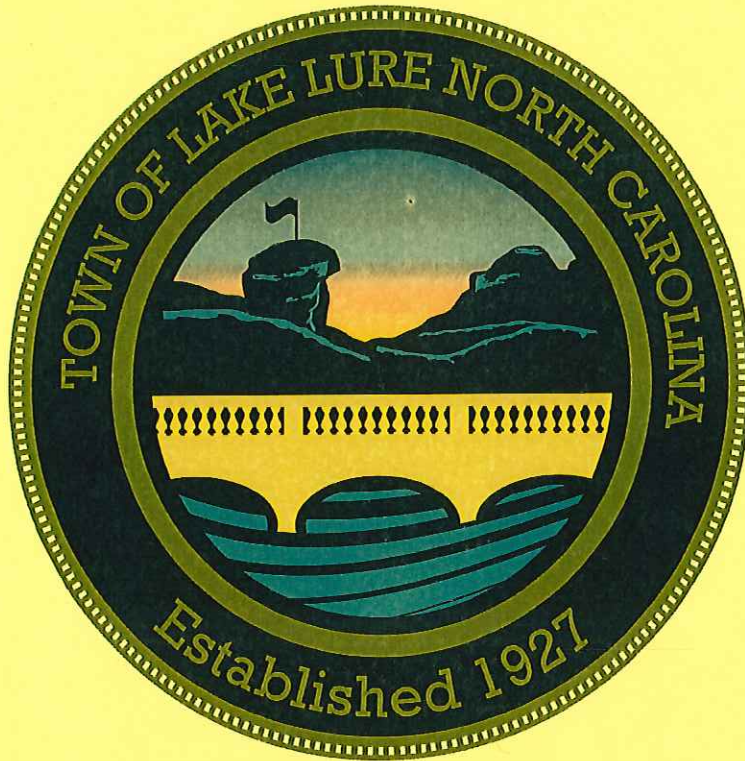


LAKE LURE TOWN COUNCIL REGULAR MEETING PACKET

Tuesday, March 11, 2014



Mayor Bob Keith

Commissioner John Moore

Commissioner Mary Ann Silvey

Commissioner Diane Barrett

Commissioner Bob Cameron



SPECIAL MEETING OF THE LAKE LURE TOWN COUNCIL

March 11, 2014

6:00 p.m.

Lake Lure Municipal Center

AGENDA

1. Call to Order Mayor
Bob Keith
2. Invocation (*Please rise and remain standing*) Attorney
Chris Callahan
3. Pledge of Allegiance
4. Approve the Agenda Council
5. Public Hearing – Proposed Ordinance No. 14-03-11 Amending Section 94.02 Definitions and 94.05 Design and Construction Standards of the Lake Structure Regulation of the town of Lake Lure
6. Consider Adoption of Ordinance No. 14-03-11 Amending Section 94.02 Definitions and 94.05 Design and Construction Standards of the Lake Structure Regulation of the town of Lake Lure
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 February 17, 2014 Meeting
 - b. Approve a Request Submitted by the Lake Lure Classical Academy PTO to Suspend the Peddling Ordinance for the Lake Lure Classical Academy Spring Fling Festival Being Held on May 17, 2014 from 9:00 a.m. to 3 :00 p.m.
 - c. Approve a Request Submitted by the Rutherford County Tourism Development Authority to Suspend the Alcohol Ordinance for the Hickory

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March 11, 2014

Nut Gorge Chamber Recharge Event Being Held on April 8th at the
Welcome Center in Lake Lure

11. Unfinished Business
12. New Business:
 - a. Review and Consider Adoption of the Proposed Town Limits Map
 - b. Discussion of Curbside Recycling Options
 - c. Closed Session - to consult with an attorney to preserve the attorney-client privilege pursuant to N.C.G.S. 143-318.11(a)(3)
 - d. Consideration of a Resolution Concerning the Handling or Settlement of a Claim, Judicial Action, Mediation, Arbitration, or Administrative Procedure
13. Adjournment

Agenda Item: 5& 6



TOWN OF LAKE LURE *Lake Operations Department*

MEMORANDUM

To: Lake Lure Town Council; Chris Braund, Town Manager

Cc: Mark Helms, Lake Advisory Board Chairman; Dean Givens, Director of Lake Operations

From: Clint Calhoun, Environmental Management Officer

Subject: Ordinance amending Lake Structure Regulations

Date: February 26, 2014

The attached proposed changes and additions to the Lake Structures Regulations are intended to make an addition to the definition of "Marinas" in the Definitions (Section 94.02) and to make an addition to the Design and Construction Standards (Section 94.05) related to projection of the lot line. Specifically, they are intended to do the following:

- 1) Add uses to the definition of "Marina" that include rental, sale or repair of boats, boat motors and accessories, and/or the sale of marine fuel and lubricants, bait and fishing equipment, and the like.
- 2) Clarify that the property line projection used for locating a lake structure shall not extend beyond 30 feet or one third the distance to the opposite shore, whichever is greater in the Design and Construction Standards.

Both of these changes come as recommendations from the Lake Advisory Board and were passed unanimously at their January 6th, 2014 meeting.

Respectfully submitted,
Clint Calhoun, Environmental Management Officer

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Public Notice

The public will take notice that the Town Council of the Town of Lake Lure will hold a public hearing on Tuesday, March 11, 2014 at 6:00 p.m. or thereafter, in the Council Meeting Room of the Lake Lure Municipal Center, for the purpose of receiving comments on proposed Ordinance No. 14-03-11, amending Section 94.02 Definitions and 94.05 Design and Construction Standards of the Lake Structure Regulations of the Town of Lake Lure.

