,000 sq. ft.	\$100		
> 10,000 sq. ft.	\$100/10,000 sq. ft.		
One Acre (43,560Sq. Ft.)		\$400	
Each 10,000 over 1 acre		\$100	
Five Acres			\$2,500
Each Additional Acre			\$500
Licenses			
Tree Service Provider	\$10.00		
Tree Service Handbook	\$12.50		

Agenda Item: 12c



MEMORANDUM

TO: Mayor and Town Council

FROM: Charlie E. Ellis, Jr., Team Leader, Gateway Property Task Force

DATE: October 3, 2013

RE: Report from Gateway Property Task Force

Since our last report of August 8 there has been a flurry of activity regarding the gateway parcel. At your meeting on August 13, Town Council approved our recommendation for funding to demolish the existing vertical improvements and the Town staff was able to obtain multiple qualified bids for that work. After a positive field test for asbestos containing materials in a portion of the roofing, we added asbestos remediation to the demolition scope. After we received several qualified opinions as to the lack of free-standing structural stability of the open pavilion area, that structure was also added to the scope of work. All of this work has been completed for a not-to-exceed cost of \$13,300, which is well below our \$20,000 funding estimate earlier approved by council.

Our next responsibility as a task force was to schedule stakeholder interviews and summarize our findings for Town Council. After reviewing the rather long list of potential stakeholders with Community Development Director Shannon Baldwin, we grouped some of the stakeholders with similar interests together in an effort to be both efficient with our time and to encourage productive interaction. Those interviews took place on Friday September 27, were well attended and generated quite a lot of input and feedback for us to consider. The schedule below summarizes each of the stakeholder groups and the invited participants. We tried hard to be inclusive and our objective was to provide Town Council with a good initial indication of what the community would like to see.

9/27 stakeholder interviews

1. 8:30 Municipal: TOLL & Chimney Rock Village – mayor, mayor pro tem, key staff
2. 9:30 Recreation: Chimney Rock, CR State Park, TOLL Parks & Recreation & Lake Advisory Boards
3. 10:30 Flowering Bridge
4. 11:30 Tourism/Business Development: Rutherford TDA, CRV Community Development, Hickory Nut Gorge Chamber
5. 2:00 Adjacent Property Owners & Businesses

Attached for your information and review is a project time line and list of our activity to date, a summary of each interview session with the stakeholders and with some concept sketches which evolved from our meetings. While it is premature to state with any certainty what final form the gateway property might take, it is useful to consider one design concept which came out of our stakeholder meetings. Assuming that we are able to satisfactorily resolve the right of way issues both with NCDOT and adjacent property owner Alan Moore, the color composite sketch included represents a good consensus of the ideas which we heard again and again during our meetings.

Gateway task force member and general contractor Jonathan Hinkle has estimated the cost of construction for these hypothetical improvements at \$187,102. This does not include additional soft costs for architecture, engineering, permits, etc. An initial budget of \$ 225,000 (hard costs, soft costs, and contingency) should provide council with an approximation of the required investment to realize this vision. Certainly we could end up spending a good deal more or less than this estimate based upon your ultimate decision of the highest and best use of the property.

It is our current recommendation that Town Council proceed as follows:

1. Carefully review the stakeholder comments and input;
2. Obtain additional input from the Zoning and Planning Board as to how the gateway property fits into the context of previously approved planning documents such as the town's approved Comprehensive Plan;
3. Discuss any ZPB recommendations at an upcoming council meeting;
4. Fund design concepts for public review and comment at a community forum;
5. Approve final designs and secure needed funding by July 1, 2014.

Although the Town has moved quickly to purchase the property and demolish the unfit structures, we believe that a more deliberate pace in the coming months is appropriate and will allow for a careful consideration of the many possibilities for its best long-term utilization. In the interim, you have created a more visually attractive entrance to our community and provided needed parking for the adjacent and increasingly popular Flowering Bridge.

We look forward to your comments and welcome any questions or concerns that you may have.

