



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, JANUARY 13, 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

Mayor Bob Keith asked that discussion of dates to hold a council planning session be added to the agenda under new business as item 10e.

Commissioner Bob Cameron made a motion to approve the agenda as amended adding discussion of dates to hold a council planning session as item 10e under new business. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

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PUBLIC FORUM

Mayor Bob Keith invited the audience to speak during public forum. No one requested to speak.

STAFF REPORTS

Town Manager Chris Braund presented the town manager's report dated January 13, 2015. (Copy of the town manager's report is attached.)

During his report Mr. Braund informed council that the Town's accountant Thadd Hodge has accepted an offer of the position of Finance Director for the Town of Rutherfordton and stated that he and Finance Director Sam Karr encourage the Council to authorize the filling of this vacant and essential position.

COUNCIL LIAISON REPORTS & COMMENTS

Commissioner Bob Cameron reported the activities Lake Lure Board of Adjustment/Lake Structures Appeals Board and announced that Roger Jolly resigned from the board and asked anyone interested in serving on the board to submit an application.

Commissioner Mary Ann Silvey reported the activities of the Lake Lure Classical Academy School Board and the Lake Lure ABC Board.

Commissioner John Moore reported the activities of the Zoning and Planning Board. Mr. Moore also complimented the Police Department on their traffic stop record for the month.

Commissioner Diane Barrett reported the activities of the Parks and Recreation 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 item was unanimously approved:

- a. minutes of the November 12, 2013 regular meeting and the December 9, 2014 regular meeting;

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- b. a budget amendment to transfer \$25,000 from Rehab butterfly valves (#577) to cover over run of \$11,347 to road repair (#572) and remaining balance of \$13,653 to replace flood gates chains (#579);
- c. a zoning compliance permit to relocated a carport near the firing range to the fire station; and
- d. commission the Zoning and Planning Board to study these specific issues and create recommendations in the form of zoning regulations amendments to address the following:
 - Accessory structures being currently prohibited in the CG Zoning District (although dwellings are allowed and normally require accessory structures like outbuildings, etc.)
 - Foundation survey required if within 10 feet of a setback line (when other jurisdiction use the 5 feet rule)
 - Garage and basement apartments being currently prohibited in a Single Family Dwelling in R-3 (while duplex structures are allowed)
 - Regulatory provisions that mandate outside professional services be secured by permit applicants in order to reduce certain types of risk.

End of Consent Agenda.

UNFINISHED BUSINESS:

a. CONSIDER APPROVAL OF A REQUEST SUBMITTED BY GRACE UNRUH ASKING COUNCIL TO WAIVE FEES ASSESSED DUE TO A DISCOVERED SEWER CONNECTION

Town Manager Chris Braund reviewed a letter addressed to Town Council from Grace Unruh concerning fees assessed due a discovered sewer connection. Mr. Braund explained why the fees were assessed and stated that he informed Mrs. Unruh that in past cases council has agreed to allow customers to break the amount owed into a payment plan in order to pay off the balance over a specified length of time. However, Mrs. Unruh requests that the fees be waived.

Commissioner Bob Cameron asked what the total amount owed for the discovered tap is. Mr. Braund explained that the double tap fee is \$2310 and the back pay owed is \$924, totaling \$3234.

Commissioner Diane Barrett suggested that council not approve the request since other residents have been required to pay the penalty for discovered taps. Commissioner Barrett also

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suggested that Ms. Unruh be allowed to set up a payment plan so that the total due can be paid over a period of time.

After further discussion, Commissioner Diane Barrett made a motion deny Ms. Unruh's request to waive sewer fees assessed due to a discovered tap, but allow her pay the fee over a three year period. Commissioner John Moore seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

b. CONSIDER APPROVAL OF A REQUEST SUBMITTED BY AMERICAN LEGION POST 437 CONCERNING FURNISHING WATER AND SEWER TO THE POST AT NO COST

Members of American Legion Post 437 expressed concerns about a recent increase in the water and sewer bill. Council reviewed a letter from the post asking to have their water and sewer bill waived due to the rising cost and the low membership rate of American Legion posts around the country. Members of the post pointed out that the building is only used a few days each month so it requires little water and sewer usage.

Commissioner Diane Barrett explained that the post is currently being billed at the commercial rate and suggest that they be switched to residential. Commissioner Barrett pointed out that the change would reduce their base rate from \$105 each billing period to \$77 for sewer and the water base rate would be reduced to \$49 from \$59.