A copy of the proposed amendments to the Lake Structure Regulations are available for public inspection at the office of Administration, Lake Lure Town Hall, 8:00 a.m. to 5:00 p.m., Monday through Fridays, holidays excepted.

ORDINANCE NUMBER 14-03-11

AN ORDINANCE AMENDING SECTION 94.02 DEFINITIONS AND 94.05 DESIGN AND CONSTRUCTION STANDARDS OF THE LAKE STRUCTURE REGULATIONS OF THE TOWN OF LAKE LURE

WHEREAS, the Town of Lake Lure Lake Advisory Board has recommended modifications to Chapter 94, concerning the definitions, design and construction standards of the Lake Structure Regulations of the Town of Lake Lure; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the ___th day of March, 2014, upon the question of amending the Lake Structure 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 TOWN COUNCIL VOTING IN THE AFFIRMATIVE.

SECTION ONE. Section 94.02 of the Lake Structure Regulations of the Town of Lake Lure is hereby amended to add or amend the following definitions. All other definitions are to remain unchanged:

§ 94.02 DEFINITIONS

“Marina.” A facility with a lakefront location which provides temporary or permanent watercraft mooring(s) for rent or lease and may also include the rental, sale or repair of boats, boat motors, and accessories, and/or the sale of marine fuel and lubricants, bait and fishing equipment, and the like.

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

SECTION TWO. Section 94.05 (C) and of the Lake Structure Regulations of the Town of Lake Lure are hereby amended as follows. All other portions are to remain unchanged:

§ 94.05 DESIGN AND CONSTRUCTION STANDARDS

- (C) No portion of any structure shall be located closer than 15 feet away to any side lot line, as projected into the lake. The projection of the lot line shall be in a straight line on the same bearing as the lot line and shall extend no further than 30 feet or one third the distance to the opposite shore as described in Paragraph (B). This provision does not apply to sea walls. See also Paragraph (M) below regarding boardwalks.

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

SECTION THREE. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 94.99 of the Lake Structure Regulations.

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

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

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

Adopted this __th day of March, 2014.

ATTEST:

Andrea Calvert
Town Clerk

Mayor Robert Keith

Approved as to form:

J. Christopher Callahan
Town Attorney

Agenda Item: 10a



**MINUTES OF THE RESCHEDULED REGULAR MEETING OF THE LAKE LURE
TOWN COUNCIL HELD MONDAY, FEBRUARY 17, 2014, 6:00 P.M. AT THE LAKE
LURE MUNICIPAL CENTER**

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

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

ABSENT: N/A

CALL TO ORDER

Mayor Bob Keith called the meeting to order at 6:00 p.m.

INVOCATION

Attorney Chris Callahan gave the invocation.

PLEDGE OF ALLEGIANCE

Council members led the pledge of allegiance.

Mayor Bob Keith thanked staff for their efficient service during the recent winter weather.

APPROVE THE AGENDA

Commissioner Diane Barrett made a motion to approve the agenda as presented. Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

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PUBLIC FORUM

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

John Kilby of 164 Neighborly Drive stated that he recently read an ad in the local newspaper, the Daily Courier, requesting bids for improvement of the access road at the dam. Mr. Kilby asked why improving the road is a priority stating that there are other things that are higher priority such as dredging and improving the appearance of each end of the dam.

Barbara Marsh Searcy of 201 Havnaers Point Circle thanked the town staff for doing a great job clearing roads during the recent snow storm.

STAFF REPORTS

Town Manager Chris Braund presented the town manager's report dated February 11, 2014. (Copy of the town manager's report is attached.)

COUNCIL LIAISON REPORTS & COMMENTS

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

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

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

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

CONSENT AGENDA

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

Commissioner Bob Cameron made a motion to approve the consent agenda as presented. 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:

- a. minutes of the January 14, 2014 Regular Meeting; and

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- b. a contract between the Town of Lake Lure and Martin Starnes & Associates, CPAs, P.A. to audit accounts for the Town of Lake Lure for year ended June 30, 2014.

End of Consent Agenda.

UNFINISHED BUSINESS:

a. OTHER UNFINISHED BUSINESS

There was no other unfinished business.

NEW BUSINESS:

**a. CONSIDER ADOPTION OF RESOLUTION NO. 14-02-11 EXPRESSING
APPRECIATION AS A RECIPIENT OF THE 2013 FACEBOOK-RUTHERFORD
COMMUNITY ACTION GRANT**

Town Manager Chris Braund gave an overview of proposed resolution No . 14-02-11 and gave an update concerning purchase of the police department equipment to be funded by the grant.

Commissioner John Moore made a motion to adopt Resolution No. 14-02-11 expressing appreciation as a recipient of the 2013 Facebook-Rutherford Community Action Grant. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

RESOLUTION NO. 14-02-11

TOWN OF LAKE LURE

**RESOLUTION OF APPRECIATION AS A RECIPIENT OF THE 2013 FACEBOOK-
RUTHERFORD COMMUNITY ACTION GRANT**

WHEREAS, Facebook's mission is to give people the power to share and make the world more open and connected; and

WHEREAS, Facebook awarded \$15,000 in grant support for the Lake Lure Police Department to replace obsolete Mobile Data Terminals (MDT's); and

WHEREAS, the Town of Lake Lure values the safety and security of its citizens and employees; and

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WHEREAS, the Facebook grant will provide Lake Lure Police Department easier, faster and more reliable access to remote database systems, resulting in improved officer safety and enhanced communications capabilities.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Lake Lure extends their appreciation and special tribute to Facebook for its support of the Lake Lure Police Department and the citizens of the Lake Lure. The Council commends Facebook for their continuing commitment to their mission and to Rutherford County.

