



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL  
HELD TUESDAY, NOVEMBER 10, 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 consideration of Resolution No. 15-11-10A creating a Utility Advisory Board as item 16a under unfinished business.

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

**PUBLIC HEARING - PROPOSED ORDINANCE NO. 15-11-10: AN ORDINANCE MAKING BASEMENT OR GARAGE APARTMENTS A PERMITTED USE IN THE R-3 RESORT RESIDENTIAL ZONING DISTRICT**

Mayor Bob Keith opened the public hearing regarding proposed Ordinance No. 15-11-10;  
no one requested to speak.

Council agreed to close the public hearing.

**CONSIDER ADOPTION OF PROPOSED ORDINANCE NO. 15-11-10: AN ORDINANCE MAKING BASEMENT OR GARAGE APARTMENTS A PERMITTED USE IN THE R-3 RESORT RESIDENTIAL ZONING DISTRICT**

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

Community Development Director Shannon Baldwin presented Ordinance No. 15-11-10 and gave a brief overview of the proposed ordinance.

After discussion, Commissioner John Moore made a motion to adopt Ordinance No. 15-11-10 making basement or garage apartments a permitted use in the R-3 Resort Residential zoning district as presented. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

**ORDINANCE NO. 15-11-10**

**AN ORDINANCE MAKING BASEMENT OR GARAGE APARTMENTS  
A PERMITTED USE IN THE R-3 RESORT RESIDENTIAL ZONING DISTRICT**

**WHEREAS**, the Town of Lake Lure, pursuant to N.C.G.S. § 160A-382, has divided its territorial jurisdiction into zoning districts and has specified the uses which may be permitted in such various districts; and

**WHEREAS**, the Town of Lake Lure has created the R-3 Resort Residential Zoning District Classification for the purpose of establishing a district in which the principal use of land is for residential and commercial hospitality purposes; 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**, Town Council further finds that enactment of this Ordinance is reasonable and in the public interest in that it will make it possible for landowners to develop and utilize

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basement or garage apartments, a right which is enjoyed in other residential zoning district classifications; and

**WHEREAS**, the Lake Lure Town Council, after due notice, conducted a public hearing on the 10<sup>th</sup> day of November, 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 grant of authority contained in Section 160A-381 of the North Carolina General Statutes.

**SECTION TWO.** Paragraph (B) of Section 92.030 of the Zoning Regulations of the Town of Lake Lure, which lists permitted uses in the R-3 Resort Residential Zoning District, is hereby amended by adding the following new subparagraph:

(7) Basement or garage apartments, one per lot.

**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 zoning violations.

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

Adopted this 10<sup>th</sup> day of November, 2015.

**PUBLIC HEARING - PROPOSED ORDINANCE NO. 15-11-10A DRAFTED IN RESPONSE TO PETITION NO. CRZ-2015001, A CONDITIONAL DISTRICT REZONING REQUEST FROM FIREFLY COVE PROPERTY OWNERS ASSOCIATION. THIS REQUEST INVOLVES THE FOLLOWING PROPERTIES:**

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- **TAX PIN 1643142 LOCATED AT 206 FIREFLY COVE – REZONE THE ENTIRE PARCEL FROM R-1 RESIDENTIAL TO R-3CD RESORT RESIDENTIAL CONDITIONAL DISTRICT**
- **TAX PIN 1647493 LOCATED AT 121 FIREFLY COVE – REZONE THE SOUTHERN PORTION CURRENTLY ZONED R-1 RESIDENTIAL TO R-3CD RESORT RESIDENTIAL CONDITIONAL DISTRICT**

Mayor Bob Keith opened the public hearing regarding proposed Ordinance No. 15-11-10A.

Wiley Bourne of 266 Chapel Point Road stated that he feels there is a conflict of interest since two of the commissioners own property in Firefly Cove. Mr. Bourne also pointed out that he believes approval of the request may set a precedent for future cases.

Patricia Maringer of 1491 Memorial Highway stated that she believes consideration of the ordinance should be tabled to allow further study of the proposal.

