

LAKE LURE TOWN COUNCIL REGULAR MEETING PACKET

Tuesday, May 12, 2015



Mayor Bob Keith

Commissioner John Moore

Commissioner Mary Ann Silvey

Commissioner Diane Barrett

Commissioner Bob Cameron



REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL

May 12, 2015

6:00 p.m.

Lake Lure Municipal Center

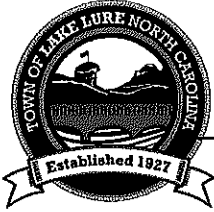
AGENDA

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 #15-05-12A: An Ordinance Concerning the Board of Adjustment; Modifying the Procedures for Notices of a Hearing
6. Consider Adoption of Ordinance #15-05-12A: An Ordinance Concerning the Board of Adjustment; Modifying the Procedures for Notices of a Hearing
7. Public Hearing – Proposed Ordinance #15-05-12B: An Ordinance Amending Section 94.14, MARINAS, of the Lake Structure Regulations of the Town of Lake Lure
8. Consider Adoption of Proposed Ordinance #15-05-12B: An Ordinance Amending Section 94.14, MARINAS, of the Lake Structure Regulations of the Town of Lake Lure
9. 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.*
10. Staff Reports
11. Council Liaison Reports & Comments
12. Consent Agenda:
 - a. Approve Minutes of the April 14, 2015 Regular Meeting

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May 12, 2015**

- b. Approve a Budget Amendment Transferring Funds For Building Docks Behind the ABC Store/Police Boat House
 - c. Approve a Budget Amendment Concerning a Planning Grant/Interconnect Sewer Study
 - d. Adopt Resolution No. 15-05-12 Corporate Authorization with Carolina Trust Bank and Approve Account Agreements Between the Town of Lake Lure and Carolina Trust Bank as Submitted by the Finance Officer
 - e. Approve a Request Submitted by Sheila Keller to Suspend the Alcohol Ordinance for a Wedding Reception Being Held in the Community Hall on July 25, 2015
 - f. Delcare the Town's 1986 Chevrolet Military Truck as Town Surplus and Approve Sale of the Vehicle and Agree to Reallocate Funds from the Sale Back to Lake Lure Fire Department
- 13. Unfinished Business
- 14. New Business:
 - a. Presentation Regarding Chamber Goals, Initiatives and Accomplishments Tommy Hartzog
 - b. Consider Adoption of Ordinance No. 15-05-12C an Ordinance to Amend Chapter 63 of the Code of Ordinances of the Town of Lake Lure Governing Consumption of Malt Beverages, Unfortified Wine, Fortified Wine, Spirituous Liquor or Mixed Beverages in Certain Places
 - c. Budget Discussion
- 15. Adjournment

Agenda Items: 5 & 6



TOWN OF LAKE LURE
Community Development Department

MEMORANDUM

TO: Mayor & Town Council

FROM: Shannon Baldwin, Community Development Director

DATE: May 6, 2015

RE: Ordinance No. 15-05-12A

Ordinance No. 15-05-12A comes recommended for adoption by a unanimous vote of the Planning Board taken during its regular meeting held April 21, 2015. After much discussion, the Planning Board's motion was as follows:

Mr. Goins moved that the ordinance be adopted as written with the provision that all properties within 100' of the applicant's property boundary be given public notice. Further, the Planning Board made a finding that the ordinance is neither consistent nor inconsistent with the 2007-2027 Comprehensive Plan. Mr. Barrett seconded. All voted in favor.

Ordinance No. 15-05-12A was drafted and studied by the Planning Board per your request. The amendment requires the owners of all parcels of land, any portion of which lies within 100 feet of the subject property, to receive notice via mail of BOA hearings. Currently only those owners of parcels of land abutting the parcel subject to the hearing receives notice via mail. Now, all owners within a 100 feet of the subject property will receive notice.

If Council desires to adopt this ordinance, the following motion is recommended:

"I move Town Council adopt Ordinance No. 15-05-12A as recommended by the Planning Board. I further move that Town Council finds said ordinance neither consistent nor inconsistent with the 2007-2027 Comprehensive Plan."