Adopted this 17th day of February, 2014.

NEW BUSINESS:

b. CONSIDER ADOPTION OF RESOLUTION NO. 14-02-11A SUPPORTING LAKE LURE AND EXPRESSING THE VALUE OF RETAINING THE EXISTING LOCAL SOIL EROSION AND SEDIMENTATION CONTROL PROGRAM

Town Manager Chris Braund gave an overview of proposed Resolution No. 14-02-11A and explained that potential legislation that will be considered by state legislators could result in a diminishment of Lake Lure's authority to enact and enforce the sedimentation and erosion control measures.

After discussion, Commissioner Diane Barrett made a motion to adopt 14-02-11A supporting Lake Lure and expressing the value of retaining the existing local soil erosion and sedimentation control program. Commissioner Mary Ann Silvey seconded the motion and the vote of approval.

RESOLUTION NO. 14-02-11A

**A RESOLUTION SUPPORTING LAKE LURE AND
EXPRESSING THE VALUE OF RETAINING THE
EXISTING LOCAL SOIL EROSION AND
SEDIMENTATION CONTROL PROGRAM**

WHEREAS, a vision and plans to feature both Chimney Rock and Lake Lure as a premier Mountain Lake Resort approximately fourteen square miles in size was created in 1920's; and

WHEREAS, the monolith known as "Chimney Rock" rests solely within the corporate boundary of the Town of Lake Lure; and

WHEREAS, the Town of Lake Lure owns Lake Lure, the impoundment created in 1925 on the Rocky Broad River, and considers it a primary asset and economic driver for the town and Rutherford County; and

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WHEREAS, the State of North Carolina purchased Chimney Rock Park and created a master plan calling for the primary entrance through the Town of Lake Lure into the Park and through Chimney Rock Village; and

WHEREAS, Chimney Rock State Park, Town of Lake Lure, and Chimney Rock Village seek to partner and develop a regional economic engine built on outdoor adventure and eco-tourism; and

WHEREAS, the Town of Lake Lure has, in places, poor soils with steep topography resulting in sedimentation requiring dredging operations as early as the 1950's to keep navigational channels open; and

WHEREAS, sedimentation has been a historical threat to the health of the lake and will become an even greater threat to operational capabilities both for navigation and hydroelectric impoundment capacity with the increase in development and land disturbance; and

WHEREAS, in 2005, the North Carolina General Assembly authorized the Town of Lake Lure to conduct a local Sedimentation and Erosion Control program consisting of delegated authority to enforce state regulations and the authority to enact local regulations necessary to address the Town's unique conditions and risks; and

WHEREAS, this program has been highly effective at protecting the Town's main economic asset while also enabling growth and development in the area; and

WHEREAS, the North Carolina General Legislature is considering legislation that could result in a diminishment of Lake Lure's authority to enact and enforce the sedimentation and erosion control measures that are so vital to our region's economy; and

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE that the Town requests the North Carolina General Assembly, in taking any action regarding local environmental regulations, ensures that the Town will retain its delegated Soil Erosion and Sedimentation Control Program complete with any standards and specifications implemented by the local governing board.

Adopted this date, February 17, 2014 at Lake Lure, North Carolina.

NEW BUSINESS:

c. APPOINT A REPRESENTATIVE TO SERVE ON THE ISOTHERMAL PLANNING AND DEVELOPMENT COMMISSION'S BOARD OF DIRECTORS

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Mayor Bob Keith explained that the Isothermal Planning and Development Commission's board of directors meet at the same time that town council meets each month, so it would be best if someone other than a town council member serves on the board to represent the town. Mayor Keith informed council that Ric Thurlby and Tom McKay have both said they would be willing to represent the town on the board.

Mayor Keith stated that he has agreed to serve on the Rural Planning Organization (RPO) Transportation Advisory Committee and Shannon Baldwin, Community Development Director, will represent Lake Lure on the RPO's Technical Coordinating Committee.

After discussion, Commissioner John Moore made a motion to appoint Tom McKay to serve as the representative for the town on the Isothermal Planning and Development Commission's Board of Directors and appoint Ric Thurlby to serve as an alternate representative on the board. Commissioner Bob Cameron seconded the motion and the vote of approval was unanimous.

d. CONSIDER EXTENSION OF THE GOLF COURSE OPERATION LEASE AGREEMENT

Town Manager Chris Braund gave an overview of a proposed extension of the lease agreement between the Town of Lake Lure and Lake Lure Golf Management concerning operation of the Lake Lure Municipal Golf Course.

Council members commended the Minicks' and Lake Lure Golf Management for their operation and improvements at the golf course.

Commissioner John Moore suggested that the words "based on profitability" be omitted from the "Operating Subsidy" column of the agreement for fiscal years July 1, 2016 – June 30, 2017, July 1, 2017 – June 30, 2018 and July 1, 2018 – April 9, 2019.

Commissioner Bob Cameron made a motion to approve the agreement as amended. Commissioner Mary Ann Silvey seconded the motion and the following agreement was approved unanimously:

AMENDMENT AND RENEWAL OF LEASE AGREEMENT

The operating lease of the Town of Lake Lure Municipal Golf Course, between the Town and Lake Lure Golf Management, Inc., was entered into on April 10, 2012 and has an initial 2-year term expiring on April 9th, 2014.