Respectfully submitted,

Charlie Ellis

Cc: Gateway Task Force members



Gateway Property Stakeholder Input & Design-Build Report

Task Force

Collett & Associates
Charlie Ellis, Managing Partner

DesignZ Architecture, Inc.
Ric Thurlby, Principal

Knight Strategies
Vic Knight, President

Marathon Builders of Western North Carolina, Inc.
Jonathan Hinkle, President

Town Staff

Stakeholder Input Sessions, September 27, 2013

Session 1 – Municipal (Town of Lake Lure & Chimney Rock Village), 8:30 – 9:15 am

- Bathrooms (consider vandalism, use heavy duty construction, 24/7 operation [difficult to manage], operating cost is approximately 10,000/year)
- Gathering space
- No commercial competition – don't compete with other commercial businesses
- No commercial development
- Parking (for flowering bridge)
- Big Three: HNG Chamber, Welcome Center, Gateway Property (Museum) – No duplication [do not duplicate efforts]
- Bicycle Rental – Only after bike lanes are constructed – too dangerous at this time
- Water, place to sit & rest
- No store or shop
- Property can evolve over time – think ahead 20 years
- CRV working on numerous trails (park projects along river/highway from Bat Cave to Lake Lure). Critters site is being repurposed for parking.
- A nice stop between LL and CRV on future walkway.
- Eco Tourism destination over time – property could highlight biodiversity
- CRV Restrooms – Three fixtures each (men/women) and capacity is sufficient
- Architectural Feature – tower, arts and crafts, stagecoach feature
- No commercial, heavy landscaping, generally open space
- “Stage Coach Stop” concept – reflection of that era
- Eco friendly [improvements]
- Draw people, fits environment, architectural feature (especially w/ log construction)

Session 2 – Recreation (Parks & Recreation Board, CRSP Park Advisory Committee & ROC), 9:30 am – 10:15 am

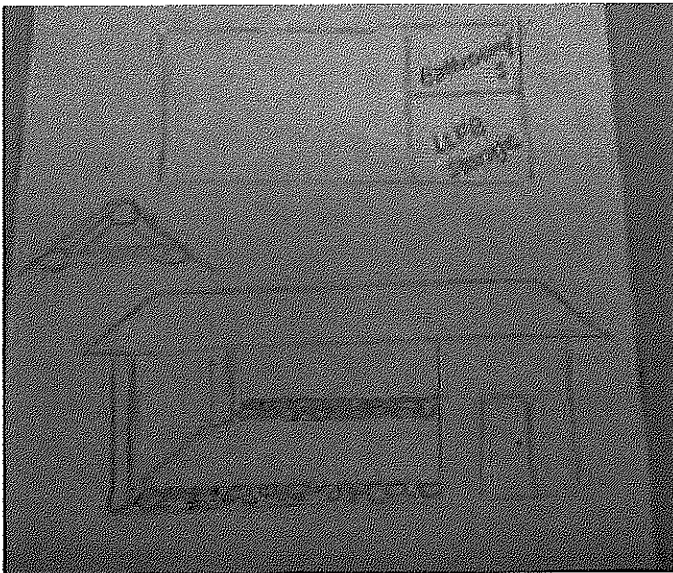
- Gateway, should be nicely landscaped
- Restrooms
- Refreshment stand serving hotdogs, etc.
- Seasonal sales, street vendors
- Gateway/signage/welcome
- Place to advertise public events/goings on (area information kiosk) – not done at VC
- Digital Reservation System

- History is already done [at Welcome Center] – doing local history again is a waste of time
- State Park will eventually build a Park Visitors Center w/in Park
- Handicap Parking only – 6 spaces maximum/ Time limited Parking needed
- Open air Pavilion – Extension of Flowering Bridge – “park like” (lease to visitors), farmers market
- Flexible space: revenue source, charge for use
- Create Town trailhead where all trails converge or lead
- Serve as Tour Pick-up / Parking site? Too small, not enough parking
- Sculpture Trail – Public Art
- Canoe/Kayak take-out spot (among others around the lake) – kayak lake tour
- Water Taxi w/ mountain bike racks
- Outdoor adventure center
- Interactive kiosk – where to hike??
- How can we leverage this property to guide development of adjoining properties in the long-term? Short-term plan should be FLEXIBLE. Space should be flexible and structures temporary
- Restrooms -- attractive, but possibly relocate/mobile [if needed]
- Minimum parking
- Make secure