ORDINANCE NUMBER 15-05-12A

AN ORDINANCE CONCERNING THE BOARD OF ADJUSTMENT; MODIFYING THE PROCEDURES FOR NOTICES OF A HEARING

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

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

WHEREAS, Town Council further finds that expanding the requirements for notification of a hearing to encompass a greater area around the subject property is reasonable and in the public interest in that it ensures neighboring properties that may be impacted by the decision of the Board of Adjustment are informed about the request; and

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

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on _____, 2015 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 92.086 (B) of the Zoning Regulations of the Town of Lake Lure, concerning Notice of Hearing, is hereby amended as follows:

Notice of Hearing. Notice of hearings conducted pursuant to this section shall be mailed to the person or entity whose appeal or application is the subject of the hearing, to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; to the owners of all parcels of land within 100 feet of the land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by these regulations. In the absence of evidence to the contrary, the Town may rely on the Rutherford County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the Town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent

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street or highway right-of-way. In addition, notice of a hearing on an application for a conditional use permit shall be posted at Town Hall and published in a newspaper having general circulation in the Town within that same time period.

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

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

SECTION 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.

Adopted this _____ day of _____, 2015.

Bob Keith, Mayor

ATTEST:

Andi Calvert, Town Clerk

Agenda Items: 7 & 8



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: _____, 2014

The attached proposed changes and additions to the Lake Structures Regulations are intended to clarify language in Section 94.14 which pertains specifically to Marinas. Specifically, under 94.14(B), the section would be divided into subsections in order to more easily understand the section's requirements. The changes would also add language that pertains to the inclusion of accessory structures such as gazebos as an allowed structure associated with marinas. It would read as follows:

(B) Marinas must meet the following standards:

- (1) Shall only be installed adjacent to upland lot(s) zoned for commercial or resort use.
- (2) The same requirements shall apply to marinas as do to all other lake structures except individual slips or moorings shall not be enclosed or covered. Canopies attached to or installed above boat lifts are considered roofs and are prohibited in marinas
- (3) Such facilities may not have more than five permanent or temporary moorings for each 100 feet of shoreline that is owned by the applicant. The lakefront property that is used in the formula for determining the number of moorings must be contiguous with the site of the proposed marina.
- (4) The shoreline must be free of any other lake structures that could be used specifically for the purpose of mooring boats. This does not include seawalls, boardwalks, docks or gazebos that are used for access, protection from direct sun and rain, and as collection areas for users of the facility. Such structures must meet the following standards:

ORDINANCE NUMBER 15-05-12B

AN ORDINANCE AMENDING SECTION 94.14 MARINAS 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 marinas 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 _____, 2015, 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 94.14 of the Lake Structure Regulations of the Town of Lake Lure is hereby amended by replacing 94.14(B) with the following:

§ 94.14 MARINAS

(B) Marinas must meet the following standards:

- (1) Shall only be installed adjacent to upland lot(s) zoned for commercial or resort use.
- (2) The same requirements shall apply to marinas as do to all other lake structures except individual slips or moorings shall not be enclosed or covered. Canopies attached to or installed above boat lifts are considered roofs and are prohibited in marinas.
- (3) Such facilities may not have more than five permanent or temporary moorings for each 100 feet of shoreline that is owned by the applicant. The lakefront property that is used in the formula for determining the number of moorings must be contiguous with the site of the proposed marina.
- (4) The shoreline must be free of any other lake structures that could be used specifically for the purpose of mooring boats. This does not include seawalls, boardwalks, docks, or gazebos that are used for access, protection from direct sun and rain, and as collection areas for users of the facility. Such structures must meet the following standards:

- a. Shall not have any tie-up points or cleats that would allow a boat to be moored, thereby changing the structure's function.
 - b. Shall not exceed a height of 15 feet above the shoreline elevation of 990 feet MSL.
 - c. Shall not exceed 1200 square feet.
 - d. Shall be completely open on all sides.
- (5) Existing private docks or boathouses must be removed prior to construction of a marina and no private docks or boathouses can be applied for or constructed adjacent to the upland lot(s) that are associated with a marina.
- (6) All moorings shall be classified as permanent or temporary, numbered, and with signage that is viewable from the lake which indicates classification and number of each mooring.
- (7) These limitations shall not apply to any marina owned by the Town.

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

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

SECTION FOUR. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

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

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

Adopted this ___th day of _____, 2015.

