



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, OCTOBER 14, 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.

APPROVE THE AGENDA

Commissioner Diane Barrett suggested that discussion of proposed Zoning and Planning Board projects be added to the agenda.

Commissioner Bob Cameron made a motion to approve the agenda as amended including discussion of proposed Zoning and Planning projects as item 14a under new business. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

PUBLIC FORUM

Francine Nordt of 156 Hilltop Court thanked the town manager and town council for work is being done on Boy's Camp Road. Ms. Nordt stated that she was information concerning approval of repairs to road from an outside source and asked for an update on the road. Mayor Keith stated that Mr. Braund will address the topic during his manager report.

Michael Gray of 111 Haveaner's Point asked to speak concerning the proposed de-annexation listed on the agenda. Mr. Gray expressed concerns about allowing the de-annexation stating that this request could "open the flood gates" for future de-annexation requests and cost the town tax dollars. Mr. Gray suggested that the Town consider annexing property contiguous to properties with the same owner that are in town limits instead of recommending de-annexation of property.

John Kilby of 164 Neighborly Drive asked council to apply facts, evidence, and logic when considering endorsement of de-annexation. Mr. Kilby asked why council would consider this change since the property in question has been in town limits since 1927 and urged council to consider what is best for the Town as a whole. Mr. Kilby asked that council explain their decision to the audience if a decision is made.

STAFF REPORTS

Town Manager Chris Braund presented the town manager's report dated October 14, 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 and the Lake Lure Classical Academy School Board.

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

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

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

PUBLIC HEARING - PROPOSED ORDINANCE NO. 14-10-14 AMENDING THE ZONING REGULATIONS OF THE TOWN OF LAKE LUE CONCERNING MICROBREWERIES

Page 3- Minutes of the October 14, 2014 Regular Council Meeting

Mayor Bob Keith opened the public hearing regarding proposed Ordinance No. 14-10-14. No one requested to speak.

Council agreed to close the public hearing.

CONSIDER ADOPTION OF ORDINANCE NO. 14-10-14 AMENDING THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE CONCERNING MICROBREWERIES

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

Community Development Director Shannon Baldwin gave a brief overview and background concerning proposed Ordinance No. 14-10-14 recommended by the Zoning and Planning Board.

Town Manager Chris Braund also presented information relating to proposed Ordinance No. 14-10-14.

Commissioner Diane Barrett questioned the need to include distilleries, regional breweries and wineries in the ordinance since these are larger capacity facilities.

Shannon explained that the lower volume establishments are permitted in commercial districts, while larger establishments are only allowed with a conditional use permit. Mr. Baldwin also explained that there have been concerns about wastewater treatment impacts produced by these potential establishments, but the concerns have been addressed by requiring a permit to be issued by the town manager showing that they would be in compliance for wastewater treatment before a certificate of zoning compliance or conditional use permit can be issued. Mr. Baldwin feels the conditional use restrictions for the establishments will create a safe guard.

Commissioner Silvey asked why all of the establishments defined to include sell of food.

Mr. Baldwin stated that the board can review this concern if council thinks it is necessary.

Town Manager Chris Braund explained that in talking with other towns the town's police chief found the facilities described in the proposed ordinance to be more a similar to a wine tasting establishment than a heavy drinking facility.

After further discussion, Commissioner Bob Cameron made a motion to adopt Ordinance No. 14-10-14 amending the Zoning Regulations of the Town of Lake Lure concerning

Page 4- Minutes of the October 14, 2014 Regular Council Meeting

microbreweries. Commissioner John Moore seconded the motion and the vote of approval was unanimous.

Shannon reminded council that staff requested that ordinance include the following definition:

“Site: Any plot or parcel of land or combination of contiguous lots or parcels of land. ”

Commissioner Cameron clarified that the motion is to include the proposed amendment defining “site” in Section 92.005 of the Zoning Regulation with the adoption on Ordinance No. 14-10-14.