In accordance with section 3 (a) (ii) of the lease agreement, Lake Lure Golf Management, Inc., has notified the town in writing of their exercise of the option to extend the lease for a five (5) year period beginning April 10, 2014.

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It is the desire of both parties to renew this lease with a revised subsidy fee schedule in accordance with section 8 (b).

<u>Period</u>	<u>Operating Subsidy</u>
April 10, 2014 – June 30, 2014	Remaining balance of \$75,000 budgeted in FY14
July 1, 2014 – June 30, 2015	\$75,000
July 1, 2015 – June 30, 2016	\$75,000
July 1, 2016 – June 30, 2017	TBD
July 1, 2017 – June 30, 2018	TBD
July 1, 2018 – April 9, 2019	TBD

Payments of the annual subsidies will be aligned with the Town's annual fiscal year budget and on a schedule agreed upon between the Town Manager and Lessee. Subsidy amounts (if any) in FY '17 and beyond are to be determined after 2015.

TOWN OF LAKE LURE

ATTEST:

By: _____
Mayor

By: _____
Town Clerk

By: _____
Town Manager

LAKE LURE GOLF MANAGEMENT, INC.

By: _____
Dale Minick

e. CONSIDER APPROVAL OF A REQUEST SUBMITTED BY SHEA WILLIAMS ON BEHALF OF LARKIN'S ON THE LAKE TO ALLOW A BONFIRE ON THE BEACH AND SUSPEND THE TOWN ALCOHOL ORDINANCE FOR AN EVENT BEING HELD ON MAY 18, 2014

Shea Williams was present and gave an overview of a request submitted on behalf of Larkin's on the Lake asking council to suspend the alcohol ordinance and allow a bonfire on the beach for an event to be held on May 18, 2014 between 4:00 p.m. and 10:00 p.m.

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After discussion, Commissioner Bob Cameron made a motion to approve the request. Commissioner Diane Barrett seconded the motion and the vote of approval as unanimous.

f. DISCUSSION CONCERNING LARGE ESTATE LOTS AND PRINCIPAL RESIDENTIAL BUILDINGS

Town Manager Chris Braund explained that members of town staff have worked with the developer of Chimney Rock Ridge subdivision to develop a proposed amendment to our zoning regulations and staff is asking council to send the potential amendment to the Zoning and Planning Board for review.

After discussion, Commissioner John Moore made a motion to direct the Zoning and Planning Board to review and make a recommendations relating to a draft ordinance concerning §92.027, R-1B, residential District, and §92.107, one principal building on a lot; allowing lots zoned R1B that are 10 acres or more to a two principal residential buildings. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

g. DISCUSSION CONCERNING CAPITAL IMPROVEMENT PROJECTS

Town Manager Chris Braund presented a list of proposed capital improvements projects

Jeffrey Brown from Brown Consultants was present and answered question relating to proposed projects.

Council members discussed the proposed projects and Commissioner Bob Cameron suggested that water system improvements proposed at Firefly Cove be delayed since water use in Firefly Cove is going up because of new construction. This should reduce the water's contact time in the well.

Council asked that local contractors be notified when capital projects are out for bid.

h. REVIEW AND DISCUSSION OF THE TOWN'S WATER/SEWER FUND

Town Manager Chris Braund gave an overview of a presentation prepared by the finance department concerning the town's water/sewer fund and a recommendations for the 2015 budget suggesting that a water rate study be conducted to ensure an appropriate rate structure.

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Council members discussed the town' water/sewer fund and Commissioner John Moore suggested that the proposed water rate study be done in house, by town staff as much as possible.

ADJOURN THE MEETING

With no further items of discussion, Commissioner Bob Cameron made a motion to adjourn the meeting at 7:50 p.m. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

ATTEST:

Andrea H. Calvert
Town Clerk

Mayor Bob Keith

Agenda Item: 10b

Revised 12/11/13



2948 MEMORIAL HWY.
P.O. BOX 255
LAKE LURE, NC 28746
828-625-9983

PERMIT FOR USE OF TOWN RENTAL FACILITIES

This Permit For Use is entered into by and between the Town of Lake Lure ["Town"] and

Lake Lure Classical Academy PTO ["Responsible Party"].

Name
2520 Memorial Hwy. Lake Lure NC 28746
Mailing Address City State Zip

828-429-8727 (Dawn) 828 - 980 - 2883 (Michelle)
Contact Phone Number(s)

In consideration of the Responsible Party's request to use the: (Check one)

- ☐ Lake Lure Gazebo
☐ Community Hall in Municipal Center
☒ Meadows

It is agreed by the parties that:

REQUIREMENTS

1. The Responsible Party will be solely and wholly responsible for any and all damage sustained to the premises indicated above during or as a result of the event set forth below.
2. The Responsible Party shall indemnify and hold harmless the Town from and against any and all liability for personal injuries, property damage, or for loss of life or property resulting from, or in any way connected with, the condition or use of the premises covered by this permit, or any means of ingress to and egress from these premises.
3. It is understood that this Permit is issued only to the aforesaid Responsible Party and may not be transferred or assigned, and shall not be inure to the benefit of any successor or assignee of the Responsible Party.
4. The consumption of alcoholic beverages of all types is specifically prohibited. And the use of tobacco products of any kind in any building is specifically prohibited.
5. The Responsible Party shall ensure that the premises are cleaned after the event and all trash is collected and removed.

