



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, DECEMBER 9, 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 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 John Moore made a motion to approve the agenda as amended removing item 12a, approval of the minutes of the November 4, 2014 regular meeting, from the consent agenda since some council members did not receive a copy of the draft minutes prior to the meeting. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

PUBLIC HEARING - PROPOSED ORDINANCE NO. 14-12-09: AN ORDINANCE AMENDING THE ZONING REGULATIONS CONCERNING THE MINIMUM LOT WIDTH AT THE BUILDING SITE

Mayor Bob Keith opened the public hearing regarding proposed Ordinance No. 14-12-09. No one requested to speak.

Council agreed to close the public hearing.

CONSIDER ADOPTION OF ORDINANCE NO 14-12-09: AN ORDINANCE AMENDING THE ZONING REGULATIONS CONCERNING THE MINIMUM LOT WIDTH AT THE BUILDING SITE

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

Community Development Director Shannon Baldwin gave an overview and background concern proposed Ordinance No. 14-12-09.

After discussion, Commissioner Bob Cameron made a motion to adopt Ordinance No. 14-12-09 as presented. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

ORDINANCE NUMBER 14-12-09

AN ORDINANCE AMENDING THE ZONING REGULATIONS CONCERNING THE MINIMUM LOT WIDTH AT THE BUILDING SITE

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 allow development to harmoniously blend with the natural environment (Objective NE-1-1); 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 of property in a manner consistent with the unique natural setting that distinguishes the town; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the 9th day of December, 2014, upon the question of amending the Zoning Regulations in this respect.

Page 3- Minutes of the December 9, 2014 Regular Council Meeting

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. The definition for “Lot Width” found in Section 92.005 of the Zoning Regulations of the Town of Lake Lure is hereby amended as follows:

Lot Width: The distance between side lot lines measured at and parallel to the front ~~building~~ setback line.

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

SECTION THREE. Section 92.040 of the Zoning Regulations of the Town of Lake Lure entitled Building Site Dimensional Requirements, is hereby amended in Subparagraph (b) as follows:

- (b) The lot width at the building site minimum dimensional requirements shall not apply to existing lots of record as of the effective date of this ordinance. For any residential lot, lot width at street line shall be not less than 35 feet. For any commercial lot, lot width at street line shall be not less than 100 feet. Lot width at street line for the R-4 district shall be not less than 50 feet. Any lot abutting Lake Lure shall have a frontage along the lake of not less than 100 feet.

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

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 9th day of December, 2014.

PUBLIC HEARING - PROPOSED ORDINANCE NO. 14-12-09A: 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

Mayor Bob Keith opened the public hearing regarding proposed Ordinance No. 14-12-09A. No one requested to speak.

Council agreed to close the public hearing.

CONSIDER ADOPTION OF ORDINANCE NO. 14-12-09A: 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

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

Environmental Management Officer Clint Calhoun gave an overview of proposed Ordinance No. 14-12-09A.

After discussion, Commissioner Diane Barrett made a motion to adopt Ordinance No. 14-12-09A as presented. Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

ORDINANCE NUMBER 14-12-09A

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, permit to construct, and 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 9th day of December, 2014, upon the question of amending the Lake Structure Regulations in this respect.

Page 5- Minutes of the December 9, 2014 Regular Council Meeting

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 as follows:

§ 94.02 DEFINITIONS

“Lot of Record.” Any lot for which a plat has been recorded in the Register of Deeds Office of Rutherford County, or described by metes and bounds, the description of which meets the standards of the Town’s regulations.

“Pier.” An uncovered structure extending from land out into the lake for the mooring of boats and to afford convenient passage of passengers and cargo to and from boats.

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

SECTION TWO. Section 94.05(D) of the Lake Structure Regulations of the Town of Lake Lure is hereby amended by adding the following table:

Type of Structure	Shoreline Length Less than 80 feet	Shoreline Length 80 to 100 feet (Lots of Record)	Shoreline Length 100 feet or Greater
Pier	1	N.A	N.A.
Slip	None	2	3
Mooring	1	2	3

See Section 94.02 Definitions on pages 2-5.