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ATTEST:

Andrea A. Calvert
Town Clerk

Mayor Bob Keith

Approved as to form:

J. Christopher Callahan
Town Attorney

Agenda Item: 12a

Agenda Item: 12b



Finance Director
MEMORANDUM

To: Town Manager, Mayor & Town Council
From: Sam A. Karr, Finance Director
Subject: Budget Amendment-Docks
Date: May 5, 2015

As discussed last town meeting, we are moving unspent monies to help fund building docks behind the ABC store/Police boat house.

The approximate cost of the project is about \$11,000. Staff and Parks & Recreation Board recommend **moving \$5,000 from Geese Mitigation (#633) and \$6,000 from supplies materials (#215) from the Park & Recreation board's operational budget to Capital outlay (#593) Docks.**

If you have any questions, please feel free contact me at your convenience.

XC: Julie Scherer, Accountant

Agenda Item: 12c



Finance Director
MEMORANDUM

TO: Town Council

FROM: Sam A. Karr, Finance Director

DATE: May 7, 2015

SUBJECT: Budget Amendment-Planning Grant/Interconnect TAG

As you are all aware, this past January we received a planning grant that we will use to continue the work of the Rutherford County regional sewer study by creating a more detailed study of the connection between Lake Lure's plant and either Spindale or Rutherfordton. This plan includes cost estimates, financing strategies and rate impacts. This is a \$60,000 project with a \$50,000 award from NCDENR and a \$10,000 local match. **A motion to make a budget amendment by increasing capital outlays in sewer (WWTP Upgrades#583) to \$60,000 and increasing revenues in Water/Sewer Fund by \$60,000 (\$50,000 grant proceeds and \$10,000 W/S Fund Equity) is required.**

If you have any questions, please feel to contact me at your convenience.

XC: Julie Scherer, Accountant

Agenda Item: 12d

TOWN OF LAKE LURE RESOLUTION NO. 15-05-12

WHEREAS, it is the desire of the Lake Lure Town Council that all public funds of the Town of Lake Lure be deposited in a secure, efficient and effective manner;

WHEREAS, it is the responsibility of the Finance Officer, who is appointed by and serves at the pleasure of the Lake Lure Town Council, to supervise the receipt, custody and disbursement of the public funds of the Town of Lake Lure;

WHEREAS, the Carolina Trust Bank is qualified to be an official depository for the local government pursuant to G.S. 159-31 and has selected to secure its uninsured public deposits under the "Dedicated Method" under which each public depositor's uninsured deposits are secured separately and which requires the establishing of a separate escrow account for the local government.

NOW; THEREFORE, BE IT RESOLVED, by the Lake Lure Town Council of the Town of Lake Lure that:

Section 1. Carolina Trust Bank (hereafter the "Official Depository") is hereby designed as an official depository of the town. The Finance Officer of the Town of Lake Lure shall be hereby authorized and directed to deposit funds of the town in the Official Depository in the name and to the credit of the Town of Lake Lure.

Section 2. As required by G.S. 159-25(b), all checks, drafts, or orders of the town drawn against said funds shall be authorized and signed as appropriate by the following (hereinafter the Authorized Signers"):

- a. One of the following officers:
Finance Officer or
Town Manager
and countersigned by
- b. Personnel Director or
Town Manager

The names and signatures of the Authorized Signers shall be duly certified by the Town Clerk to the Town Council to the Official Depository as from time to time may be necessary and no check, draft, or order drawn against the Official Depository shall be valid unless so signed or authorized.

Section 3. The Official Depository shall be required to submit to the town a surety bond or such other collateral as may be by law required.

Section 4. Upon opening an account with the Official Depository, the Finance Officer must:

- a. Give written instructions that the proceeds from all checks payable to the order of the Town shall be deposited to the credit of the Town of Lake Lure and that under no circumstance may such an item be converted into cash.
- b. Verify the method currently used by the depository to collateralize the public deposits and stay informed of any change in methods as the result of conversions to a different method or as the result of merger of depositories;

- c. Notify the depository at the time a new deposit account is opened or a certificate of deposit is purchased that the account is a public deposit account subject to the collateralization requirements;
- d. File a "Notification of Public Deposit" (Form INV-91) with each depository and provide a copy to the State Treasurer as of June 30 of each year;
- e. Execute such other forms and documentation with provisions consistent with this resolution as may be reasonably required by the Official Depository to establish the account;
- f. Report the amount of deposits and investments and such other information as may be required on the semi-annual reports on form LGC 203 required to be filed with the Local Government Commission pursuant to G.S. 159-33; and
- g. Comply with other requirements of law, regulation or sound banking practice and with any requirements described in the State Treasurer's publication, The Collateralization of Public Deposits in North Carolina.

