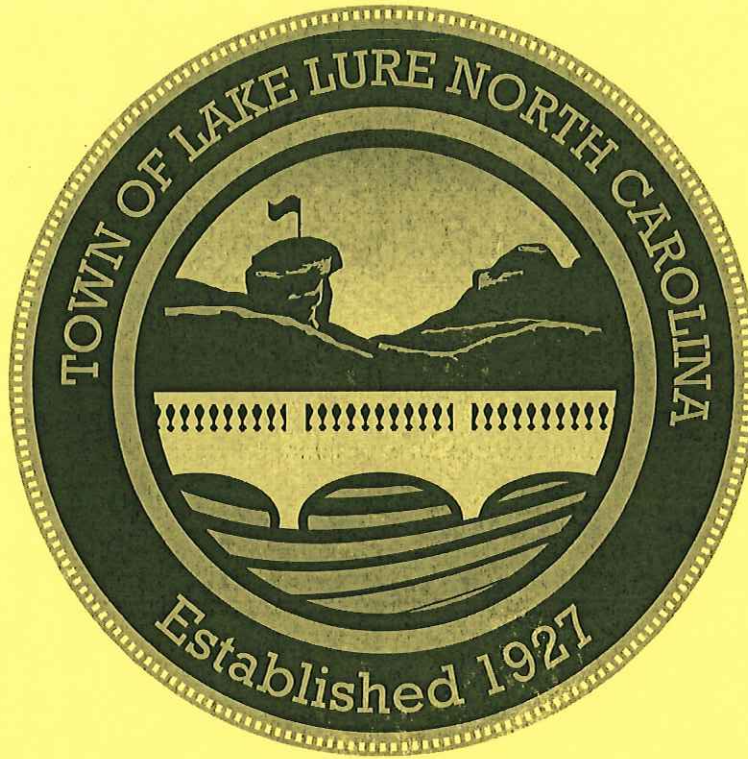


LAKE LURE TOWN COUNCIL REGULAR MEETING PACKET

Tuesday, February 9, 2016



Mayor Bob Keith

Commissioner John Moore

Commissioner Mary Ann Silvey

Commissioner Stephen Webber

Commissioner Bob Cameron



REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL

February 9, 2016
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. Staff Reports
6. Public Hearing – Proposed Ordinance No. 16-02-09: An Ordinance Concerning Amendments to the Town of Lake Lure Zoning Regulations Regarding Nonconforming Lots of Record
7. Consider Adoption of Ordinance No. 16-02-09: An Ordinance Concerning Amendments to the Town of Lake Lure Zoning Regulations Regarding Nonconforming Lots of Record
8. Council Liaison Reports & Comments
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. Consent Agenda:
 - a. Approve Minutes of the December 22, 2015 Special Meeting and the January 12, 2016 Regular Meeting
11. Unfinished Business
12. New Business:
 - a. Presentation from Rick Lanier Concerning US Moto Information

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- b. Consider Adoption of Resolution No. 16-02-09 Changing the Number of Board Members on the Utility Board and Adding a Provision for Attendance
 - c. Consider Adoption of Capital Project Ordinance No. 16-02-09A
 - d. Closed Session in accordance with G.S. 143-318.11(a)(6) for the Purpose of Discussing Personnel Matters
13. Adjournment

Agenda Items: 6 & 7



TOWN OF LAKE LURE *Community Development Department*

MEMORANDUM

TO: Mayor & Town Council

FROM: Sheila Spicer, Zoning Administrator/Code Enforcement Officer *SS*

DATE: February 2, 2016

RE: Ordinance No. 16-02-09

Ordinance No. 16-02-09 was drafted to address non-conforming lots of record, which are lots that were created prior to the adoption of the Zoning Regulations in December, 1979. Prior to issuance of development approval on a nonconforming lot of record, an Attorney's Certificate of Title is required certifying that the lot meets the requirements of the regulations for a legal nonconformity. There is no reason for denying a minimum lot size variance for a legal nonconforming lot of record when that is the only variance required, so modifying the provisions of the regulations as outlined in Ordinance No. 16-02-09 will eliminate the need to obtain a variance from the Board of Adjustment unless there are other dimensional requirements that also can't be met. Staff is frequently questioned by prospective buyers who are reluctant to purchase a lot that they know will require a variance prior to developing the property, so the proposed amendments will provide peace of mind in those instances where an undeveloped, nonconforming lot of record is offered for sale. .

The modifications to the regulations outlined in this ordinance were originally recommended by Commissioner Webber, who was at that time Chair of the Board of Adjustment. He worked extensively with staff, legal counsel, and the Zoning & Planning Board on this project to ensure the proposed changes are legally sound and consistent with the spirit and intent of the Zoning Regulations.

The Zoning & Planning Board has reviewed the proposed amendments to the Zoning Regulations outlined in Ordinance No. 16-02-09. The Board unanimously voted at their January 19, 2016 meeting to recommend approval of the amendments with a motion that the changes are neither consistent nor inconsistent with the 2007-2027 Comprehensive Plan. Upon further review, staff recommends that the proposed amendments are consistent with the sections of the Comprehensive Plan outlined in the suggested motion below. The suggested motion is provided in the event that Town Council chooses to approve this ordinance.

I move Town Council adopt Ordinance No. 16-02-09 and find it to be consistent with the 2007-2027 Comprehensive Plan in that it will.....