Pat Cooke of 163 Sea Wish Way thanked Mr. Bourne for his comments stating that she believes that two council members who own property in Firefly Cove should be recused from voting on the topic.

Jonathan Hinkle of 268 Firefly Cove stated that the proposed changes are intended to protect the shoreline and add boat slips while maintaining the residential look of the property. Mr. Hinkle stated that he believes approval of the request does provide benefit to the Town.

Joe Pritchett stated that Firefly Cove amended their covenant and they do not intend to ask for any more boat slips in the future. Mr. Pritchett stated that he believes Firefly Cove positively impacts the town through tourism as well as through increased tax base though construction of homes.

Mark Helms of 232 Firefly Cove, Lake Advisory Board chairman stated that the request came to the Lake Advisory Board about a year and a half ago and the he feels R3 zoning would be a better fit for the property since the rest of Firefly Cove is zoned R3.

**CONSIDER ADOPTION OF PUBLIC HEARING – PROPOSED ORDINANCE NO. 15-11-10A DRAFTED IN RESPONSE TO PETITION NO. CRZ-2015001, A CONDITIONAL DISTRICT REZONING REQUEST FROM FIREFLY COVE PROPERTY OWNERS ASSOCIATION. THIS REQUEST INVOLVES THE FOLLOWING PROPERTIES:**

- **TAX PIN 1643142 LOCATED AT 206 FIREFLY COVE – REZONE THE ENTIRE PARCEL FROM R-1 RESIDENTIAL TO R-3CD RESORT RESIDENTIAL CONDITIONAL DISTRICT**

- **TAX PIN 1647493 LOCATED AT 121 FIREFLY COVE – REZONE THE SOUTHERN PORTION CURRENTLY ZONED R-1 RESIDENTIAL TO R-3CD RESORT RESIDENTIAL CONDITIONAL DISTRICT**

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

There was discussion among the commissioners, the town attorney and citizens regarding the voting rules and obligation of commissioners and the statutes governing conflicts of interest. *Should a commissioner not vote on a question where there is a perceived conflict of interest and they might benefit from the outcome?* Chris Callahan counseled that commissioners in NC have a duty to vote and cannot excuse themselves or be excused from a vote unless there is a conflict of interest as narrowly defined: a direct, substantial, and readily identifiable financial impact on the member. This means it's not enough that a commissioner owns property that might receive an indirect benefit from a decision (like a re-zoning of POA lots Firefly Cove). The only time they should not and cannot vote is if financial payments to them (or their spouse) would result from a decision of the council.

After discussion, Commissioner Diane Barrett made a motion to adopt Ordinance No. 15-11-10A as presented. Commissioner John Moore seconded the motion. Commissioner Diane Barrett, Commissioner John Moore, and Commissioner Bob Cameron voted in favor of the motion. Commissioner Mary Ann Silvey opposed. The motion passed with a vote of 3 to 1 in favor.

#### **ORDINANCE NO. 15-11-10A**

#### **AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF LAKE LURE; CREATING THE FIREFLY COVE PROPERTY OWNERS ASSOCIATION CONDITIONAL DISTRICT**

**WHEREAS**, the Town of Lake Lure has the authority, pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

**WHEREAS**, the Firefly Cove Property Owners Association (Petitioner) has applied to have certain lakefront property it owns rezoned from R-1 Residential to R-3CD Resort Residential Conditional District; and

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**WHEREAS**, Petitioner has voluntarily requested that the list of uses permitted in the R-3 Resort Residential Zoning Classification be limited to two: customary accessory buildings and common amenities; and

**WHEREAS**, by virtue of this limitation and the elimination of the resort uses permitted in the R-3 Residential Zoning Classification, Petitioner has assured that the property which is the subject of this petition will remain residential in character; and

**WHEREAS**, Town Council finds that this amendment is consistent with the 2007-2027 Town of Lake Lure Comprehensive Plan which classifies this property as Residential; and

**WHEREAS**, Town Council further finds that enactment of this Ordinance is reasonable and in the public interest in that it will provide property owners in the Firefly Cove development enhanced opportunities to make use of the recreational benefits of boating access to Lake Lure; and

**WHEREAS**, the Lake Lure Zoning & Planning Board has reviewed the petition, has found it to be consistent with the 2007-2027 Town of Lake Lure Comprehensive Plan, and recommends enactment of an ordinance rezoning the subject property to R-3CD as proposed in this ordinance; and

**WHEREAS**, the Lake Lure Town Council, after due notice, conducted a public hearing on the 10<sup>th</sup> day of November, 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 grant of authority contained in Section 160A-381 of the North Carolina General Statutes.