Type of Event: Spring Fling Festival

Date of Event: 5/17/14 Actual time of ceremony or event 10pm - 3pm
would like to have
set up start @ 9am

FEES FOR USE OF TOWN FACILITIES

(Circle all applicable fees)

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
Recycle Bins	\$10 each per day			
Electric Hook-up	\$10 per day			
Water Hook-up	\$10 per day			

To reserve a date, fees and security deposits for requested facilities must be tendered with the permit application. Once the event is held, as long as there is no damage or trash left behind, the deposit will be refunded by mail. Cancellation will cause forfeiture of the deposit; however, the fee will be refunded.

Additional Permits Required

Will your event:

- ☒ Include amplified music or P.A. systems? [Town entertainment event permit required]
- ☐ Utilize a tent? [Town fabric structure permit required. Council approval required for all over 2,000 sq ft]
- ☒ Have vendors or sales of food or other items (e.g., art)? [Town Council's approval required]
- ☐ Include alcohol? (Not allowed in Meadows or Gazebo area) [For Community Hall, Town Council's approval required - meetings are the 2nd Tuesday each month]

[] Entertainment Event Permit attached

[] Fabric Structure Permit attached

[] Request Letter to Town Council attached

I acknowledge that I have read and understand the requirements of this Permit as set forth above and agree as an agent of the Responsible Party to abide fully with these requirements. Failure to comply with all requirements will result in a forfeiture of deposit.

Signed: Dawn Milachowski
on behalf of the Responsible Party named above

Permit Issued on this ____ day _____, 20__.

APPROVED: _____, Town of Lake Lure, NC

Agenda Item: 10c

Andi Calvert

From: Lake Lure Town Manager [townmgr@townoflakelure.com]
Sent: Friday, March 07, 2014 3:33 PM
To: 'Andi Calvert '
Subject: FW: TDA - Host Hickory Nut Gorge Chamber Recharge

To add to the consent agenda....of course it came in after you sent the agenda :-)

From: Connie Dalziel [mailto:Connie.Dalziel@rutherfordcountync.gov]
Sent: Friday, March 07, 2014 2:49 PM
To: townmgr@townoflakelure.com
Subject: TDA - Host Hickory Nut Gorge Chamber Recharge

Hi,

The Rutherford County Tourism Development Authority is hosting the Hickory Nut Gorge Chamber Recharge Event on Tuesday evening, April 8th at the Welcome Center in Lake Lure. The TDA is asking for permission to serve alcohol at this event. The TDA is planning to set up an area outside of the Welcome Center's building where the alcohol will be served. The TDA will not be purchasing alcohol but will be partnering with a local business.

If you have any questions please contact Connie Dalziel or Michelle Whitaker
 (828)287-6113

Chris,

Michelle is not comfortable with having to serve alcohol and is concerned with how this proposal may reflect poorly on the TDA. If you have any concerns, questions or recommendations, please get back with us.

Thank you!!

Connie Dalziel

Pursuant to North Carolina General Statutes, Chapter 132, et. seq., this electronic mail message and any attachment hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to requests for review.

Agenda Item: 12a



Community Development

MEMORANDUM

TO: Mayor & Town Council

FROM: Community Development Director

SUBJECT: Town Limits Research & Affected Properties

DATE: February 7, 2014

Introduction

We use maps on a day to day basis to quickly determine where roads, utilities, zoning districts, the Town limits, and other important items are located. GIS (electronic mapping) was introduced by the County in the 1990's. Lake Lure developed its own GIS in 2005. The information loaded into these mapping systems was taken from existing maps that evolved over the years and have been drawn and re-drawn.

Our town limits were established in 1927 from all the lands owned by Chimney Rock Mountains Incorporated and Chimney Rock Scenic Company and land surrounded by these lands owned by these two companies. The boundary was solely based on a narrative (deeds). A boundary map was never created to accompany the original Charter, but attempts were made many times to establish one.

To this day we do not have an official map to accompany our Charter depicting our Town limits. Many communities have conducted a field survey to obtain bearings and distances of their entire boundary, but this was deemed cost prohibitive for Lake Lure's 13.5 square mile jurisdiction and unknown perimeter length. Therefore, we are presenting this agenda item as steps toward establishing an official "Boundary Map of the Town of Lake Lure, NC."

Original Driving Issue

In 2012, the Town Council chose to settle a dispute with Ron and Karen Cantrall regarding property located in the Northeast section of town. As you may recall, the Cantrall's approached staff claiming two lots, which were deemed by the Town to lie within the Town's corporate limits, were, in fact, outside the Town's corporate limits.

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In light of the inconclusive evidence and the unique circumstances of this matter, and in the hope of resolving a potentially expensive lawsuit between the parties, the Town extended an offer to settle this dispute. The Town agreed to edit the Town limits boundary map excluding two of Mr. Cantrell's parcels from our maps, concluding that this was the most probable line emanating from one of the maps drawn by Howard B. Miller, one of the Town's original cartographers/mappers.

Rutherford County Tax Department Changes

In 2013, the county tax office noticed that a portion of the Lake Lure town limits extended northward in a narrow strip across several properties in Tatanka. While the Town's maps have long shown this strip and we've considered them as being in Town, no one realized that the county had not been assessing local taxes for these properties. The tax office corrected this error by issuing tax 2013 statements that, for the first time, included Lake Lure taxes on these parcels. Most of the owners of these properties were unaware of the town's maps and did not consider themselves in Town. Our staff committed to doing research and the tax office agreed that, should the research conclude that our maps are in error, they will refund any taxes paid in 2013.