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.

Page 6- Minutes of the December 9, 2014 Regular Council Meeting

Adopted this 9th day of December, 2014.

PUBLIC FORUM

Commissioner John Moore stated that he feels the history of why the deannexation request came up is important and gave a brief history concerning the property and the town limits map. Commissioner Moore stated that up until this year there was no clear town boundary map on file, but that the property in question was never shown to be outside of town limits on any town map. Commissioner Moore expressed concerns about the process that was used to get the potential deannexation before a state legislator and the lack of notice given concerning the proposed deannexation. Commissioner Moore further stated that he does not feel that deannexation of the property will serve a public benefit and asked council to examine the request carefully.

Commissioner Bob Cameron asked to address comments from the last town council meeting and stated that council represents the community and stated that developer restrictions can be changed and there is no guarantee that the town will be protected from the property being developed and that he feels he cannot support the resolution endorsing deannexation.

Stephen Webber 266 Burnt Ridge Road, chair of the Board of Adjustment, recommended that one of the alternate members of the Board of Adjustment (Roger Jolley and David Butts) be appointed as a regular member since Michael Gray has asked not to be reappointed to his regular position. Mr. Webber recommended that if one of the alternate members is appointed as a regular member that Norman McGlohon be appointed to fill the remainder of their alternate position.

Patricia Cummings of 318 Vista Apartment drive stated that the Town needs to support the decision that council made concerning the support for de-annexation. Ms. Cummings stated that people come to meetings angry because they haven't been at the meetings and they base their opinions on what they have heard outside the meetings.

Ms. Cummings also stated that her water/sewer bill went up 40 percent last months. Ms. Cummings stated that the increase is unfair to people who are using minimal water.

Commissioner John stated that council agreed to a 10 percent increase. Town Manager Chris Braund explained that most of council's utility rate discussion was focused on the water rates, but there was a sewer rate adjustment because some sewer customers rate were based on metered water while others were being billed at a flat rate. Mr. Braund agreed to revisit the sewer rates for further analysis. Commissioner Bob Cameron stated that council would like to create a committee of citizen for water and sewer to make recommendations in the future.

Dorene Tigchelaar of 326 Vista Drive informed council that she was under the understanding that the Town is trying to grow and questioned why the Town would deannex a

Page 7- Minutes of the December 9, 2014 Regular Council Meeting

property that is in town limits and lose revenue. Ms. Tigchelaar explained that she is the manager of Lake Vista Apartments and that the developer of the apartment complex had planned to put in a retirement village on the property adjacent to the apartments, but the numbers didn't add up stating that the developer can't justify the project because the taxes and utility rates are high. Ms. Tigchelaar stated that residents expected the 10 percent water rate increase but that they were surprised by the increase of the sewer bill.

Lyra Gapper of 324 Vista Apartment Drive stated that the water and sewer rates are outrageous and that she would like to be on the water/sewer committee

Gary Fairbanks of 320 Vista Apartments Drive stated that he appreciated the letter sent out addressing the water rate increase. Mr. Fairbanks read a letter stating that he is perplexed as to why council members voted in favor of deannexation and asked if there is a rationale for the decision that he is unaware of.

Russ Pitts stated that he was not prepared to discuss items that have been discussed at previous meetings, but that he would like to discuss new items. Mr. Pitts and Lynn Pitts provided updates relating to the proposed deannexation of their property including a proposed reversionary agreement. Mr. Pitts stated that he was told by an engineer that it would cost about one million dollars to run water to the property, so there is no lost utility revenue associated with deannexation of their property.

Commissioner John Moore stated that he would like a copy of the map showing the conservation easement for the Pitts' property and a copy of the conservation easement restrictions for the property being discussed.

Mayor Keith recessed the meeting briefly.