Session 3 -- Flowering Bridge, 10:30 am – 11:15 am

- What is the future of Alan Moore Property? Can we buy it??
- Change location of easement to be near American Legion property
- Nothing built that restricts future changes in property (covered area, special events, park information, bathrooms/restrooms, storage, Handicap parking only). Nothing permanent
- Covered area for possible use as: outdoor classroom, Christmas tree sales, artist sales, weddings
- Seating
- Save Norway Maples (have maples assessed by arborist)
- Less is more – no large permanent structures – blend with community
- “Garden look” nothing bright and showy
- CRP Visitor Center – Kiosk (events/recreation)
- Park Information
- Gazebo
- Christmas Tree Lighting
- Public Sculpture/Fountain/Statue/Tree in center/Flag Pole
- Roving artwork garden
- Free book lending kiosk
- Gateway Arch

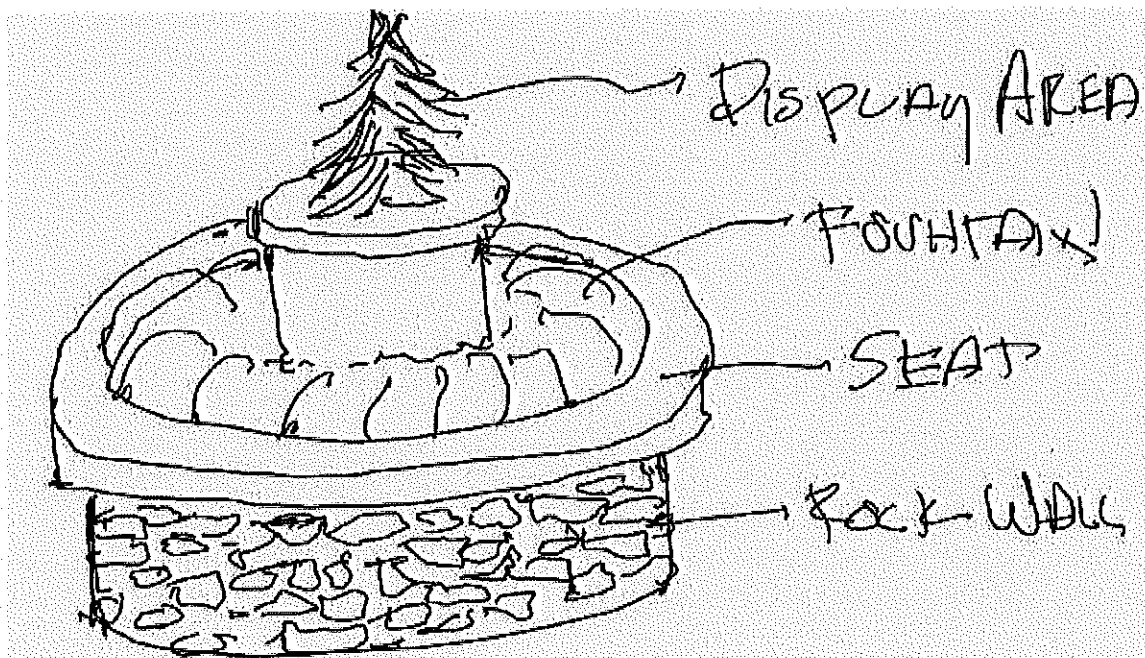
- Covered Seating / Band Stand (concerts) – place for classes (education)
- Water Feature
- Seasonal Activities
- Handicap Parking only
- Place for artist to work and sell art
- No Memorial
- No bike rentals
- Relocate ABC Store
- Civic space
- Architecture should be rustic, stone