**SECTION TWO.** Upon petition of the Firefly Cove Property Owners Association, the Zoning Map of the Town of Lake Lure is hereby amended to create the Firefly Cove Property Owners Association District as more particularly set forth herein.

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**SECTION THREE.** The zoning classification of that certain real property described in the petition for rezoning, which is attached hereto and made a part hereof, is hereby changed from R-1 to R-3CD. Said property is also identified as the lot located at 206 Firefly Cove (Rutherford County Tax PIN 1643142) and the southern portion of the lot located at 121 Firefly Cove (Rutherford County Tax PIN 1647493).

**SECTION FOUR.** The Firefly Cove Property Owners Association Conditional District is a conditional zoning district established pursuant to the Zoning Regulations of the Town of Lake Lure by means of authority granted by the North Carolina General Statutes. The only uses permitted within this district are the following: customary accessory buildings and common amenities for residential developments.

**SECTION FIVE.** Future development of lands situated within the Firefly Cove Property Owners Association Conditional District, and the processing of applications to develop and use such lands, shall comply with the Petition for Conditional District Rezoning (Petition No. CRZ-2015001), which is attached hereto and incorporated herein as Exhibit A, and the General Development Plan for Firefly Cove dated 6-18-2015, which is attached hereto and incorporated herein as Exhibit B.

**SECTION SIX.** The standards contained in the Zoning Regulations of the Town of Lake Lure, including, without limitation, the requirement contained in §92.030(C)(9) that common amenities be set back a minimum of 30 feet from adjoining properties and 60 feet from Lake Lure, are hereby varied as necessary in order to accommodate the development depicted on Exhibit B.

**SECTION SEVEN.** Enactment of this Ordinance constitutes the approval of a site-specific development plan resulting in the establishment of a vested right, pursuant to N.C.G.S. 160A-385.1, to undertake and complete the development and use of the property under the terms and conditions specified herein. Such vested right shall have a term of two years from the date of adoption of this Ordinance.

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

**SECTION NINE.** 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.

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**SECTION TEN.** 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 ELEVEN.** This ordinance shall be in full force and effect from and after its enactment.

Enacted this 10<sup>th</sup> day of November, 2015.

Mayor Bob Keith recess the meeting briefly.

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**PUBLIC HEARING - PROPOSED RESOLUTION NO. 15-11-10 AUTHORIZING THE TOWN OF LAKE LURE TO ENTER INTO AN INSTALLMENT PURCHASE CONTRACT OF APPROXIMATELY \$500,000 TO FINANCE THE COST OF PURCHASING AND IMPROVING PROPERTY AT 2564 MEMORIAL HIGHWAY, LAKE LURE, NC**

Mayor Bob Keith opened the public hearing regarding proposed Resolution No. 15-11-10 authorizing the Town of Lake Lure to enter into an installment purchase contract of approximately \$500,000 to finance the cost of purchasing and improving property at 2564 Memorial Highway, Lake Lure, NC.

Kevin Cooley of 135 Downey Place, president of the Hickory Nut Gorge Chamber's Board of directors, asked to speak on behalf of the Hickory Nut Gorge Chamber. Mr. Cooley stated that he feels that the number of vacant properties in the area is an issue and stated that they (the chamber board) believe the property can serve as a catalyst for further use of vacant property in the area. Mr. Cooley further stated that the chamber pledges to support the town and to help find tenants for the property. Mr. Cooley thanked the town for their initiative in the project.