Mayor Keith reconvened the meeting and stated that there would be a briefly public discussion right before the agenda item relating to the deannexation request.

STAFF REPORTS

Town Manager Chris Braund presented the town manager's report dated December 9, 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 Lake Lure Board of Adjustment/Lake Structures Appeal Board and the Zoning and Planning Board.

Page 8- Minutes of the December 9, 2014 Regular Council Meeting

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 dredging committee.

CONSENT AGENDA

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

Commissioner Diane Barrett 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 item was unanimously approved:

- b. the Town Council Meeting Schedule for 2015

<u>DATE</u>	<u>LOCATION</u>	<u>TIME</u>	<u>TYPE</u>
January 13, 2015	Lake Lure Municipal Center	6:00 p.m.	Regular
February 10, 2015	Lake Lure Municipal Center	6:00 p.m.	Regular
March 10, 2015	Lake Lure Municipal Center	6:00 p.m.	Regular
April 14, 2015	Lake Lure Municipal Center	6:00 p.m.	Regular
May 12, 2015	Lake Lure Municipal Center	6:00 p.m.	Regular
June 9, 2015	Lake Lure Municipal Center	6:00 p.m.	Regular
July 14, 2015	Lake Lure Municipal Center	6:00 p.m.	Regular
August 11, 2015	Lake Lure Municipal Center	6:00 p.m.	Regular
September 8, 2015	Lake Lure Municipal Center	6:00 p.m.	Regular
October 13, 2015	Lake Lure Municipal Center	6:00 p.m.	Regular
November 10, 2015	Lake Lure Municipal Center	6:00 p.m.	Regular
December 8, 2015	Lake Lure Municipal Center	6:00 p.m.	Regular

- c. a request to suspend the alcohol ordinance to allow serving of alcohol from sponsor booths December 12th and 13th during the Triple Crown Boulderling Event. Also, suspend the peddling ordinance for the event;
- d. the following budget amendment concerning employee salary adjustments, performance bonus, & longevity as outlined in a memo from Finance Director Sam Karr dated December 1, 2015 (Copy of memo attached):

	<u>Revenue</u>	<u>Appropriation</u>
<u>General Fund</u>		

Page 9- Minutes of the December 9, 2014 Regular Council Meeting

Transfer from Fund Balance	\$111,937.50	
Administration Salaries & Benefits		\$22,875.00
Police Salaries & Benefits		\$27,125.00
Fire Salaries & Benefits		\$12,250.00
Public Works Salaries & Benefits		\$21,437.50
Community Development Salaries & Benefits		\$15,000.00
Parks & Recreation Salaries & Benefits		\$7,125.00
Lake Operations Salaries & Benefits		\$6,125.00

Water & Sewer Fund

Transfer from Fund Balance	\$9,562.50	
Water Salaries & Benefits		\$6,500.00
Sewer Salaries & Benefits		\$3,062.50

Hydroelectric Fund

Transfer from Fund Balance	\$3,375.00	
Hydroelectric Salaries & Benefits		\$3,375.00

- e. direct the Zoning Planning Board to review setbacks; and
- f. suspend of the peddling ordinance for the Polar Plunge being held January 1, 2015 in the Lake Lure Inn and Spa parking area.

End of Consent Agenda.

UNFINISHED BUSINESS:

- a. CONSIDER ADOPTION OF RESOLUTION NO. 14- 09-09A ENDORSING DEANNEXATION OF THE EAGLE CAMP, LLC PROPERTY (TAX PIN 1645450)**

Jim Proctor of 328 Boys Camp Road, former mayor of Lake Lure and former member of various town boards/committees, stated that he was the real estate agent for the Pitts' when they purchased the property that they are requesting to be de-annexed. Mr. Proctor stated that there has been question about where the property line is since before the Pitts' purchased property which causes confusion about jurisdiction. Mr. Proctor further stated that based on the history of the property he believes that the property is better suited to be in the county (rural) instead of the town which is more recreational.