ORDINANCE NUMBER 14-10-14

AN ORDINANCE CONCERNING MICROBREWERIES

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

WHEREAS, breweries, wineries, and distilleries have become a part of the tourism based economy of Western North Carolina and add to the quality of life of the residents in the communities in which they operate; and

WHEREAS, Town Council finds that this amendment is consistent with the 2007-2027 Town of Lake Lure Comprehensive Plan in that it will help facilitate a diversified economy (ED Goal 1) by encouraging businesses that are desired but non-existent within Lake Lure’s jurisdiction to locate in the town center and other commercial service areas (Objective ED-1-3; Policy ED-1-3.1); and

WHEREAS, Town Council further finds that enactment of this Ordinance is reasonable and in the public interest in that it will allow for the development and operation of breweries, wineries and distilleries within appropriate zoning districts and subject to appropriate requirements; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the 14th day of October 2014, 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.

Page 5- Minutes of the October 14, 2014 Regular Council Meeting

SECTION TWO. Section 92.005 of the Zoning Regulations of the Town of Lake Lure, entitled “Definitions”, is hereby amended by adding the following definitions to be inserted in alphabetical order:

Brewery: A facility that brews and packages beer or other fermented malt beverage for distribution locally and / or regionally. A brewery may include areas for demonstration, education, tasting and other uses permitted in the district, in accordance with state and local laws.

Brewpub: A restaurant-brewery that brews small quantities of craft beer, ale, porter or other fermented malt beverages and sells at least 75% of it on site along with food in accordance with state and local laws.

Distillery: A facility that manufactures and distributes spirituous beverages. A distillery may include areas for demonstration, education, tasting and other uses permitted in the district, in accordance with state and local laws.

Micro-Brewery: An independently-owned facility that brews craft beer, ale, porter or other fermented malt beverages in quantities up to 15,000 barrels per year with at least 75% of its product sold off-site. A micro-brewery may include areas for demonstration, education, tasting and other uses permitted in the district, in accordance with state and local laws.

Micro-Distillery: An independently-owned artisan facility that produces up to 30,000 gallons of craft spirituous beverages per year. A micro-distillery may include areas for demonstration, education, tasting and other uses permitted in the district, in accordance with state and local laws.

Micro-Winery: An independently-owned artisan facility that produces up to 30,000 gallons of craft wine, cider, or other fermented fruit beverage per year. A micro-winery may include areas for demonstration, education, tasting and other uses permitted in the district, in accordance with state and local laws.

Nano-Brewery: An independently-owned facility that brews craft beer, ale, porter, or other fermented malt beverages in quantities up to 1,000 barrels per year in accordance with state and local laws for on-site consumption and where food is not necessarily provided.

Regional Brewery: A facility that brews beer, ale, porter, or other fermented malt beverages in quantities up to 60,000 barrels per year.

Winery: A facility where wine, cider or other fermented fruit beverages are produced and distributed. A winery may include areas for demonstration, education, tasting and other uses permitted in the district, in accordance with state and local laws.

Page 6- Minutes of the October 14, 2014 Regular Council Meeting

SECTION THREE. Paragraph (B) of Section 92.031 of the Zoning Regulations of the Town of Lake Lure, listing the permitted uses for the C-1 General Commercial District, is hereby amended by adding the following new permitted uses:

- (12) Brewpubs, micro-breweries, micro-distilleries, micro-wineries, and nano-breweries subject to special requirements contained in §92.042, below.

SECTION FOUR. Paragraph (G) of Section 92.031 of the Zoning Regulations of the Town of Lake Lure, listing the conditional uses for the C-1 General Commercial District, is hereby amended by adding the following new conditional uses:

- (11) Distilleries, regional breweries, and wineries.

SECTION FIVE. Paragraph (B) of Section 92.031A of the Zoning Regulations of the Town of Lake Lure, listing the permitted uses for the CN Commercial Neighborhood District, is hereby amended by adding the following new permitted uses:

- (9) Brewpubs and nano-breweries subject to special requirements contained in §92.042, below.

SECTION SIX. Paragraph (C) of Section 92.031A of the Zoning Regulations of the Town of Lake Lure, listing the conditional uses for the CN Commercial Neighborhood District, is hereby amended by adding the following new conditional uses:

- (5) Micro-breweries, micro-distilleries, and micro-wineries.