Research on Town Boundaries (as we know them today)

It was evident from reviewing old maps that the Town, from its founding, had likely incorporated mapping errors as it created new maps to replace the old ones. The original records of land holdings, acquisitions by the Chimney Rock Mountains Incorporated and subsequent sales and subdivisions resulted in multiple, inconsistent maps used by the Town. Howard B. Miller and G.W. Justice, who were commissioned by Chimney Rock Mountains Incorporated to survey properties and map the town limits from the beginning, created and published those original maps. The subsequent maps were based on their maps. In places, their maps clearly contradict one another relative to the Town limits.

An amendment to our Town charter in 1987 references a "Town Boundary Map" that has never been filed with Rutherford County or an agency or office in Raleigh. None of our staff have ever seen the map referenced. The Town Manager instructed staff to review the entire town limits perimeter and identify parcels that had been the subject of past disputes or would likely be subject to future disputes. We looked for areas where the town limits line didn't appear consistent with earlier maps or where parcels were split by the town limits line. We collected a list of eight areas to further investigate with the intention of either confirming the accuracy of the town limits line or recommending an adjustment to the map (as was done in the Cantrall case).

In examining the maps and deed documentation, the staff applied values of Equity, Consistency, Historicity and Accuracy. In the examination, the following decision-making rules emerged to guide recommended boundary map adjustments:

1. No properties will be identified for inclusion in the town limits if they have not historically been included--even if we find new evidence that the property should be within Town limits. This is not an exercise to expand the town limits. We will leave it to property owners to request annexation into Town if desired.

2. A property should be excluded from Town when the status is uncertain, or not clear, based on the majority of the findings in the record. For instance, if one map says a property is totally in and one says it's totally out, we would exclude the property altogether. If one map shows it's out, but five show it in, we leave it in.)
3. A property will not be excluded from Town if the current owner opposes this action and wishes for the property to remain in Town. We have reviewed the map evidence with the property owners and offered them the choice.
4. We will make small adjustments to the town boundary line to correct GIS mapping errors that have no material impact on the property's municipal status or taxation. This will align the town limits with individual property boundaries (except in those instances where the record substantiates that the town limits line crosses a parcel that is both in and out of the town).

Results of the Research

Therefore, based on the decision making values and rules, staff recommends Town Council adopt a revised map reflecting the town's position relative to these eight areas below:

1. two Cantrell properties
2. eleven Tatanka area properties
3. eleven Riverbend properties
4. three JELIBOMICHST LTD properties (Tax PIN: 1646223; 1646218; 1646219)
5. two State of North Carolina properties (Tax PIN: 1646225; 1646677)
6. one Bob & Mary Kay Cassano property (Tax PIN: 1641311)
7. The Eagle Camp, LLC property (Tax PIN 1645450)

Accompanying this memo is a spreadsheet detailing each of these 7 areas and the impact on the underlying parcels. If adopted, some of them will be partially or fully excluded from Town limits. Some of them will be confirmed as being in Town limits—as they have long been considered. Staff will provide a map of the changes at your meeting.

Tax Impacts

For parcels that are being excluded from Town Limits, the spreadsheet details the amount of local taxes collected in the past. Future taxes will not be assessed. Staff does not recommend refunds except in the case of the Tatanka, where the local tax assessment began in 2013. Based on our recommendation, the total amount of tax reductions in future years will be \$149.71 per year.

Disclosure of Legal Risks for Council

The owners of the properties identified above are unlikely to challenge these map changes. However, the Machinery Act makes it clear that elected town officials have a fiduciary responsibility for the assessment and collection of all taxes due as these are revenues that belong to the public at large. The Council, and individual commissioners, could be held liable for any

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tax refunds and for lost future taxes if it were determined that they acted inappropriately or arbitrarily in releasing properties from the town's jurisdiction and taxation. Another property owner in town would need to bring suit against the commissioners. What's the risk of letting the eleven properties out? The Town Attorney should advise you on this, but in this case we've established a rational basis for this map adjustment using research of old maps and deeds.

Recommended Actions Regarding Town Limits Map

Once Town Council approves and adopts the new 2014 Town Limits Map, a local bill should be submitted to the General Assembly recognizing and referencing the new map as official.

Recommended Motion: I move Town Council adopt the map as presented and direct staff to prepare the necessary documents to present to Representative Hager for submission into the NC Legislature so that a "Boundary Map of the Town of Lake Lure, NC" becomes official.