Section 5. The Official Depository designated herein uses the Dedicated Method of Collateralization of Public Deposits. Therefore, it is further resolved that, in addition to the requirements enumerated in Section 4 of this resolution, the Finance Officer must:

- a. Determine that a "Security Agreement With Resolution" (Form INV-94A) is executed with each depository and that the resolution of the depository must be passed by depository's board of directors or loan committee;
- b. Determine that an "Escrow Agent Agreement" (Form INV-94B or Federal Reserve bank's signature card) is executed with each depository;
- c. Maintain a record of the securities pledged by each depository for monitoring purposes and, if securities having periodic principal pay downs are pledged, consideration should be given to record their decline in "outstanding principal" balance amounts;
- d. Periodically check the market values of the collateral pledged to verify at least 100% of the amount required to be collateralized. The frequency of checking the market values would depend upon the amount of excess collateral pledged, the types of collateral pledged, and the volatility of market conditions;
- e. Sign "Request for Collateral Pledge/Release" forms (Form INV-95), authorizing the release or substitution of collateral whenever requested by the depository; provided sufficient collateral remains pledged after the transaction is effected; and
- f. Report the amount of collateral pledged by each depository on the semi-annual reports on Form LGC 203 required to be filed with the Local Government Commission pursuant to G.S. 159-33.

Section 6. Certified copies of this resolution shall be provided to the Official Depository herein designated.

Section 7. This resolution shall take effect immediately upon its passage.

Upon motion of _____, and seconded by _____, the foregoing Resolution was passed by the following vote:

Ayes: _____

Nays: NONE

Abstentions: NONE

I, _____, Clerk of the Town Council of the Town of Lake Lure, do hereby certify that the foregoing resolution is a true and exact copy of the **"Resolution Designating Carolina Trust Bank An Official Depository"** duly adopted by the Town Council of the Town of Lake Lure at the regular meeting thereof duly called and held on May 12th, 2015, a quorum being present.

WITNESS my hand at Lake Lure, NC, the 12th day of May, 2015.

Clerk, Town of Lake Lure

INV-94B

(February 2014)

E-mail: sbucollateral@nctreasurer.com

ESCROW AGENT AGREEMENT

(For Public Deposits Collateralized Under Dedicated Method)

Triplicate

Original

This Agreement made and executed this ____ day of _____, 20__ by and between Carolina Trust Bank
(the "Depository"), either the State Treasurer of North Carolina or the finance officer of
Town of Lake Lure (the "Public Depositor"), and _____
(the "Escrow Agent").

WHEREAS, the Depository is required by North Carolina General Statutes to collateralize the uninsured public deposits of the Public Depositor and has elected or is required to do so through the dedicated method as specified in Title 20, Chapter 7 of the North Carolina Administrative Code (20 NCAC 7); and

WHEREAS, the Public Depositor and the Depository have both executed a "Security Agreement": and

WHEREAS, the Escrow Agent qualifies to serve as an escrow agent:

NOW THEREFORE, it is mutually agreed between the parties as follows:

1. All pledging arrangements shall be in accordance with and subject to the provisions of 20 NCAC 7, be subject to the referenced "Security Agreement", and be subject to the North Carolina Uniform Commercial Code.
2. The Escrow Agent will, as agent for the Public Depositor, hold perfected collateral securities of the Depository in the name of and for the account of the Public Depositor, providing the Public Depositor with written notice of the pledge of the securities.
3. The Escrow Agent will not release any collateral securities or proceeds of maturing securities, nor accept any substitution thereof, without written authorization from the Public Depositor.
4. Unless notified of the event of default of the Depository as provided for herein, all normal income and principal distributions shall be paid to the Depository.
5. Upon receipt of written notice from the State Treasurer of the event of a default pursuant to 20 NCAC7, the Escrow Agent shall deliver to the State Treasurer, for the benefit of the Public Depositor, the collateral securities, and in addition, any principal or income distributions not yet paid to the Depository.
6. Except as otherwise provided herein, the Escrow Agent may accept and act upon instructions from the Depository, the Public Depositor, or the State Treasurer which the Escrow Agent believes to be genuine, given in person, by telephone, or by other means of communication. Correspondence deemed to be genuine which is delivered by fax transmittal may satisfy any requirement of a written notice or authorization.
7. This Agreement is continuing and binding upon the parties and their respective successors and assigns.
8. All notices pursuant to this Agreement shall be made to the following addresses:

Public Depositor: _____

Escrow Agent: _____

Depository: _____

(Please include Name and mailing addresses above.)

IN WITNESS THEREOF, said parties have executed this Agreement in triplicate originals, one which is retained by each of the parties.

Accepted:

Escrow Agent

Depository

By: _____

Authorized Signature

TOWN OF LAKE LURE

Public Depositor

By: _____

Authorized Signature

By: _____

Authorized Signature

This agreement made and executed this _____ day of _____, 20____, by and between Carolina Trust Bank (the "Depository"), a duly organized banking or other type of financial institution in the State of North Carolina, and either the State Treasurer of North Carolina, or the finance officer of Town of Lake Lure (the "Public Depositor") whose funds are required to be collateralized in accordance with Title 20, Chapter 7 of the North Carolina Administrative Code (20 NCAC 7).

WHEREAS, the Depository desires to be and/or remain an official depository of public funds deposited by the Public Depositor; and

WHEREAS, the Depository is required by North Carolina General Statutes to collateralize the uninsured public deposits of the Public Depositor, and has elected or is required to do so through the dedicated method as specified in 20 NCAC 7; and

WHEREAS, each party desires to be in compliance with the Federal Deposit Insurance Corporation's Policy Statement dated March 23, 1993, regarding the collateralization of public deposits:

NOW THEREFORE: it is mutually agreed between the parties as follows:

1. Subject to North Carolina Administrative Code.
All uninsured deposits shall be collateralized in accordance with the provisions of 20 NCAC 7.
2. Security Interest.
The Depository hereby pledges and grants in favor of the Public Depositor a lien and continuing security interest in any securities pledged to the Public Depositor from time to time, all interest, dividends, distributions and sums distributed or payable therefrom, all other rights and privileges incident to such securities, and all proceeds and profits of any of the foregoing ("Collateral") as collateral security for all deposits maintained from time to time by the Public Depositor with the Depository. The Depository shall take all necessary steps to perfect this security interest pursuant to the North Carolina Uniform Commercial Code.
3. Pledging Eligible Securities.
The Depository agrees to deposit with an eligible third-party escrow agent the required Collateral at all times as specified in 20 NCAC 7.
4. Release or Substitution of Securities.
The Depository shall have the right at any time to seek approval of the Public Depositor to substitute Collateral of equal or greater value and of eligible types. The Depository shall provide the Public Depositor with a statement of the respective values of the Collateral to be replaced and the Collateral to be substituted. No Collateral, except for normal income and principal distributions (not including proceeds of maturities), may be released and/or substituted without the prior written approval of the Public Depositor.
5. Depository Representations.
The Depository represents and warrants to the Public Depositor that it is the owner of the Collateral and that such Collateral is and will remain free and clear of any and all security interests, liens and claims of any other person, except for the security interest granted hereunder to the Public Depositor. The Depository shall be deemed to repeat such representation with respect to Collateral delivered in addition to or in substitution of then existing Collateral. The Public Depositor's sole obligation to the Depository with respect to Collateral is to return or cause the return of the Collateral to the Depository at the termination, and full performance by the Depository of, its obligations with respect to all deposits of the Public Depositor secured hereunder.
6. Approval by Board or Loan Committee of the Depository.
The Depository represents that it is duly authorized, by resolution of the Board of Directors or the Loan Committee of the Depository, and has full right, power and authority, to execute this Agreement, and to pledge and grant a security interest with respect to the Collateral. The Depository has furnished a certified copy of the authorizing resolution, contained herewith.
7. Continuously Maintain Agreement as Official Record.
The Depository further agrees that it will immediately upon execution keep and continuously maintain, as part of its official records, and executed copy of this Agreement, and such other customary writings and records sufficient to identify those securities which have been pledged to the Public Depositor.
8. Rights Upon Default.
In the event of a default, as defined in 20 NCAC 7, the Public Depositor shall have all the rights and remedies of a secured party under the North Carolina Uniform Commercial Code with respect to the Collateral, including without limitation the right upon default to collect, liquidate, sell or dispose of the same and apply the proceeds thereof (after deducting therefrom all costs and expenses relating to collection, liquidation, sale or disposition), to the payment of any deposit arising out of or as a result of the default of the Depository, with the Depository to remain liable for any deficiency, and with the Depository being entitled to any surplus which may result.
9. Successors and Assigns.
This Agreement is continuing and binding upon the Depository, its successors and assigns, and shall inure to the benefit of the Public Depositor, and his successors and assigns.