SECTION SEVEN. Paragraph (B) of Section 92.031B of the Zoning Regulations of the Town of Lake Lure, listing the permitted uses for the CTC Commercial, Town Center District, is hereby amended by adding the following new permitted uses:

- (13) Brewpubs, micro-breweries, micro-distilleries, micro-wineries, and nano-breweries subject to special requirements contained in §92.042, below.

SECTION EIGHT. Paragraph (C) of Section 92.031B of the Zoning Regulations of the Town of Lake Lure, listing the conditional uses for the CTC Commercial, Town Center District, is hereby amended by adding the following new conditional uses:

- (4) Distilleries, regional breweries, and wineries.

SECTION NINE. Paragraph (B) of Section 92.031C of the Zoning Regulations of the Town of Lake Lure, listing the permitted uses for the CG Commercial General District, is hereby amended by adding the following new permitted uses:

- (11) Brewpubs, micro-breweries, micro-distilleries, micro-wineries, and nano-breweries subject to special requirements contained in §92.042, below.

Page 7- Minutes of the October 14, 2014 Regular Council Meeting

SECTION TEN. Paragraph (C) of Section 92.031C of the Zoning Regulations of the Town of Lake Lure, listing the conditional uses for the CG Commercial General District, is hereby amended by adding the following new conditional uses:

- (14) Distilleries, regional breweries, and wineries.

SECTION ELEVEN. Paragraph (B) of Section 92.031D of the Zoning Regulations of the Town of Lake Lure, listing the permitted uses for the CSC Commercial Shopping Center District, is hereby amended by adding the following new permitted uses:

- (5) Brewpubs, distilleries, micro-breweries, micro-distilleries, micro-wineries, nano-breweries, regional breweries, and wineries subject to special requirements contained in §92.042, below.

SECTION TWELVE. Section 92.042 of the Zoning Regulations of the Town of Lake Lure is hereby retitled “Special Requirements for Certain Uses” and is amended as follows:

§92.042 ~~Residential Vacation Rentals~~ Special Requirements for Certain Uses. The special requirements contained in this section apply to the named uses whenever they are identified as conditional uses or as permitted uses subject to special requirements..

(A) **Residential Vacation Rentals.** ~~Use Recognized.~~ Residential vacation rentals are hereby recognized as a use within the planning jurisdiction of the Town of Lake Lure. Except as provided herein, on and after 1 January 2010, it shall be a violation to operate a residential vacation rental without a vacation rental operating permit from the Town.

(1) **Exceptions.** The following activities and / or uses shall not be deemed residential vacation rentals and the requirements of this section shall not apply to them.

- (a) Incidental residential vacation rentals, defined to mean no more than two such rentals in any calendar year where the total annual rental period for both rentals does not exceed two weeks.
- (b) Rentals of property in any hotel, lodge, motel, bed & breakfast establishment, or boarding & rooming house, with a valid certificate of zoning compliance.

(2) **Vacation Rental Operating Permits.** Every residential vacation rental not excepted as above shall require a vacation rental operating permit issued pursuant to the regulations contained herein. The vacation rental operating permit may also function as a certificate of zoning compliance for a residential vacation rental. Any Vacation Rental Operating Permit issued prior to 28 February 2012 is recognized as having a vested status to operate under the ordinance as amended on 28 February 2012. Additionally, anyone that can establish via Tourism and

Page 8- Minutes of the October 14, 2014 Regular Council Meeting

Development Authority tax records or other suitable proof that they were engaged in vacation rental activity at their home prior to January 1, 2010 (the effective date of the ordinance) would also have vested status. Any future revisions and amendments to this Ordinance shall not apply to those vested residences. This status is transferable; although, a new vacation rental operating permit must be obtained in the name of the new owner. This status is forfeited if there is no vacation rental activity at the home for a period of five years.