TAX PIN	Owner	2013 Town Taxes	% of Property Value in Lake Lure	Yrs Billed	Total Acres	Total Acres in Town	Description of Change	Justification for Change	Owner Supports Change?
Tatanka Area									
10606910	Kramer Family Trust	\$189.28	60%	1	19.34	11.39	Exclude entire parcel & reverse 2013 taxes	CRMI not in Chain of Title ¹	yes
1634770	D. Ingle	\$285.11	100%	1	4.11	4.11	Exclude entire parcel & reverse 2013 taxes	CRMI not in Chain of Title ¹	yes
1634771	D. Ingle	\$1,415.42	98%	1	3.37	2.67	Exclude entire parcel & reverse 2013 taxes	CRMI not in Chain of Title ¹	yes
1634772	M. Byers	\$1,485.04	97%	1	4.6	3.06	Exclude entire parcel & reverse 2013 taxes	CRMI not in Chain of Title ¹	yes
1634773	C. Hartzog	\$237.29	88%	1	3.24	2.46	Exclude entire parcel & reverse 2013 taxes	CRMI not in Chain of Title ¹	yes
1634774	J. Riley	\$249.47	83%	1	5.08	3.55	Exclude entire parcel & reverse 2013 taxes	CRMI not in Chain of Title ¹	yes
1634776	S. Decker	\$34.31	11%	1	2.61	0.62	Exclude entire parcel & reverse 2013 taxes	CRMI not in Chain of Title ¹	yes
1634777	R. Hartzog	\$313.01	82%	1	5.1	3.42	Exclude entire parcel & reverse 2013 taxes	CRMI not in Chain of Title ¹	yes
1635028	Buffalo Cliffs	\$0.55	100%	1	0.66	0.44	Exclude entire parcel & reverse 2013 taxes	CRMI not in Chain of Title ¹	yes
223415	C. Dalton	\$8.68	1%	1	208	0.44	Exclude entire parcel & reverse 2013 taxes	CRMI not in Chain of Title ¹	yes
1634765	Palladino	\$52.46	43%	3	3.79	0.5	Exclude entire parcel & reverse 2013 taxes	CRMI not in Chain of Title ¹	yes
1616354	R. Cantrall	\$0.00	0%	>5	3	3	Exclude entire parcel (done)	CRMI not in Chain of Title ¹	yes
1617627	R. Cantrall	\$0.00	0%	>5	8.9	8.9	Exclude entire parcel (done)	CRMI not in Chain of Title ¹	yes
Riverbend Area									
1611646	Vista NC Ltd	\$19.87	95%	>5	0.6	0.025	No change, leave as is	..to comply with 1929 map	n/a
1611647	C. Arguelles	\$13.22	59%	>5	0.97	0.4	No change, leave as is	..to comply with 1929 map	n/a
224520	E. Plesker	\$22.68	98%	>5	0.58	0.1	No change, leave as is	..to comply with 1929 map	n/a
1611712	Vista NC Ltd	\$9.12	63%	>5	0.82	0.3	No change, leave as is	..to comply with 1929 map	n/a
1603318	G. Pacentine	\$13.25	95%	>5	0.59	0.3	No change, leave as is	..to comply with 1929 map	n/a
1611710	Vista NC Ltd	\$13.25	100%	>5	0.53	0.51	Exclude entire parcel	..to comply with 1929 map	n/a
1611711	Vista NC Ltd	\$12.43	100%	>5	3.14	3.14	Exclude entire parcel	..to comply with 1929 map	n/a
1611723	Vista NC Ltd	\$41.40	100%	>5	1.17	1.17	Exclude entire parcel	..to comply with 1929 map	n/a
1611734	Vista NC Ltd	\$23.18	100%	>5	0.56	0.4	Exclude entire parcel	..to comply with 1929 map	n/a
1611737	Vista NC Ltd	\$23.18	100%	>5	0.54	0.6	Exclude	..to comply with 1929 map	n/a
221853	W. Grimes	\$440.62	100%	>5	8.32	7.72	Adjust line to match town limits with property boundary, bringing 0.6 acres into town limits	..to comply with 1929 map	n/a
South West Area									
1646677	State of North Carolina	\$0.00	2%	0	155	2.81	Exclude	..to comply with 1929 map	n/a
Girl Scout Camp Road Area									

Town Limits Map Revision: 2014

Affected Properties

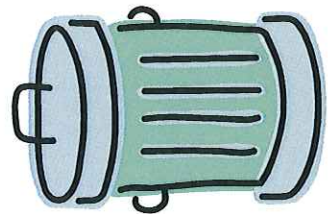
TAX PIN	Owner	2013 Town Taxes	% of Property Value in Lake Lure	Yrs Billed	Total Acres	Total Acres in Town	Description of Change	Justification for Change	Owner Supports Change?
1645450	Eagle Camp LLC	\$1,110.02	23%	2	162.34	78.39	No change, leave as is	CRMI is in Chain of Title ¹	n/a
Roland King Properties Area									
1646218	JELIBOMICHST LTD	\$122.97	79%	5	185.31	149.36	No change, leave as is	..to comply with 2014 map	n/a
1646223	JELIBOMICHST LTD	\$1,350.38	97%	5	93.56	81.75	No change, leave as is	..to comply with 2014 map	n/a
1646219	JELIBOMICHST LTD	\$38.92	100%	5	40.99	40.43	No change, leave as is	..to comply with 2014 map	n/a
1646225	State of North Carolina	\$0.00	10%	0	362.92	39.94	No change, leave as is	..to comply with 2014 map	n/a
Laurel Mt. Estates Area									
1641311	M. Cassano	\$36.27	30%	>5	3.25	1.03	Exclude	Map error. Never annexed into per Ed Younger (developer).	yes
Total of Excluded Properties									
		\$4,420.33							
2013 Taxes to Be Reversed*		\$4,270.62	*The county will refund amounts that have been paid and will issue new tax bills that exclude Lake Lure taxes to the remainder						
Reduction in Future Tax Revenues		\$149.71							

¹ The Town of Lake Lure, when incorporated, included all lands held by Chimney Rock Mountain, Inc. (CRMI) and Chimney Rock Scenic Company. Any property with CRMI appearing in the chain of title is inside the Town of Lake Lure.