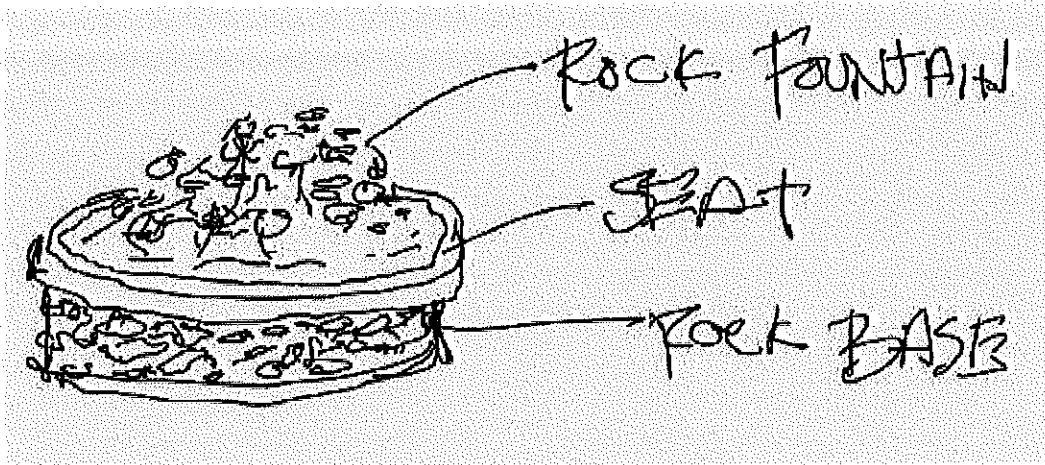


Session 4 – Tourism/Business Development, 11:30 am – 12:15 pm

- Fountain
- Semi permanent structures
- Small Numbers of Traffic
- Outdoor Adventure (regional perspective) – ‘jumping off’ point
- Trails, Camping, Water Falls & Dirty Dancing are main activities requested at Visitors Center
- Bathrooms
- Community Trailhead
- Craft Brews, occasional beer truck
- Sequential Plan (for implementation)
- Architectural continuity
- Moves Lake Lure northward (in terms of perception)
- Focus on existing tie-in opportunities

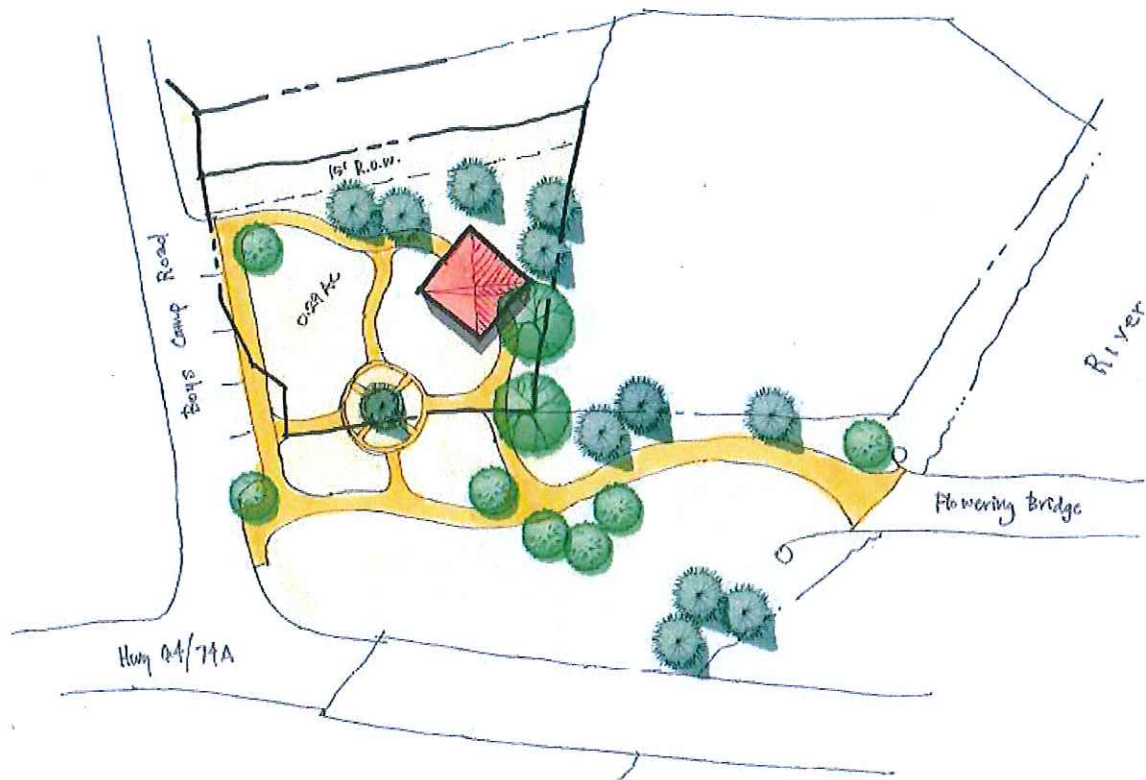
- Hub vs. Gateway (particularly if Boy's Camp Road becomes north side minor thoroughfare)
- Jettison the generic – embrace the unique
- Involve Rutherford Visual Artists Guild
- WNCW crowd – outdoors, local food & music
- Small music festival?
- Soul for the town
- Test area for new projects
- Continue to engage public in planning process
- Relocate ABC store
- Town should keep property
- Area for Community Use
- No parking
- Continuation of the Flowering Bridge
- Tour Operation (Staging Area)