Gary McCall of Boys Camp Road stated that he worked in banking for 40 years and asked if there has been an appraisal for the property that is being purchased by the town. Mr. McCall also asked if there has been a study to determine if the ABC store will be more profitable in the proposed area. Mr. McCall stated that he believes there is currently no demand for the property and that when the property price gets low enough a private individual will purchase if the demand exists. Mr. McCall urged council not to spend tax dollars on this property and recommended that the town not purchase the property.

Town Manager Chris Braund outlined objectives for the property.



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Finance Director Sam Karr stated that the proposed project is financially contingent upon LGC (Local Government Commission) approval and provided an overview of bank financing proposals. Mr. Karr and the town's finance department recommended that the town accept the proposal from BB&T at rate of 3.89 percent.

Charlie Ellis 126 North Shore Drive, member of the Town's asset management task force, stated that there has been a strong consensus that there is a better use for the current ABC store property. Mr. Ellis pointed out that the task force recommends that the town not hold the property at 2564 Memorial Highway for a long term, but rather act as a catalyst for further growth of the property. Mr. Ellis stated that he believes there is a minimal possibility of loss for the property and the primary object is to free up lake front property where the ABC store is currently located and allow the community to determine what should be done with the property. Mr. Ellis stated that the Town's ABC board and the store manager are cooperative concerning the plan to relocate the store.

Council agreed to close the public hearing.

<p><b>CONSIDER ADOPTION OF PROPOSED RESOLUTION NO. 15-11-10 AUTHORIZING THE TOWN OF LAKE LURE TO ENTER INTO AN INSTALLMENT PURCHASE CONTRACT OF APPROXIMATELY \$500,000 TO FINANCE THE COST OF PURCHASING AND IMPROVING PROPERTY AT 2564 MEMORIAL HIGHWAY, LAKE LURE, NC</b></p>
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Public notices were duly given and published in the Daily Courier newspaper.

After discussion, Commissioner Bob Cameron made a motion to adopt Resolution No. 15-11-10 authorizing the Town of Lake Lure to enter into an installment purchase contract of approximately \$500,000 to finance the cost of purchasing and improving property at 2564 Memorial Highway, Lake Lure, NC. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

***RESOLUTION NO. 15-11-10  
AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A  
FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA  
GENERAL STATUTE 160A-20***

WHEREAS, the Town of Lake Lure, North Carolina (the "Town") is a validly existing political subdivision of the State of North Carolina, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the "State");

WHEREAS, the Town has the power, pursuant to the General Statutes of North Carolina to (1) purchase real and personal property, (2) enter into installment financing contracts in order

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to finance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

WHEREAS, the Town desires to enter into an installment financing contract with BB&T for a period of 10 years at an interest rate of 3.89% in order to pay the costs to purchase and improve a facility to include the operations of the Town's ABC operations (the "Project") and create a security interest in the site and any improvements thereon through a deed of trust, security agreement and fixture filing in order to better serve the citizens of the Town of Lake Lure;

WHEREAS, the Town desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Town of Lake Lure, North Carolina, meeting in regular session on the 10th day of November, 2015, make the following findings of fact:

1. The Town hereby determines that the Project will permit the Town to carry out public functions that it is authorized by law to perform; and that entering into the Contract is necessary and expedient for the Town by virtue of the findings presented herein.
2. The Town hereby determines that the Contract allows the Town to purchase the Project and take title thereto at a favorable interest rate currently available in the financial marketplace and on terms advantageous to the Town.
3. The Town hereby determines that the estimated cost of the Project is an amount not to exceed \$500,000 and that such cost of Project exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the Town in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State.
4. The proposed contract is preferable to a bond issue for the same purpose because although the cost of the Project pursuant to the Contract is expected to exceed the cost of the Project pursuant to a bond financing for the same undertaking, the Town hereby determines that the cost of the Project pursuant to the Contract and the obligations of the Town thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; and (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of the Project and (3) insufficient revenues are produced by the Project so as to permit a revenue bond financing.