Nancy McNary stated that she heard about the petition opposing the de-annexation and asked Chris about it and he sent her response acting as town manager.

Page 10- Minutes of the December 9, 2014 Regular Council Meeting

Yvonne Anderson of 502 Garden Lane stated that she is sad to see this issue tear the town apart. Ms. Anderson further stated that citizens who want to be involved need come to the meetings or watch them. Mr. Anderson stated that she was glad to see so many people at the meeting.

Patricia Maringer agreed with Ms. Anderson and asked everyone to stay and support town council and not just leave after discussion of the topic they are interested in.

Annabelle Barker 147 Lakeview Road stated that she does not feel that everyone has had equal opportunity to express their feelings concerning the proposed deannexation. Mr. Barker stated that her family has a property that is partially in Town and partially not in town and that they follow the guidelines for the farm on one side of their property and follow the town rules on the other side. Ms. Barker stated that the rules are in place to protect and that she thinks all the representatives have done a great job and that everyone needs to work together.

John Kilby of 164 Neighborly Drive stated that we have rules and regulations in place (zoning, etc) and ways to address the issue that the Pitts' have with their property. Mr. Kilby feels that recommending the de-annexation would be a bad decision. Mr. Kilby also stated that the Town needs to plan ahead for agriculture and growth and the Town has the option to for agriculture use through the Zoning Regulations.

Tom McKay, chairman of the Zoning and Planning Board, agreed with Mr. Kilby's statements and stated that Zoning and Planning Board were open to suggestions as to how to make the Pitts' request fit. Mr. McKay invited the Mystic Waters, LLC property owners to come back to the Zoning and Planning Board and we will figure out how to make the regulations work for everyone stating that the board welcomes the opportunity to make the zoning apply to town instead of creating more nonconforming lots and structures.

Commissioner Mary Ann Silvey made a motion to affirm the 3 to 2 vote in favor of the de-annexation resolution and approve the attached agreement. Commissioner Diane Barrett seconded the motion.

Commissioner Diane Barrett asked to explain why she voted the way she did at the last meeting, stating that she considers the property in a rural setting while, for the most part, the town is not. Commissioner Barrett stated that the property is on the back side of a mountain on the outer boundaries of the town and that the Pitts wanted to raise goats and crops and have honey bees and build a barn but they couldn't because of town restrictions. Commissioner Barrett restated that North Carolina legislators are the final decision maker, not council. Commissioner Barrett stated that she voted with a stipulation because there she thought there was a way to make a restriction on the deed.

Carol McKay of 193 Gateway Drive stated that she appreciates council's explanation concerning the proposed deannexation, but informed council that there are lots of rural areas around the Town and asked if endorsing the deannexation would set a precedent.

Page 11- Minutes of the December 9, 2014 Regular Council Meeting

Mayor Bob Keith stated that he feels that based on the property's criteria he does not feel that the property will set a precedent.

Commissioner Diane Barrett stated that she has done some investigation and found seven deannexation requests currently in North Carolina.

John Moore agreed that a lot of zoning restrictions do not fit but suggested some revisions to the regulations to better facilitate all citizens. Commissioner Moore stated that the Zoning and Planning Board would like to consider creating a new zoning district.

Town Manager Chris Braund stated that the Zoning and Planning board were directed by town council to study an agricultural district regardless of the outcome of the Pitts property.

Commissioner Mary Ann Silvey pointed out that the Pitts' did mention that a zoning district change would not remove the problem associated with the property being in tow separate jurisdictions.

Council members discussed what law enforcement would be called to the property if there was an issue at the property that required police action.

Council also reviewed a proposed agreement concerning the property. Attorney Chris Callahan stated that he cannot guarantee the results of the agreement, but stated that the document will at least cause some issues for the title. Attorney Callahan suggested that the motion be substituted with a motion approving the resolution with the attachment subject to the execution and recording of the proposed agreement with the survey attached. Attorney Callahan stated that the property needs to be more clearly defined in the resolution and the agreement (the property should be described as Mystic Waters Farm, LLC, formerly named Eagle Camp, LLC)

Commissioner Mary Ann made a motion to withdrawn her original motion and make a motion to approve the resolution with add changes that Attorney Chris Callahan suggested with. Commissioner Diane Barrett seconded the motion. Commissioner Bob Cameron stated that the document will not hold up in the future.