- (a) *Application.* In order to obtain a vacation rental operating permit the owner or the operator shall submit an application for each such residential vacation rental which complies with the requirements of §92.042(D), below, and shall pay all applicable fees in accordance with the Town's adopted fee schedule.
 - (b) *Procedure.* From and after the effective date of this Ordinance, applications for a vacation rental operating permit shall be deemed in the nature of a conditional use permit and shall be processed in accordance with §92.046 of these Zoning Regulations except that no sketch plan conference shall be necessary.
- (3) ***Contents of Application:*** The application for a vacation rental operating permit shall contain the following information.
 - (a) The address of the property.
 - (b) Name and contact information for the owner of the property.
 - (c) Name and contact information for the operator if other than the owner.
 - (d) A site plan showing the off-street parking area(s) for the property.
 - (e) The number of bedrooms on the property intended to be used for occupancy.
 - (f) If the property is served by the Town's sewer system, a certificate from a qualified licensed professional that the connection to the Town's system is operational and free of detectable leaks.
 - (g) If the residential vacation rental includes the use of a boat on Lake Lure, proof of a valid Town commercial boat license.
 - (h) Proof that the property is registered with the Rutherford County Tourism Development Authority or, for a new business, that an application has

Page 9- Minutes of the October 14, 2014 Regular Council Meeting

been submitted, and that all room occupancy and tourism development taxes for the prior year have been paid.

- (i) A copy of the standard rental agreement used for the residential vacation rental which contains information required by this section.
 - (j) An acknowledgment that the applicant is aware of the occupancy restrictions on the use of the property as a residential vacation rental and the applicant's agreement to abide thereby.
 - (k) A statement by the operator, under oath, that the information in the application is correct.
- (4) ***Inspections:*** In conjunction with an application for a vacation rental operating permit, the Town shall conduct an initial inspection to confirm compliance with the requirements of this section.
- (5) ***Operational Requirements:*** The following operational requirements shall apply to all residential vacation rentals.
 - (a) ***Occupancy Limits.*** On those occasions when the property is being utilized for vacation rental activity, the overnight occupancy shall not exceed two persons per bedroom plus four additional persons. For any permits issued subsequent to 28 February 2012, occupancy shall be the lesser of the total determined by the foregoing formula or twelve persons. Bedrooms used in calculating occupancy limits shall be taken from the application as affirmed by the owner/manager.
 - (b) ***Signs.*** In the R-1, R-1A, R-1B, R-1C, R-1D and M-1 zoning districts, residential vacation rental properties shall not have any signs visible from the exterior of the premises which advertise the use of the property as a residential vacation rental, other than as required by this section. In the remaining zoning districts, residential vacation rental properties may have signage as authorized by Article 10 of these regulations.
 - (c) ***Display of Contact Information.*** Residential vacation rental operators shall prominently display on the exterior of the residential vacation rental property the name and 24-hour per day, 365 days-per-year telephone number for the residential vacation rental operator who will take and resolve complaints regarding operation of the residential vacation rental property and its occupants and guests. The Town will prescribe the form of this display which shall also include a telephone number to report violations of this section to the Zoning Administrator.

Page 10- Minutes of the October 14, 2014 Regular Council Meeting

- (d) *Parking.* Occupants or guests of any residential vacation rental property shall not park vehicles on the property other than within parking area(s) designated on the application for the residential vacation rental. Vehicles parked in undesignated areas, or in the street so as to violate the town's street ordinances, shall be subject to towing at the vehicle owner's expense.
- (e) *Trash Disposal.* Household trash must be bagged and disposed of in trash receptacles. Trash receptacles shall be the size and number authorized by existing refuse contracts and shall be animal resistant.
- (6) *Contract Addendum.* Every residential vacation rental contract shall contain an addendum, in a form prepared by the Town, setting forth the requirements of this section and other applicable provisions of law. The operator shall obtain a signed acknowledgment from the renter(s) that they have received such addendum prior to delivering possession of the residential vacation rental property. This requirement shall be deemed satisfied if the provisions of the addendum are included as part of the rental contract.
- (7) *Duties of the Operator to Respond to Complaints.* To assure prompt response to complaints and issues concerning a residential vacation rental, the operator shall comply with the following:
 - (a) Maintain a call center that is staffed by a live person and fully responsive at any time that the property is used as a Residential Vacation Rental.
 - (b) Continuously maintain on file with the Town the operator's current address, telephone number, and facsimile number and/or email address.
- (B) **Breweries, Distilleries and Wineries.** An applicant seeking authorization to develop and/or operate a brewery, brewpub, distillery, micro-brewery, micro-distillery, micro-winery, nano-brewery or winery shall obtain a sewer use permit for the facility prior to issuance of such authorization, whether it be a certificate of zoning compliance or a conditional use permit.