Bill Burch stated that he has owned property in town since 1962 and has been coming to the American Legion since 1952. Mr. Burch explained that the group is barely hanging on and asked the Town to consider approving the request as a service to the veterans.

Commissioner John Moore thanked that veterans for their service and asked Attorney Chris Callahan if council can make the requested exception and if it would set a precedent to other nonprofit organizations.

Attorney Chris Callahan suggested that the town may consider making a donation to the American Legion post each year in appreciation of their service instead of not charging them for their utilities.

James Walton stated that he has been a member of this legion for over 18 years and that they do not have the funds like they have had in the past because the current members not physically able to gather funds. Mr. Walton asked for council's support of the veterans.

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Commissioner Barrett suggested that the group may want to consider meeting in the Town's meeting room.

Town Manager Chris Braund suggested that the Hickory Nut Gorge Foundation may be able to assist the group.

Council members expressed their appreciation to the veterans and asked for an address that citizens who wish to donate to the post can send funds. The members stated that funds can be mailed to 1526 Bills Creek Road in Lake Lure.

Commissioner Bob Cameron stated that council plans to establish a committee to review the utility rate schedule.

Council members agreed to see what can be done with the Hickory Nut Gorge Foundation and consider the request at a later meeting. Town Manager Chris Braund agreed to check into the usage amount.

NEW BUSINESS:

c. CONSIDER ADOPTION OF RESOLUTION NO. 15-01-13 AUTHORIZING THE ACCRUAL OF INTEREST ON LIENS CREATED PURSUANT TO THE ABANDONED STRUCTURES/UNSAFE DWELLING ORDINANCE AND THE WEEDS, GRASS, REFUSE, AND OTHER NUISANCE ORDINANCE

Zoning Administrator Sheila Spicer informed the board that the Town was notified by Rutherford County that they are no longer going to be able to add interest to liens that the Town has on properties for abatement of nuisance or dilapidated structures unless staff can provide something from council that mandates that those liens accrue interest.

Commissioner John Moore asked if the proposed interest rate is it the same rate that is assessed on taxes. Ms. Spicer stated that the community development attorney, Mike Egan, drafted that resolution including the proposed 8 percent interest rate.

Commissioner Mary Ann Silvey mentioned the Hodge property (located at 177 Tryon Bay Circle) that was recently victim to the mudslide and stated that Ms. Hodge voluntarily accepted when the town offered the option of making required improvements to her property and putting a lien on the property, but interest was not mentioned at that time. Commissioner Silvey asked if the proposed interest charge could be tied to the federal lending rate or if there would be a grace period before interest is charged and suggested potentially considering ways to address situations of neglect versus hardships or disasters stating that the proposed resolution as written seems harsh and inflexible.

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Council discussed the possibility of negotiating amounts owed due to unique circumstances.

Attorney Chris Callahan stated that 8 percent is the standard interest rate and that because the liens are collected as unpaid taxes, the rate is similar to tax interest.

Council members discussed the 10 year period for which liens are valid and Commissioner Bob Cameron asked if there is a process used to ensure that further action is triggered when a lien is about to expire. Town Manager Chris Braund stated that he and the zoning administrator and the county keep records of the liens and stated that there are other options to settle the debt (including foreclosure).

Council members agreed to postpone further discussion and consideration of the proposed resolution until a later meeting.

NEW BUSINESS:

d. APPOINTMENT - PARKS AND RECREATION BOARD

Mayor Bob Keith asked if council would like to make any comments before voting. Commissioner John Moore stated that Vic Knight is a landscape architect and to have a landscape architect on the Parks and Recreation Board would be advantageous.

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

Vic Knight was appointed to fill the remainder of Jonathan Hinkle's term on the Parks and Recreation Board with a term expiring on December 31, 2016.

NEW BUSINESS:

e. DISCUSSION OF POTENTIAL DATES TO HOLD A PLANNING SESSION

Council agreed to work with the Town Clerk to decide on a date and time to hold a workshop/planning session.

ADJOURN THE MEETING

With no further items of discussion, Commissioner Bob Cameron made a motion to adjourn the meeting at 7:20 p.m. Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

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ATTEST:

Andrea H. Calvert

Mayor Bob Keith