Commissioner John Moore commented that it is not so much concerned about what is currently going on at the property proposed for deannexation, but the impact that the decision will be in the future.

Commissioner Mary Ann Silvey and Commissioner Diane Barrett voted in favor to the motion. Commissioner Bob Cameron and Commissioner John Moore opposed. Mayor Bob Keith voted in favor of the motion. The motion carried with a voted of 3 to 2 in favor.

RESOLUTION NO. 14-09-09A

Page 12- Minutes of the December 9, 2014 Regular Council Meeting

**RESOLUTION ENDORSING DEANNEXATION OF
THE MYSTIC WATERS FARM, LLC, FORMERLY
NAMED EAGLE CAMP, LLC PROPERTY (TAX
PIN 1645450)**

WHEREAS, the town line bisects the property, and has created confusion over where town rules and county rules apply; and

WHEREAS, the primary uses for the land are conservation and agriculture, where town regulations primarily address residential and commercial use; and

WHEREAS, Town regulations prevent the owners from conducting typical farm uses; and

WHEREAS, DENR classifies the non-conserved land as agriculture use; and

WHEREAS, the town currently provides no water, trash pickup or sewer services to the property; and

WHEREAS, the location of property is separated from the rest of the town, sitting on the southwest corner of the town boundary, and has no impact to other citizens or adjacent properties; and

WHEREAS, there are no town residences either in sight of or in earshot of the parcel; and

WHEREAS, the entire boundary next to other town properties – Ingles, Lake Lure Medical Park and Mary Ann Dotson - is conserved for perpetuity. (Even if ownership changes, that land can never be developed); and

WHEREAS, as a percentage of the parcel in town limits, only about 35 acres or 21% of the total parcel is not conserved; and

WHEREAS, the part of the property inside town limits can only be reached via roads outside of town limits; and

WHEREAS, the landowners plan to expand the agricultural use of the parcel while protecting conserved land on property; and

WHEREAS, the landowners do not plan to ask the town to deliver water, sewer or trash services to the parcel;

WHEREAS, until 2011, this property paid no taxes to the Town of Lake Lure due to non-profit use. Taxes to Lake Lure in 2012 were \$992 and 2013 were \$1,076 or 8% of the total property tax bill for the parcel, and is about .05% of the town's total tax base.; and

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, upon the execution and recording in the Rutherford County Registry of an Agreement Regarding Deannexation, endorses the deannexation of the that portion of Mystic Waters Farm, LLC, formerly named Eagle Camp, LLC which is located within the town limits of the Town of Lake Lure and is further described as (Tax PIN 1645450). See attached survey (Exhibit “A”) for better certainty of description.

Adopted this 9th day of December 2014.

Mayor Keith recessed the meeting briefly and reconvened.

NEW BUSINESS:

a. DISCUSSION AND PRESENTATION REGARDING THE ANNUAL AUDIT REPORT FOR THE TOWN OF LAKE LURE DURING FISCAL YEAR JULY 1, 2013 TO JUNE 30, 2014

Tonya Marshall with the accounting firm Martin Starnes presented information relating to the Town’s audit for fiscal year July 1, 2013 to June 30, 2014.

Council members thanked Ms. Marshall and the finance department for their work on the audit.

NEW BUSINESS:

e. CONSIDER APPROVAL OF A PROPERTY EXCHANGE THAT WILL ENHANCE THE RIGHTS OF WAY OF NORTH SHORE DRIVE AND CUT AWAY ROAD AND PROPERTIES OWNED BY CHARLIE AND SUSIE ELLIS

Community Development Director Shannon Baldwin presented information relating to a request for right of way exchange.