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

SECTION THIRTEEN. Subparagraph (D)(1) of Section 92.046 of the Zoning Regulations of the Town of Lake Lure, concerning the standards for issuance of conditional use permits, is hereby amended as follows:

Page 11- Minutes of the October 14, 2014 Regular Council Meeting

- (1) *Application.* The application is complete, and the applicant has demonstrated the proposed use complies with all applicable standards of these Zoning Regulations, including any special requirements in §92.042, above.

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

SECTION FIFTEEN. 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 SIXTEEN. 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 SEVENTEEN. This ordinance shall be in full force and effect from and after its enactment.

SECTION EIGHTEEN. Town council also ordained, with a majority voting in the affirmative, that this ordinance amends Section 92.005 of the Zoning Regulations of the Town of Lake Lure entitled “Definitions”, is hereby amended by adding the following definition:

Site: Any plot or parcel of land or combination of contiguous lots or parcels of land.

Enacted this 14th day of October, 2014.

PUBLIC HEARING - PROPOSED ORDINANCE NO. 14-10-14A AMENDING THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE CONCERNING COMMERCIAL CENTER SIGNS

Mayor Bob Keith opened the public hearing regarding proposed Ordinance No. 14-10-14A. No one requested to speak.

Council agreed to close the public hearing.

CONSIDER ADOPTION OF ORDINANCE NO. 14-10-14A AMENDING THE ZONING REGULATIONS CONCERNING COMMERCIAL CENTER SIGNS

Page 12- Minutes of the October 14, 2014 Regular Council Meeting

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

Town Manager Chris Braund gave an overview of proposed Ordinance No. 14-10-14A.
Consider

After discussion, Commissioner made a motion to adopt Ordinance No. 14-10-14A amending the Zoning Regulations of the Town of Lake Lure Concerning Signs for a Commercial Center. Commissioner seconded the motion and the vote of approval was unanimous.

ORDINANCE NUMBER 14-10-14A

AN ORDINANCE AMENDING THE ZONING REGULATIONS CONCERNING COMMERCIAL CENTER SIGNS

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

WHEREAS, Town Council finds that this amendment is consistent with the 2007-2027 Town of Lake Lure Comprehensive Plan in that it will help facilitate a diversified economy (ED Goal 1) by attracting new businesses to the town center and other commercial service areas (Policy ED-1-3.1); and

WHEREAS, Town Council further finds that enactment of this Ordinance is reasonable and in the public interest in that it will allow for the erection and posting of signs in a commercial center in a manner consistent with the unique natural beauty that distinguishes the town; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the 14th day of October, 2014, 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 92.157 of the Zoning Regulations of the Town of Lake Lure entitled Signs Permitted and Regulated, is hereby amended in Subparagraph (B)(1) as follows:

- (1) As this subsection is applied to commercial centers, the commercial center owner shall be responsible for securing permits and maintaining the following signs:

Page 13- Minutes of the October 14, 2014 Regular Council Meeting

- (a) ~~Freestanding Detached Signs~~ Commercial Center Signage. Each commercial center, as defined herein, shall be allowed one freestanding, double faced, detached sign, or up to three (3) suspended or flush attached signs, identifying the center. ~~Such A freestanding detached sign may also contain the names of individual businesses located in the commercial center and may be illuminated. The aggregated total sign face area of said signs including the aggregate sign face area of the individual business signs, shall not exceed 50 square feet per sign face, provided, any commercial center with an aggregate building footprint area greater than 50,000 square feet is permitted one freestanding detached sign not to exceed 100 square feet per sign face.~~ Signs listed in Section 92.154, 92.155 and 92.158 shall not be included in the allowable area calculated.
- (b) ~~Principal Flat Signs~~ Individual Business Entry Signage. In addition, each individual business in the commercial center having a separate individual outside entrance serving the general public shall be permitted one ~~principal flat~~ projecting or flush attached sign, as defined herein, to identify the ~~principal use of public entrance to~~ that business. ~~Principal flat~~ Said business entrance signs shall be positioned ~~on the wall on which the main~~ adjacent to the entrance of said business is located. The total aggregate area of the ~~principal flat business entrance~~ signs shall not exceed 3 percent of the gross area of the frontage wall, nor shall any single sign exceed 240 square feet. The signs may be illuminated. Signs listed in Section 92.154, 92.155 and 92.158 shall not be included in the allowable area calculated.
- (c) Incidental Flat Signs. Incidental flat signs affixed to the exterior side of the building wall on which the main entrance of the business is located, indicating an incidental use such as a pharmacy, garden center, deli or similar accessory use in a commercial center, shall be permitted. In no case shall the total aggregate area of incidental flat signs exceed 2 percent of the gross area of the frontage wall face, as defined herein, nor shall any single sign exceed 160 square feet.

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

SECTION THREE. Section 92.157 of the Zoning Regulations of the Town of Lake Lure entitled Signs Permitted and Regulated, is hereby amended in Subparagraph (B)(6) as follows:

- (6) The maximum height of ~~the~~ any free-standing detached sign shall be 16 feet; all other signs shall not project above the base of the roof of the building to which they are attached.

Page 14- Minutes of the October 14, 2014 Regular Council Meeting

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 zoning violations.

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

Enacted this 14th day of October, 2014.

CONSENT AGENDA

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

Commissioner made a motion to approve the consent agenda as presented. Commissioner seconded the motion and the vote of approval was unanimous. Therefore, the consent agenda incorporating the following item was unanimously approved:

- a. minutes of the September 9, 2014 Regular Meeting and the September 4, 2014 Special Meeting; and
- b. a budget amendment submitted by Finance Director Sam Karr to transfer \$2,394.69 from General Fund balance into Capital Outlay (#10-80000-547) Police MDT's to fulfill a grant agreement with Facebook.

End of Consent Agenda.

UNFINISHED BUSINESS:

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| a. UPDATE ON ORDINANCE NO. 14-05-13B |
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Page 15- Minutes of the October 14, 2014 Regular Council Meeting

The Community Development Department updated council on the status of Ordinance No. 14 05-13B concerning demolition of property at 289 Marina Drive (Rutherford County Tax ID #: 1649205 and 1649851) described as unfit for human habitation.

UNFINISHED BUSINESS

b. DISCUSS THE ZONING AND PLANNING BOARD'S REVIEW OF THE A DE-ANNEXATION REQUEST

Mayor Bob Keith reviewed the process for de-annexation stating that the state legislation makes the decision.

Lynn Pitts provided council members a handout and stated that when the property was owned and operated by the Girl Scout Camp taxes were no paid on the property since it was a non-profit operation. Mrs. Pitts explained that the property will be used for agricultural purposes and outlined reasons for the town to support deannexation of the property including the following:

- the property is in 2 jurisdictions and deannexation it simplifies use of the property
- she feels that the deannexation will cause no harm to the town

Mayor Bob Keith suggested that the topic be set aside for consideration at a later meeting.

Commissioner John Moore reviewed reasons why he does not support recommending the property for deannexation stating that local legislation will probably not support the deannexation unless the town supports it. He feels the property is being used commercially and has potential for commercial development. Mr. Moore stated that removing the property from the tax base will increase the tax burden for other residents and that once the property is deannexed it is out of town forever and since there is no zoning in the county the zoning restrictions that the town would like as part of the town plan could not be required for the property and this property may set a standard for future requests.