Session 5 – Adjoining Property/Business Owners, 2:00 pm – 3:15 pm

- Screen American Legion Building – Create buffer, fence of cypress
- Landscape like Flowering Bridge
- Gazebo/pergola (screened in)
- Seating (area to sit and cool off)
- Bicycle rental
- Non-competing uses (noting to complete with local business)
- Add public restrooms (no port-a-johns) - consider shower stalls?
- Mountain style Architecture
- Do not block views [with improvements]
- Annual events/festival



A basic outline for the site plan would be as follows:

1. Pavilion Structure: (30'x30' drip line)
 - 1.1. Open-air
 - 1.2. Pressure Treated 2x rafters
 - 1.3. 2x tongue and groove roof decking
 - 1.4. Asphalt shingle roof
 - 1.5. Pressure Treated 8x8 posts
2. Pathways:
 - 2.1. Primary walk – 72" wide concrete paver walkway (TOLL Greenway detail)
 - 2.2. Secondary walks: 48" wide gravel pathways
 - 2.3. Central Plaza – Circular 25' diameter; concrete unit pavers
3. Parking:
 - 3.1. 8" stone base with 2" I-2 asphaltic pavement
4. Alternates:
 - 4.1. Unisex restroom; one fixture underneath pavilion.
 - 4.2. Storage room underneath pavilion (10'x10').
5. Allowances:
 - 5.1. Site Grading & Removal of unsuitable soils
 - 5.2. Landscaping
 - 5.3. Site Furnishings (benches, drinking fountain, trash receptacles, lighting)

Cost Estimates

Pavilion (Open Air)*	53,607
Pathways*	37,912
Parking*	4,488
Restroom*	22,110
Storage Room*	11,550
Site Grading*	11,000
Landscaping*	38,680
Site Furnishings*	7,755
Sub Total	187,102
Architecture, Engineering, Building Permits (10%)	18,710
Contingency (10%)	18,710
Total	224,522

*Supplied by Marathon Builders

Gateway Project Fact Sheet

Property Facts

- Tax PIN: 231863
- GPIN: 0632076955440000
- Owner: Town of Lake Lure
- Property Address: 104/106 BOYS CAMP RD
- Acres: 0.29
- No. of Bldgs: Had 3, now 0 (all demolished)
- Zoning: Commercial General (CG)

In nine months time.....

- Town conducts negotiations regarding Property, 1/13 – 7/13
- Town Council approves purchase of Property, 7/9/13
- Charlie Ellis (Team Leader) asked to assemble Task Force, 7/16/13
- Team Leader recruits Task Force members (Ric Thurlby, Vic Knight, Jonathan Hinkle & Town Staff), 7/22/13
- Task Force convenes to study property, 8/2/13
- Team Leader presents Task Force findings to Town Council, 8/13/13
- Team Leader & Town Staff solicit bids for demolition, 8/16/13
- Contract for demolition signed, 9/3/13
- Buildings demolished, 9/17 - 9/23/13
- Task Force solicits stakeholder input (approximately 5 groups/50 persons contacted)
 - Email Surveys Sent/Returned 9/16/13 – 9/26/13 (approximately 22 persons responded)
 - Interviews Conducted 9/27 (approximately 25 persons attended)
- Task Force completes Final Report, 10/2/13
- Task Force presents findings and recommended next steps to Council, 10/8/13