Charlie and Susie (Sally) Ellis of 126 presented further information relating to the request.

After discussion, Commissioner John Moore made a motion to approve the request as presented. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous. (Copy of the approved right of way agreement attached.)

NEW BUSINESS:

b. CONSIDER APPROVAL OF AN AMENDMENT TO THE TOWN'S PERSONNEL MANUAL CONCERNING THE TOBACCO USE POLICY

Town Manager Chris Braund gave an overview of a proposed amendment to the town's personnel manual concerning tobacco use.

Commissioner John Moore asked what the consensus of the department heads was concerning the propose amendment. Town Manager Chris Braund stated that most department heads asked thought a similar policy was already in place.

Commissioner Moore asked if the policy could be implemented on a department by department basis. Mr. Braund explained that council can do that if they chose to, but the normal procedure has been to amend the personnel policy as a whole.

Commissioner Mary Ann Silvey pointed out that the proposed policy is for employees in town buildings and vehicles so it wouldn't necessarily apply all the time.

Commissioner Diane Barrett suggested the approving the policy for all personnel would avoid pinpointing certain department since it would apply everyone.

After further discussion, Commissioner Bob Cameron made a motion approve the proposed amendment to the personnel manual concerning the tobacco use policy as presented. Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous. (Copy of the amendment attached)

NEW BUSINESS:

c. CONSIDER FILLING A VACANT POLICE OFFICER POSITION

Chief Sean Humphries reviewed a letter given to council prior to the meeting requesting that a vacant police officer position be filled.

After discussion, Commissioner John Moore made a motion to fill the vacant police office position. Commissioner Diane Barrett seconded the motion and the voted of approval was unanimous.

NEW BUSINESS:

d. REVIEW A LETTER FROM THE LAKE ADVISORY BOARD CONCERNING

**RECOMMENDATIONS REGARDING REVENUE-GENERATING OPTIONS FOR
DREDGING AND PROVIDE DIRECTION TO THE LAKE ADVISORY BOARD**

Mark Helms, chairman of the Lake Advisory Board, presented a letter written to town council on behalf of the Lake Advisory Board requesting guidance on pursuing potential revenue sources to fund dredging. (Copy of the letter attached.)

Commissioner John Moore stated that he would not be in favor of adding another tax.

Commissioner Mary Ann stated that since the town has made the commitment to fund dredging for 10 years and has not determined how they will fund it, the Lake Advisory Board has been considering ideas and wanted to make sure that council wants them to consider these ideas outlined in the letter.

Council members agreed to review the proposed options (possibly in an upcoming workshop) and then come back to the board with direction.

Town Manager Chris Braund thanked the board for getting the ideas to council for review.

NEW BUSINESS:

- f. APPOINTMENTS - BOARD OF ADJUSTMENT/LAKE STRUCTURES APPEALS BOARD, LAKE LURE ZONING/PLANNING BOARD, LAKE LURE ABC BOARD & PARKS AND RECREATION BOARD**

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

Jonathan Hinkle was appointed to serve on the Lake Lure Zoning and Planning Board with a term expiring on December 31, 2017.

Stephen Webber and Melvin Owensby were reappointed to serve as regular members of the Board of Adjustment/Lake Structures Appeals Board with a term expiring on December 31, 2017. David Butts was promoted from alternate to regular with a term expiring on December 31, 2017. Norman McGlohan was appointed as an alternate member to fill the remainder of David Butts term on the Board of Adjustment/Lake Structure Appeals Board with a term expiring on December 31, 2016.

Ed Dittmer and Larry Czajkoski were reappointed to serve on the Parks and Recreation Board with terms expiring on December 31, 2017.

Page 16- Minutes of the December 9, 2014 Regular Council Meeting

Tony Brodfuhrer was appointed to serve on the Lake Lure ABC Board with a term expiring on December 31, 2017.

ADJOURN THE MEETING

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

ATTEST:

Andrea H. Calvert

Mayor Bob Keith