Commissioner Bob Cameron stated that he would like to help the property owners, but as a steward of the town taxes, he sees no benefit to the town. Mr. Cameron also expressed concern about water drainage from the property when the property has another owner in the future if the property is no longer in the town's jurisdiction.

Commissioner Diane Barrett explained that the property in question makes up about .05% of the Town's tax base and after review of other deannexation cases and agricultural district she supports the request. Commissioner Barrett stated that she feels it is good to allow people to use their property to grow crops and that the property owners have given their word that they will not develop the property. Commissioner Barrett asked that restrictions be placed on

Page 16- Minutes of the October 14, 2014 Regular Council Meeting

the property's deed for maintaining the land and for agricultural use if the town agrees to support the deannexation.

Commissioner Mary Ann Silvey explained that she has experienced inheritance of a property that has a commercially zoned tax base and struggled financially to keep the land. Commissioner Silvey stated that she believes that after the property tax is reduced for conservancy the town will only receive about \$50 per year in taxes for the property and questioned the need to spend the time and money to amend the town's zoning ordinance for such a small amount of tax revenue does stating that she see supporting the deannexation as the town's best interest.

Bob Cameron stated that if the property is deannexed the town will still be responsible for providing police and fire protection to the property.

Property owner Russ Pitts explained that there is about 14 acres that have been plowed to feed the goats that was intended for agricultural purposes, but that he hadn't had time to follow through with the plans and announced that recently resigned from his job at Oracle and would have more time for agriculture. Mr. Pitts stated that he has taken action to ensure that the land is taken care of.

After further discussion Commissioner Diane Barrett made a motion to support the deannexation as long as satisfactory restrictions are placed on the property's deed limiting use to agricultural and adding restrictions of maintaining the dam and lake that is on the property

Town Attorney Chris Callahan suggested that a declaration of covenants on the deed may be the best option for forefeeling the restrictions that Commissioner Barrett's mentioned.

Lynn Pitts agreed to voluntarily reannex the property into Town if the property is used for anything other than agriculture and for building houses for themselves and their children.

Commissioner Mary Ann Silvey seconded the motion. Commissioner Diane Barrett and Commissioner Mary Ann Silvey voted in favor of the motion. Commissioner John Moore and Commissioner Bob Cameron opposed. Mayor Bob Keith voted in favor of the motion. The motion carried and with a vote of three to two.

Mayor Bob Keith recessed the meeting briefly.

NEW BUSINESS:

c. DISCUSS AND CONSIDER APPROVAL OF STAFF COMPENSATION RECOMMENDATIONS

Page 17- Minutes of the October 14, 2014 Regular Council Meeting

Town Manager Chris Braund handed out copies of staff compensation recommendations and gave an overview of how the recommendations were produced. Mr. Braund asked council members to review the recommendations and consider approval of the recommendations at a future meeting.

<p style="text-align: center;">NEW BUSINESS:</p> <p>a. CONSIDER COMMISSIONING THE ZONING AND PLANNING BOARD TO WORK ON A LIST OF PROJECTS</p>

Commissioner Diane Barrett suggested that town council commission the Zoning and Planning Board to work on the following projects:

- Continuing Care Developments for Senior Citizens
- Agricultural Uses in support of “Farm to Table” Concepts, etc.
- Tent Campgrounds in various Districts
- Lot Width at Building Line (Is this really needed in Lake Lure?)
- Commercial Signs

Commissioner John Moore made a motion to direct the Zoning and Planning Board to work on the projects and bring recommendations to council.. Commissioner Diane Barrett seconded the motion.

Commissioner Mary Ann Silvey suggested that the board also review of notice requirements for Board of Adjustment Public Hearings as it relates to certified mail letters to adjoining property owners.

Commissioner John Moore amended the motion to include directing the board to review notice requirements for Board of Adjustment Public Hearings as it relates to certified mailed letters to adjoining property owners.

Council unanimously voted in favor of the amended motion.

<p style="text-align: center;">ADJOURN THE MEETING</p>

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

ATTEST:

Page 18- Minutes of the October 14, 2014 Regular Council Meeting

Andrea H. Calvert

Mayor Bob Keith