Two items that need to be resolved before real action is taken relative to planning for improvements:

- Right of Way & Access issues must be resolved with Alan Moore
- NCDOT must deed surplus right of way to the Town of Lake Lure

Agenda Item: 12d



MEMORANDUM

TO: Mayor and Town Council

FROM: Community Development Director

DATE: October 3, 2013

RE: Lake Lure Classical Academy Correction Deed

The deed that was prepared for the property off of Island Creek Road and NC 9 and signed by the mayor did not reference a survey plat, just metes and bounds. This deed has been recorded at the Rutherford County Register of Deeds Office. Since this time, the plat for the property was approved by the town staff and recorded by the school's agent. The school's deed needs to be amended to reference this plat. Both the recorded plat and deed correction document is attached for your review and approval.

SUGGESTED MOTION

I move Council to approve the Correction Deed prepared by J. Christopher Callahan to correct the legal description to conform to a new survey.

Excise Tax: \$0.00

Recording Time, Book and Page

Tax Lot No _____ Parcel Identifier No. Part of 16-17244 & 16-41654

Verified by Rutherford County on the _____ day of October, 2013

By: _____

Mail after recording to _____

This instrument was prepared by: J. Christopher Callahan, 252 Charlotte Road, Rutherfordton, NC 28139

Brief description for the Index

CORRECTION DEED

THIS CORRECTION DEED made this 8th day of October, 2013, by and between:

GRANTOR	GRANTEE
TOWN OF LAKE LURE, A MUNICIPAL CORPORATION	CLASSICAL ACADEMIES CFA, INC.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

That, whereas, The Town Of Lake Lure, conveyed a certain tract of land to Classical Academies CFA, Inc., by a deed recorded in Deed Book 1067 at Pages 6-9, Rutherford County Registry; and

Whereas, a new survey has been recorded; and

Whereas , the Grantee has requested of the Grantor a Deed of Correction to correct the legal description to conform to the new survey.

Now therefore, said Grantor, for the purpose of correcting said description and in consideration of the sum of One Dollar, the receipt of which is already acknowledged, has bargained and sold, and by these presents, does bargain, sell and convey unto said Grantee and successors and assigns a certain tract or parcel of land lying and being in the Town of Lake Lure, Chimney Rock Township, Rutherford County, North Carolina, and being more particularly described as follows:

Situate, lying and being in the Town of Lake Lure, Chimney Rock Township, Rutherford County, North Carolina, and being all of that particular 34.04 acre tract or parcel of land shown as Phase I in that plat entitled Classical Academies CFA, Inc, dated September 6, 2013, which plat of survey is recorded in Plat Book 34, Page 134, Rutherford County Registry, reference to which is hereby made.

There is also herewith the construction easements as shown on the aforesaid plat which said construction easements shall terminate when the construction is completed and a certificate of occupancy is issued.

Timothy D. Turner Registered Land Surveyor, dated September 6th, 2013 and recorded in Plat Book 34, at Page 134, Rutherford County Registry, reference to which is hereby made.

T: _____ P: _____

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

Town of Lake Lure

_____(SEAL)
(Corporate Name)

BY: _____(SEAL)
_____ Mayor

ATTEST: _____(SEAL)
_____ Town Clerk

STATE OF NORTH CAROLINA COUNTY OF RUTHERFORD
SEAL - STAMP

I, _____, a Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that she is Town Clerk of the Town of Lake Lure, a municipal corporation, and that by authority duly given and as the act of the corporation, the forgoing instrument was signed in its name by its Mayor, sealed with its corporate seal and attested by Andi Calvert as its Town Clerk. Witness my hand and official stamp or seal, this _____ day of OCTOBER, 2013.

My Commission Expires: _____
Notary Public

The foregoing Certificate(s) of _____
is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

REGISTER OF DEEDS FOR RUTHERFORD COUNTY

BY: _____
DEPUTY/ASSISTANT - REGISTER OF DEEDS

Agenda Item: 12e



Office of the Town Manager

TO: Mayor and Commissioners

FROM: Chris Braund

DATE: October 4, 2013

RE: Proposal For Sewer Ordinance Overhaul

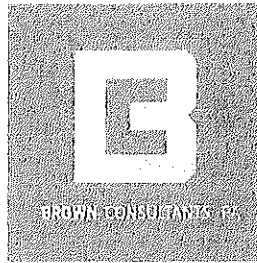
Attached is a proposal for engineering services to assess and modernize our local sewer ordinance (Chapter 51) and analyze our sewer rates/revenues against our operating costs and capital improvement investment needs.

