



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, MAY 12, 2015, 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 Bob Cameron made a motion to approve the agenda as amended adding the following items:

- approval of a request from the Lake Lure Inn to suspend the Town's alcohol ordinance for events being held on specified dates at the Town's beach as item 12g on the consent agenda
- consideration of a recommendation from the Asset Management Task Force concerning the old EMS boathouse and property northwest of the dam as item 14c under new

Page 2- Minutes of the May 12, 2015 Regular Council Meeting

business.

Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

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| <p>PUBLIC HEARING - PROPOSED ORDINANCE #15-05-12A: AN ORDINANCE CONCERNING THE BOARD OF ADJUSTMENT; MODIFYING THE PROCEDURES FOR NOTICES OF A HEARING</p> |
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Mayor Bob Keith opened the public hearing regarding proposed; no one requested to speak.

Council agreed to close the public hearing.

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| <p>CONSIDER ADOPTION OF ORDINANCE #15-05-12A: AN ORDINANCE CONCERNING THE BOARD OF ADJUSTMENT; MODIFYING THE PROCEDURES FOR NOTICES OF A HEARING</p> |
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Public notices were duly given and published in the Daily Courier newspaper.

Community Development Director Shannon Baldwin presented Ordinance No. 15-05-12A and gave a brief overview of the proposed ordinance explaining that the proposed 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.

Attorney Chris Callahan asked how the 100 feet mentioned in the proposed ordinance would be measured. Mr. Baldwin explained that GIS will be used to determine which properties are within 100 feet of the subject property. Mr. Callahan suggested that the ordinance be amended to state that distance from the property will be determined by GIS.

After discussion, Commissioner John Moore made a motion to adopt Ordinance No. 15-05-12A as amended to include reference to GIS as the means of determining distance from the subject property. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

ORDINANCE NUMBER 15-05-12A

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

Page 3- Minutes of the May 12, 2015 Regular Council Meeting

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 May 12, 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 (as determined by GIS) 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 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.

Page 4- Minutes of the May 12, 2015 Regular Council Meeting

[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 12th day of May, 2015.

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

Mayor Bob Keith opened the public hearing regarding proposed; no one requested to speak.

Council agreed to close the public hearing.

CONSIDER ADOPTION OF ORDINANCE #15-05-12B: AN ORDINANCE AMENDING SECTION 94.14, MARINAS, OF THE LAKE STRUCTURE REGULATIONS OF THE TOWN OF LAKE LURE

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

Clint Calhoun presented Ordinance No. 15-05-12B as recommended by the Lake Advisory Board and gave an overview of the proposed amendment.

Council members discussed the potential impacts of the proposed ordinance.

Page 5- Minutes of the May 12, 2015 Regular Council Meeting

After further discussion, Commissioner John Moore made a motion to adopt Ordinance #15-05-12B as presented and as recommended by the Lake Advisory Board. Commissioner Bob Cameron seconded the motion. Commissioner Bob Cameron, Commissioner John Moore, and Commissioner Diane Barrett vote in favor of the motion. Commissioner Mary Ann Silvey opposed. The motion passed with a vote of 3 to 1.

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 12th day of May, 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.

Page 6- Minutes of the May 12, 2015 Regular Council Meeting

- (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.

Page 7- Minutes of the May 12, 2015 Regular Council Meeting

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

Adopted this 14th day of May, 2015.

PUBLIC FORUM

Mayor Bob Keith invited the audience to speak during public forum.

Fran Nordt of 156 Hilltop Court asked for an update on proposed road improvements for Boys Camp Road.

Town Manager Chris Braund explained that the Town is currently accepting bids for the project and that the project should be awarded in the next couple of weeks.

STAFF REPORTS

Town Manager Chris Braund presented the town manager's report dated May 12, 2015. (Copy of the town manager's report is attached.)