IN WITNESS THEREOF, the parties have executed this Agreement in duplicate originals, one of which is retained by each of the parties.

ACCEPTED:

Carolina Trust Bank
(Depository)
By: _____
(Signature)
Title: _____

Town of Lake Lure
(Public Depositor)
By: _____
(Signature)
Title: _____

SECURITY AGREEMENT WITH RESOLUTION
(For Public Deposits Collateralized Using the **Dedicated Method**)

INSTRUCTIONS: Form INV-94A consists of two documents: "Depository Resolution" found on Page 1; and "Security Agreement" found on Page 2. The Public Depositor is to execute the Security Agreement and forward the entire form to the Depository for execution. The Depository should execute both documents on the form after the resolutions have been acted upon by either the Board of Directors or the established Loan Committee. The Depository Resolution should be signed by the Secretary or Assistant Secretary. The Security Agreement (Page 2) should be signed by either the Chairman, President, Treasurer, or any Vice-President. The Security Agreement should be dated concurrently with the Depository Resolution, or some later date, but not prior to. The documents are to be executed in duplicate, with each party being provided a copy after final execution. Also, for each commercial escrow agent used, an "Escrow Agent Agreement" (Form INV-94B) is required to be executed in triplicate.

DEPOSITORY RESOLUTION

I, the undersigned, hereby certify to either the State Treasurer of North Carolina or the finance officer of TOWN OF LAKE LURE
_____ (the "Public Depositor"), whose uninsured public deposits are required to be collateralized by North Carolina General Statutes, and Title 20, Chapter 7 of the North Carolina Administrative Code, that I am the Secretary (Assistant Secretary) of CAROLINA TRUST BANK
_____ (the "Depository"), a banking or other type of financial institution in North Carolina; that the following is a true copy of resolutions duly adopted by either: the Board of Directors of the Depository; or the duly established Loan Committee of the Depository, at a meeting held on the _____ day of _____, 20____; at which a quorum was present; and that such resolutions have not been rescinded or modified.

WHEREAS, the Policy Statement of the Federal Deposit Insurance Corporation date March 23, 1993, specifies that all security agreements pertaining to public deposits be approved by either the Financial Institution's Board of Directors or Loan Committee; now, therefore be it.

RESOLVED, that the Chairman, President, Treasurer, or any Vice-President of the Depository is hereby authorized and directed to execute and deliver to the Public Depositor the "Security Agreement" contained herewith; and be it.

FURTHER RESOLVED, that the Chairman, President, Treasurer, or any Vice-President is hereby authorized to act as agent of the Depository under said Agreement, including but not limited to the execution of any required agreements with escrow agents; and be it.

FURTHER RESOLVED, that the foregoing resolutions shall remain in full force and effect until written notice of their amendment or rescission shall have been received by the Public Depositor, and that receipt of such notice shall not affect any action taken by the Public Depositor, or affect the security of any deposits which may be or may have been on deposit with the Depository; and be it.

FURTHER RESOLVED, that the Secretary or Assistant Secretary is authorized and directed to certify to the Public Depositor that the foregoing resolutions were duly adopted, and that the provisions thereof are in conformity with the Charter, Articles of Incorporation, and By-Laws of the Depository, and that there is no provision in either, or any other authorizing document, limiting the power of the Board of Directors or established Loan Committee to pass the foregoing resolutions.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the Depository.