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5. The Town has determined and hereby determines that the estimated cost of the Projects pursuant to the Contract reasonably compares with an estimate of similar costs under a bond financing for the same undertaking as a result of the findings delineated in the above preambles.
6. The sums to fall due under the Contract will be adequate but not excessive for its proposed purpose.
7. The Town does not anticipate an increase in the property tax rate as a result of the financing.
8. The Town is not in default in any of its debt service obligations.
9. No deficiency judgment may be rendered against the Town in any action for its breach of the Contract, and the taxing power of the Town is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the Contract.
10. The Town's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act, and external auditors have determined that the Town has conformed with generally accepted accounting principles as applied to governmental units in preparing its Annual Budget ordinance.
11. Past audit reports of the Town indicate that its debt management and contract obligation payment policies have been carried out in strict compliance with the law, and the Town has not been censured by the North Carolina Local Government Commission (the "LGC"), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies.
12. A public hearing to receive public comments on the Contract after publication of a notice with respect to such public hearing was held on November 10, 2015 and approval of the LGC with respect to entering the Contract must be received; and
13. The attorney for the Town has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Finance Officer is hereby authorized to act on behalf of the Town of Lake Lure, North Carolina in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This resolution is effective upon its adoption this 10th day of November, 2015.

<p><b>CONSIDER ADOPTION OF RESOLUTION NO. 15-11-10A DECLARATION OF OFFICIAL INTENT TO REIMBURSE</b></p>
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After discussion, Commissioner Bob Cameron made a motion to adopt Resolution No. 15-11-10A declaration of official intent to reimburse. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

**RESOLUTION NO. 15-11-10A  
TOWN OF LAKE LURE, NORTH CAROLINA  
DECLARATION OF OFFICIAL INTENT TO REIMBURSE**

This declaration (the “Declaration”) is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of the Town of Lake Lure, North Carolina (the “Issuer”) with respect to the matters contained herein.

1. **Expenditures to be Incurred.** The Issuer anticipates incurring expenditures (the “Expenditures”) for the purchase and improvement of real property (the “Project”).
2. **Plan of Finance.** The Issuer intends to finance the costs of the Project with the proceeds of debt to be issued by the Issuer (the “Borrowing”), the interest on which is to be included in gross income for Federal income tax purposes.
3. **Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$500,000.
4. **Declaration of Official Intent to Reimburse.** The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

Adopted this 10<sup>th</sup> day of November, 2015.

<b>STAFF REPORTS</b>
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Town Manager Chris Braund presented the town manager’s report dated November 10, 2015. (Copy of the town manager’s report is attached.)

Commissioner Bob Cameron and Commissioner John Moore stated that some citizens have expressed concerns about the proposed Lodge on Lake Lure project being rushed. Commissioner Moore pointed out that the town has specified procedures that are followed for this type of projects.

<b>COUNCIL LIAISON REPORTS &amp; COMMENTS</b>
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Commissioner John Moore reported the activities of the Zoning and Planning Board.

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

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

### **PUBLIC FORUM**

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

Ed Dittmer of 1136 Memorial Highway thanked Commissioner Diane Barrett, Parks and Recreation board liaison, on behalf of the Parks and Recreation board and congratulated Bob Cameron and Stephen Webber for being elected as commissioners in the recent election.

### **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 item was unanimously approved:

- a. minutes of the October 13, 2015 regular town council meeting
- b. the following budget amendment submitted by finance director Sam Karr concerning carryover of a hydro-electric project:

<u>Revenue</u>	<u>Appropriation</u>
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<u>Hydro-Electric Fund</u>	
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Transfer from Fund Equity (Hydro)	\$11,713
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Hydro-Electric Operations	
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-Electric Improvements	\$11,713
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**End of Consent Agenda.**

### **UNFINISHED BUSINESS:**

**a. CONSIDER ADOPTION OF RESOLUTION NO. 15-11-10A CREATING A UTILITY ADVISORY BOARD**

Town Manager Chris Braund gave an overview of proposed Resolution No. 15-11-10A and outlined the purpose of the proposed utility board.

After discussion, Commissioner John Moore made a motion. Commissioner Diane seconded the motion and the vote of approval was unanimous.