I am requesting Town Council's approval to use \$13,000 of our capital improvement funds (\$249,000 this year) to complete this work that appears on our Capital Improvement Plan (CIP).

Here are some of the reasons to do this work:

- We've known for some time that our sewer ordinance is inconsistent with itself. A revision of the ordinance in the 2000's incorporated an early sewer ordinance (1988) and created inconsistencies. For example, one section indicates that customers within 100 feet of the sewer must connect, while another section says that they may connect.
- During the boom and bust of subdivision development, our ordinance was not well suited to the handling of future sewer connections and flows.
 - o Developers pay non-refundable sewer tap fees for each lot. We guarantee a future connection and reserve an estimated amount of flow capacity at the sewer plant. Should they also have to pay the bi-monthly service fees? Some municipalities do this because they're reserving sewer plant capacity. We require individual customers to immediately begin paying, although they don't usually pay the tap fees until they have a home and are ready to connect.
 - o How do we handle bankrupt developments that may never provide the flow that we've reserved at the plant?
- We do not have clear policies or procedures for dealing with delinquent customers that share private sewer lines with other homes. Unlike water lines where we can disconnect individual homes for non-payment, we can't disconnect these shared sewer lines.
- For some time, we've been setting our sewer rates based on what we think customers are willing to pay and what sewer rates are like elsewhere in the state. We need to be setting rates based on our actual costs of service and a collection/set aside for system maintenance and improvements.

Thank you -



July 16, 2013

Mr. Chris Braund, Manager
Town of Lake Lure
PO Box 255
Lake Lure, NC 28746

RE: Sewer Ordinances and Policy Review/Revisions
Engineering Services Proposal

Dear Mr. Braund:

As per your request, we are pleased to provide you with this Engineering Proposal to Provide Services for reviewing all current sewer ordinances and policies for updating into one revised ordinance.

I. Project Objective:

Provide the Town of Lake Lure professional services in developing a comprehensive updated sewer ordinance that incorporates all existing ordinances/policies and operational practices.

The Scope of Services are as follows:

1. Obtain copies of all existing ordinances and policies
2. Review all documents listed in item 1 and identify all inconsistencies within the various ordinances and policies, and between actual operational practices; including but not limited to actual operational practices that are not covered by written ordinances/policies or written policies not being followed by operational practices
3. Prepare a preliminary summary report of all findings from item 2, including proposed changes
4. Organize a workshop with Town staff to review the preliminary summary report to solicit comments and suggestions and secure a consensus on proposed changes
5. Prepare draft revised ordinance incorporating all consensus of the proposed changes
6. Conduct second workshop to refine/edit revised draft ordinance
8. Assist Town in passage of revised ordinance – attend council meeting
9. Prepare a basic sewer rate analysis and make recommended changes

#7 WAS REMOVED FROM SCOPE

II. Deliverables:

The deliverables for this project are as follows:

1. Preliminary summary Report
2. Minutes of workshops
3. Draft Revised Ordinance
4. Sewer Rate analysis with recommended rate changes

III. Schedule:

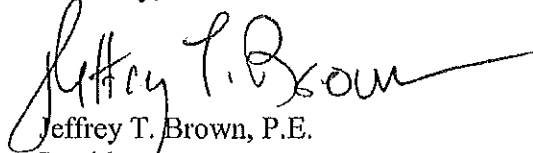
Brown Consultants is available to begin work upon acceptance of this proposal and to have a completed Final Revised Ordinance within ninety (90) days thereafter.

IV. Project Cost

The cost of the work shall be a Time and Materials not to exceed \$13,000.

If you are in agreement with this Proposal, please sign and forward a copy to this office.
If you have any questions, please do not hesitate to call me.

Sincerely,


Jeffrey T. Brown, P.E.
President

Signed _____
Chris Braund, Manager Town of Lake Lure