This the _____ day of _____, 20____. _____
Secretary (Assistant Secretary)

(Seal)

Agenda Item: 12e

**TOWN OF LAKE LURE
REQUEST FOR SUSPENSION OF TOWN ORDINANCES
REVIEW BY POLICE DEPARTMENT**

Date of Request: *July 25, 2015*

By: *Sheila H. Keller*

Describe Request: *Suspend the alcohol ordinance for a
toast and wedding reception (in the Community Hall).*

Reviewed by: *Sean Gumples*
Police Chief

Comments from LLPD:

Note: Complete form and return to Town Clerk
Form: ADM-9-00

April 9, 2015

Sheila H. Keller

2746 Nestle Lane

Denver, NC 28037

kellersheila@bellsouth.net

Town of Lake Lure

P.O. Box 255

Lake Lure, NC 28746

receptionist@townoflakelure.com

Dear Town Leaders,

I have a wedding ceremony scheduled for July 25, 2015 at the Lake Lure Gazebo and the reception to be held at the Lake Lure Community Hall. We should have approximately 40-45 family members and co-workers attending.

For the ceremony at the Gazebo, I am requesting permission to have a small P.A. system for our preacher to perform the ceremony and the processional music.

For the reception at the Community Hall, I am requesting the town permission to have an alcoholic beverage for the wedding toast and dinner. I am also requesting town permission to have audio music played. We are having it catered by one of your local BBQ vendors.

My fiancé and I fell in love with the Town of Lake Lure many years ago. Along with its beauty, we love the history we learn at each visit. We knew we would want to start our life together at our favorite place. I thank you for allowing us to share what your town has to offer with all our family and co-workers. I am employed with DHS/ICE and most of my family and co-workers attending the wedding are also in federal law enforcement, therefore, I do not see a problem arising with the above request. .

If I need to do anything further please let us know.

Sincerely,



Sheila H. Keller

Agenda Item: 12f



LAKE LURE FIRE DEPARTMENT



PO Box 255 Lake Lure, NC 28746 Phone: 828-625-9333 Fax: 828-625-9760 Email:llfire@bellsouth.net

Memorandum

To: Chris Braund, Town Manager
Bob Keith, Mayor
Town Council

RM From: Ron Morgan, Lake Lure Fire Chief

Date: May 6, 2015

Subject: Surplus Vehicle

I would like to have Council declare the Military Surplus 1986 Chevrolet Pick-up Truck, VIN # 1GCGD34J0GF357757 as Town Surplus. I would further ask that the Council allow us to sale this vehicle by approved disposal process and the funds from the sale be reallocated back to Lake Lure Fire Dept. to purchase necessary equipment for the new brush truck.

The new brush truck that has replaced the one in question here was purchased with Grant funds and donations, approximately \$46,000. The Town did allocate funds for the purchase of a new pump and tank. The new brush truck is in need of a winch and mounting bumper and proper reflective striping and scene lighting. The amount from the sale of the old brush truck will probably not cover all of these but we would like the ability to use the funds for as much as it will cover.

Thanks for your consideration, and as always please contact me if you have any questions.

Cc: File

Agenda Item: 14a

Note-

Tommy Hartzog will present a PowerPoint presentation regarding chamber goals, initiatives and accomplishments and print outs will be distributed at the meeting.

Agenda Item: 14b



MEMORANDUM

TO: Town Council

FROM: Andi Calvert, Town Clerk

DATE: May 8, 2015

SUBJECT: **Proposed Ordinance No. 15-05-08C/Suspension of the Alcohol Ordinance**

In an effort to improve the process for suspending the alcohol ordinance for events, proposed Ordinance No. 15-05-08C was drafted to amend the current alcohol ordinance to allow the town manager and the police chief (jointly) to approve a permit to suspend the alcohol ordinance for events.

The ordinance currently states that council can suspend the ordinance. In recent years, the police chief has reviewed requests prior to council receiving the request to address safety concerns, such as keeping the alcohol contained.

If approved, the new process will be very similar to the current process. Citizens asking to have the alcohol ordinance suspended will submit a form and the form will be sent to the police chief. After the chief's review, the town manager will review and consider approval of the request. This will allow the applicant a little more flexibility in submitting their requests since town council would no longer have to consider every request during their meetings.