**RESOLUTION NO. 15-11-10B  
RESOLUTION CREATING A UTILITY ADVISORY BOARD**

**WHEREAS**, the Town Council of Lake Lure, North Carolina finds that it is in the best interest of the own to authorize and create a special Utility Advisory Board to study and make recommendations to council concerning the water and sewer utility enterprise;

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA:**

**Section 1:** That there is hereby and herewith created a Utility Advisory Board to provide recommendations and advice to the Town Council on matters concerning the public utilities in the Town of Lake Lure.

**Section 2:** That the Utility Advisory Board advise and make recommendations to Town Council on matters referred to it by Council which could include such activities as:

- (A) Revisions to utility policies
- (B) Regulating the Utility Rates
- (C) Utility-Related Capital Projects
- (D) Garbage and Recycling Collection
- (E) Other utilities matters as requested by the Town Council

**Section 3:** That the Board shall consist of five members each appointed by a majority vote of Town Council plus one ex-officio member who shall be the staff member responsible for utility billing and appointed by the town manager. In appointing members, the Council shall aim to maintain a balance of interests represented on the Board, drawing from:

- (A) Users of services: water, sewer, garbage, recycling
- (B) Residential – year-round and seasonal
- (C) Commercial – including hospitality
- (D) Vacation rentals
- (E)

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**Section 4:** That the term of appointment of each member shall be for three years, except in appointing the original members of such committee, the Council shall designate two members for one year terms, two members for two year terms, and the one other original member being appointed to the usual three year term, thereafter the terms of all members shall not expire at the same time.

**Section 5:** That vacancies on the Board other than the ex-officio member shall be filled by vote of Town Council to fill the unexpired term. The ex-officio position shall be reappointed by the town manager.

**Section 6:** That members of the Utility Board annually shall elect from their membership a Chairman, Vice-Chairman, and Secretary to fulfill the normal responsibilities of such offices.

**Section 7:** That meetings of the Board be held in a public meeting room, be open to the public and held as often as reasonably needed to accomplish the business of said Board.

**Section 8:** That the Board make its recommendations to Town Council in written form in a timely manner and may be requested to make oral reports at Council meetings.

**Section 9:** The ex-officio member shall have the right to participate in all deliberations of the board but shall not have the right to vote.

**Section 10:** That all orders and resolutions in conflict herewith be and the same hereby are repealed insofar as such conflict exists and this resolution shall become effective immediately upon its passage

Adopted this 10<sup>th</sup> day of November, 2015.

**NEW BUSINESS:**

**a. UPDATE AND PRESENTATION BY BILL MILLER ON BEHALF OF THE  
LAKE LURE FLOWERING BRIDGE BOARD**

Bill Miller of 129 McIntosh and Linda Turner of 211 Hawks Nest Circle stated that the flowering bridge is having the best year yet and distributed copies of comments written by individuals who have visited the bridge. Mr. Miller outlined future plans for the bridge and current projects including a sensory garden and a cell phone tour that are scheduled to be presented in 2016.

Mr. Miller and Mrs. Turner provided a 5 year financial plan for the bridge along with a \$2,500 check to the town for from the Flowering Bridge to go towards repayment of the bridge preservation fund.

**NEW BUSINESS:**

**b. PRESENTATION OF THE TOWN OF LAKE LURE 2015 AUDITED  
FINANCIAL STATEMENTS FROM MARTIN STARNES AUDIT**

Martin Starnes and Associates presented the Town 2015 audited financial statements.

**NEW BUSINESS:**

**c. CONSIDER CLASSIFICATION OF THE FIREFLY COVE LAKE STRUCTURE  
AS A MARINA**

Town Manager Chris Braund gave an overview of a request from Firefly Cove requesting a marina status.

After discussion, Commissioner Diane Barrett made a motion to approve the request and classify the Firefly Cove Lake Structure as a marina. Commissioner Bob Cameron seconded the motion. Commissioner Bob Cameron, Commissioner Diane Barrett, and Commissioner John Moore voted in favor of the motion. Commissioner Mary Ann Silvey opposed. The motion carried with a vote of three to one in favor.

**ADJOURN THE MEETING**

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

ATTEST:

\_\_\_\_\_  
Andrea H. Calvert

\_\_\_\_\_  
Mayor Bob Keith