COUNCIL LIAISON REPORTS & COMMENTS

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

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

Commissioner Mary Ann Silvey reported the activities of the Lake Advisory Board Lake and the Lake Lure ABC 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 amended. Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous. Therefore, the consent agenda incorporating the following items was unanimously approved and adopted:

- a. minutes of the April 14, 2015 regular meeting;

Page 8- Minutes of the May 12, 2015 Regular Council Meeting

- b. a budget amendment 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 to help fund building docks behind the ABC store/police boat house as discussed at the last town meeting and recommended by town staff and the Parks & Recreation Board;
- c. a budget amendment 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 for the planning grant/Interconnect TAG as outlined in memo dated May 7, 2015 submitted by Finance Director Sam Karr (copy of memo attached);
- d. Resolution No. 15-05-12 Corporate Authorization with Carolina Trust Bank and account agreements between the Town of Lake Lure and Carolina Trust Bank as submitted by Finance Officer Sam Karr;
- e. 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. declare 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; and
- g. a request to suspend the Town's alcohol ordinance in order to allow serving of beer and wine for events being held on the following dates at the Town's beach as submitted by Patrick Bryant on behalf of the 1927 Lake Lure Inn and Spa
 - Friday, May 15, 2015 (6pm - 10pm)
 - Wednesday, May 20, 2015 (6pm - 10pm)
 - Friday, May 22, 2015 (8pm - 10pm)
 - Saturday, May 23, 2015 (8pm - 10pm)
 - Friday, May 29, 2015 (7pm - 10pm)
 - Saturday, May 30, 2015 (7pm - 10pm)
 - Friday, June 5, 2015 (8pm - 10pm)
 - Saturday, June 6, 2015 (7pm - 10pm)

End of Consent Agenda.

NEW BUSINESS:

- a. PRESENTATION REGARDING CHAMBER GOALS, INITIATIVES AND ACCOMPLISHMENTS**

Page 9- Minutes of the May 12, 2015 Regular Council Meeting

Tommy Hartzog thanked chamber board members present for their volunteer work.

Mr. Hartzog and Kevin Cooley distributed handouts to council and gave a presentation outlining the Chamber's goals, initiatives and accomplishments in regards to the Town's continuing financial support of the Chamber at the current funding level.

NEW BUSINESS:

- 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**

Town Manager Chris Braund presented proposed Ordinance 15-05-12C and gave an overview of the proposed ordinance.

Commissioner Bob Cameron made a motion adopt Ordinance No. 15-05-12C as presented. Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

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

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:

Page 10- Minutes of the May 12, 2015 Regular Council Meeting

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.

Page 11- Minutes of the May 12, 2015 Regular Council Meeting

Adopted this 12th day of May, 2015.

NEW BUSINESS:

c. ASSET MANAGEMENT TASK FORCE RECOMENDATIONS

Town Manager Chris Braund presented information relating to a recommendation from the Asset Management Task Force concerning the proposed sale of property at the old EMS boathouse northwest of the dam stating that the group believes there is market potential for this property as a lake-access lot with protected boat storage, either for residential or commercial purposes.

Council members discussed the potential benefit to the town.

After further discussion, Commissioner Bob Cameron made a motion to approve the Asset Management Task Force recommendation and authorize the advertisement of the old EMS boathouse and property (northwest of the dam) for sale using the public upset bidding process. Commissioner Mary Ann seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

d. BUDGET DISCUSSION

Town Manager Chris Braund provided Town Council members copies of a draft budget for fiscal year 2015-2016 and reviewed the proposed budget.

Council Members agreed to review the draft budget on their own and to contact the town manager if they see a need to set up a budget workshop to discuss the proposed budget as a group.

ADJOURN THE MEETING

With no further items of discussion, Commissioner Bob Cameron made a motion to adjourn the meeting at 7:55 p.m. Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

ATTEST:

Page 12- Minutes of the May 12, 2015 Regular Council Meeting

Andrea H. Calvert

Mayor Bob Keith