I will file a copy of approved alcohol permits in my office, send a copy to the customer service department to put with the applicant's rental agreement and send a copy to the police department to ensure that they are aware of every suspension. The applicant will also be sent a copy of the permit to keep on site during the event.

If, for some reason, a permit is denied by the town manager and police chief, the applicant has the right to appeal the decision to town council.

**TOWN OF LAKE LURE
REQUEST FOR SUSPENSION OF TOWN ALCOHOL ORDINANCE**

§ 63.01 of the Code of Ordinances of the Town of Lake Lure states that no person shall consume malt beverages or unfortified wine, fortified wine, spirituous liquors, or mixed beverages, as defined in G.S.18B-101, on or within the rights-of-way of the public streets, alleys, or sidewalks or community center, or on the town beach, unless a permit is received therefor from the Town. It is further provided an open container shall be prima facie evidence of consumption under this chapter.

Date & Time of Event: _____ from _____ (am/pm) until _____ (am/pm)

By: _____ Contact Phone # _____ Email: _____
(Name of Responsible Party)

Describe Request (included the type of event and type of alcohol to be consumed): _____

****If a permit is issued, alcohol must be contained with the community hall building or the beach area.****

Signature _____ Date _____

Comments from Lake Lure Police Department:

Reviewed by: _____ Date _____
Police Chief



Approved



Denied

Reviewed by: _____ Date _____
Town Manager

If your request for suspension of the Town of Lake Lure's alcohol ordinance is denied, you may appeal the decision to the Lake Lure Town Council.

ORDINANCE NUMBER 15-05-12C

**AN ORDINANCE TO AMEND CHAPTER 63 OF THE CODE OF ORDINANCES OF
THE TOWN OF LAKE LURE GOVERNING CONSUMPTION
OF MALT BEVERAGES, UNFORTIFIED WINE, FORTIFIED WINE, SPIRITUOUS
LIQUOR, OR
MIXED BEVERAGES IN CERTAIN PLACES**

WHEREAS, the town of Lake Lure is a tourist destination and increasingly so for weddings;
and

WHEREAS, the Town Council of the Town of Lake Lure, North Carolina, upon recommendation of the Town Manager, deems it in the best to enact a certain amendment to the existing ordinance to streamline a routine process and improve response time for customers.

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. CHAPTER 63 of the Code of Ordinances of the Town of Lake Lure, concerning LIQUOR CONTROL, is hereby amended as follows:

Section 63.01 Consumption of malt beverages and unfortified wine, spirituous liquors, or mixed beverages

No person shall consume malt beverages or unfortified wine, fortified wine, spirituous liquors, or mixed beverages, as defined in G.S. 18B-101, on or within the rights-of-way of the public streets, alleys, or sidewalks or community center, or on the town beach, or any other town-owned property (excluding the Lake, on which state law concerning alcohol consumption will apply and be enforced) unless a permit is received therefor from the town. It is further provided an open container shall be prima facie evidence of consumption under this chapter.

(Ord., passed 4-23-91; Am. Ord., passed 5-10-94)

63.02 Permit

The ~~Town Council~~ Town Manager and Police Chief may jointly grant a permit allowing consumption of either malt beverages, unfortified wine, fortified wine, spirituous liquor and/or mixed beverages for special events on ~~the town beach or within the community center, town property~~ and the permit shall be in writing and describe the location, type of beverage to be served and the date and hours in which the operation of this chapter shall

be temporarily suspended for said special event. If a party applies for a permit and the permit is denied by the Town Manager and/or Police Chief the denial may be appealed to the Town of Lake Lure's Town Council.

(Ord., passed 4-23-91; Am. Ord., passed 5-12-15)

63.99 Penalty

Violation of this chapter shall be a misdemeanor and punishable on conviction by a fine not exceeding \$50 or by imprisonment not exceeding 30 days, as provided by G.S. 14-4.

(Ord., passed 4-23-91)

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

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

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

Adopted this __th day of _____, 2015.

ATTEST:

Andrea Calvert
Town Clerk

Mayor Bob Keith

Approved as to form:

J. Christopher Callahan
Town Attorney

Agenda Item: 14c