Agenda Item: 12b



Proposal for Town-wide Recycling Collection



Town Objectives

We aim to:

- Encourage more recycling and to reduce the amount of garbage sent to the landfill
- To make it highly convenient for citizens to recycle
- To provide a way for citizens to avoid breaking the state law prohibiting the disposal of aluminum cans or plastic bottles in the garbage.
- To lower the per-house cost of services
- To equitably share the cost of services among property owners that can use them
- Reinforce our branding as a community that is protective of the environment and acknowledges our limited resources
- Support the recycling industry in the county and state (14,000 jobs statewide)

All of the commissioners have expressed support for a town-wide recycling program (as is in place in Chimney Rock Village).

The challenge is: what's the best way to provide it?

Current State - Garbage

- We provide curbside pickup of garbage weekly to all residences in town limits. In some cases, there are group collection points on streets where the trucks cannot reach.
- We contract with Wade Nelson & Sons for these services. We pay a flat fee for them to cover the whole town. They travel every street and check each container for garbage). We also pay tipping fees at the landfill based on tonnage.
- Cost = \$203,000 per year. We have approximately 2,100 improved properties, so that works out to about \$8 per household per month. There's great variation in trash generation among homes and through the year. We don't know, on average and by month, how many garbage collection stops are made. We estimate that the monthly average is less than 1,000 (balancing the summer and winter seasons).
- We cover this out of the general fund budget, which means that this service is paid from property taxes. Right now it's about 2.4 cents per \$100 of property value.
- Owners of unimproved land are paying for this service in their property taxes...although they don't use garbage collection.
- The higher the property value, the more taxes paid and the more that is contributed (proportionally) to garbage service.
- What's a fair way to allocate the costs of garbage collection? It doesn't make much sense to use property value. By tracking each home's garbage generation? That's impractical. Most communities have gone to a flat service fee per household as a more equitable method.

Current State - Recycling

- We offer curbside pickup of recycling weekly to residents willing to pay for it. We sell them colored recycling bins at cost.
- Following recent changes by Rutherford County, we no longer have to sort and separate recyclables. Everything can go in the same bin.
- We have just over 100 customers spread across town – less than 5% of homeowners.
- Homeowners that do not participate in this program either (a) do not recycle or (b) take their recyclables to the nearest county convenience center at Bill's Creek or Green Hill or (c) take their recyclables to a dumpster in Rumbling Bald Resort.
- We contract with Eric & Michael Nelson for these services. With so few customers, we've set a fee of \$8.50 per house per month (\$102/year) that covers the cost of labor, gas to run the collection route and gas to haul to the recycling transfer station in Forest City.
- The cost of service per home can be cut in half if we treat recycling the way we do garbage collection--providing it to every home whether they use it or not in any given week. The Nelsons have given us a price of \$108,000, or \$4.50 per house per month (\$54/year).

The challenge is: how to address the \$108,000 of new costs?

Most Homeowners Pay Solid Waste Fees

Annual household solid waste fees (garbage and recycling):

Tryon	\$237	
Forest City	\$192	
Columbus	\$144	
Rutherford County	\$120 - for all homes outside of municipalities. This covers their use of the convenience centers for garbage and recycling. This fee is removed for homeowners that pay a private hauler.	
Chimney Rock Village	\$120	
Bostic	\$114	
Polk County	\$110 - for all homes outside of municipalities. \$35 for recycling at convenience centers and \$75 landfill dumping.	
Ellenboro	\$100	
Rutherfordton	included in property taxes	
Spindale	included in property taxes	
Lake Lure	included in property taxes – garbage only	

Funding Options

Option 1

Implement a recycling collection fee for all improved properties.

\$52 per home per year

Option 2

Reduce the base tax rate by 2.4 cents and implement a solid waste collection fee for garbage and recycling.

\$150 per home per year

Option 3

Add recycling costs into the general fund budget and increase the base tax rate 1.2 cents to fund it (or reduce other line items by \$108,000)

Assessment of Options

Option 1

\$52 recycling fee for improved properties

Pros:

- Small annual fee added to tax bill - \$1 per week
- Won't affect owners of raw land
- Lower cost than other communities

Cons:

- Garbage fees are still buried in the general tax rate and based on property value

Option 2

\$150 recycling fee for improved properties and reduction in tax rate.

Pros:

- Equitable: every home pays the same fees
- Owners of raw land will see taxes go down.
- In line with other communities

Cons:

- Overall costs will go up for 1700 homeowners, some by over 10%.

Option 3

Absorb \$108,000 in the budget or increase tax rate by 1.2 cents

Pros:

- Expands town services
- Very affordable for owners of lower-value properties.

Cons:

- Other services may need to be reduced
- Tax increase
- Costs are borne to a greater extent by owners of higher-value properties

Ease of Use

- No change in behavior is required....other than to start recycling.
- If you place your garbage at the curb, you can handle recycling the same way (just on a different day).
- If you take your garbage to a convenience center, you can do the same with your recycling (note that people are doing this without paying the use \$120 fee to the county)

Anticipated Questions

- What if I live in RB Resort and use their recycling dumpsters?
 - *You can continue to do that. Improved property owners would still be charged the town-wide solid waste fee.*
- What about Lake Lure Village Resort?
 - Municipal garbage is collected at a central location. Recycling would be handled the same way.
- What about Riverbend?
 - Riverbend uses a private hauler and centralized dumpsters for garbage. Improved properties inside town limits would be eligible for curbside recycling (and would be charged the annual fees).
- What about commercial businesses in Town?
 - No change – they have to contract with private haulers for both garbage and recycling services. Vendors include the Nelons, All-Bright, GDS, etc.
- What about vacation rental homes and small lodging businesses?
 - They will be considered residences for garbage and recycling collection services. They will be charged a single fee per parcel and can utilize the services as desired.