- 1. Increase staff effectiveness and efficiency in keeping with GA Goal 1 (Improved Government Operations) of the 2007-2027 Comprehensive Plan by reducing variance requests, decreasing staff workload and ensuring regulations are enforced appropriately; and*
- 2. Increase desirable growth in keeping with GA Goal 2 (Fiscally Sound Budget) of the 2007-2027 Comprehensive Plan by encouraging investment and increasing the town tax base.*

ORDINANCE NUMBER 16-02-09

AN ORDINANCE CONCERNING NON-CONFORMING LOTS OF RECORD

WHEREAS, the Zoning and Planning Board has recommended modifications to the Zoning Regulations of the Town of Lake Lure as noted in the title of this ordinance; and

WHEREAS, Town Council finds that this amendment is consistent with the 2007-2027 Town of Lake Lure Comprehensive Plan in that it will increase staff effectiveness and efficiency in keeping with GA Goal 1 (Improved Government Operations) of the 2007-2027 Comprehensive Plan by reducing variance requests, decreasing staff workload and ensuring regulations are enforced appropriately; and

WHEREAS, Town Council finds that this amendment is consistent with the 2007-2027 Town of Lake Lure Comprehensive Plan in that it will increase desirable growth in keeping with GA Goal 2 (Fiscally Sound Budget) of the 2007-2027 Comprehensive Plan by encouraging investment and increasing the town tax base; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the 9th of February, 2016, 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 92.101 (B) of the Zoning Regulations of the Town of Lake Lure, concerning Nonconforming Lots of Record, is hereby amended as follows:

(B) Nonconforming Lots of Record. This category of nonconformance consists of lots for which plats or deeds have been recorded in the County Register of Deeds, which at the time of the adoption of this chapter, or any amendment thereto, fail to comply with the minimum area or width requirements of the districts in which they are located. Any such nonconforming lot may be used for any of the uses permitted in the district in which it is located provided ~~that: the owner of the subject lot does not own sufficient contiguous land to enable conformity to the minimum area or lot width requirements through recombination, and all other dimensional requirements can be met, the Zoning Administrator is authorized to issue a Certificate of Zoning Compliance after having received an Attorney's Certificate of Title on a form obtainable from the Town.~~

(1) ~~Where the lot area is not more than 20 percent below the minimum specified in this chapter, and other dimensional requirements are otherwise complied with, the Zoning Administrator is authorized, after having received an Attorney's Certificate~~

~~of Title on a form obtainable from the town, to issue a certificate of zoning compliance.~~

- (2) ~~Where the lot area is more than 20 percent below the minimum specified in this chapter or other dimensional requirements cannot be met, the Board of Adjustment is authorized to approve as a variance such dimensions as shall conform as closely as possible to the required dimensions. An Attorney's Certificate of Title on a form obtainable from the town hall shall accompany the application for a variance.~~

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

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.

Enacted this ____ day of _____, 2016.

Bob Keith, Mayor

ATTEST:

Andi Calvert, Town Clerk

Agenda Item: 10a



**MINUTES OF THE SPECIAL MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, DECEMBER 22, 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 Stephen M. Webber

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 presented.
Commissioner Stephen Webber seconded the motion and the vote of approval was unanimous.

**PUBLIC HEARING – PROPOSED ORDINANCE NO. 15-12-22 DRAFTED IN
RESPONSE TO PETITION NO. CRZ-2015002, A CONDITIONAL DISTRICT
REZONING REQUEST FROM MARK BELLISSIMO WITH THE LODGE ON LAKE
LURE. THIS REQUEST INVOLVES THE FOLLOWING PROPRTIE:**

- **TAX PIN 1650706 LOCATED AT 361 CHARLOTTE DRIVE – REZONE THE ENTIRE PARCEL FROM R-1 RESIDENTIAL TO R-3CD RESORT RESIDENTIAL CONDITIONAL DISTRICT**

Community Development Director Shannon Baldwin read a portion of section 92.019 of the Town's Zoning Regulations concerning conditional zoning districts. Mr. Baldwin stated that Ordinance No. 15-12-22 does not mandate detailed plans; only conceptual plans are required at this time. Further review and approval will take place prior to construction. Mr. Baldwin read information from attorney Mike Egan and an additional attorney concerning spot zoning.

Zoning Administrator Sheila Spicer stated that town council's packet contains a staff report concerning CRZ-2015002 and briefly reviewed the staff report and the conditional zoning district process. Ms. Spicer stated that town council review is the final step in the conditional rezoning process.

Mayor Bob Keith opened the public hearing concerning Proposed Ordinance No. 15-12-22 drafted in response to Petition No. CRZ-2015002 a conditional district rezoning request from Mark Bellissimo with the Lodge on Lake Lure.

Veryle Lynn Cox of 324 Snug Harbor Circle explained that she moved to Lake Lure in 1990 and described the "good heart and good intentions but limited resources" of parties that left projects unfinished throughout the years. Ms. Cox stated that the town now has a chance to say "yes" to a project backed by resources and a proven track record and further stated that businesses will respond to the influx and fresh economy. Ms. Cox urged town council to vote in favor of the proposed zoning changes.

Susie Ellis of 126 North Shore Drive explained that she was initially opposed to the original plans for the Lodge because it was too big and they asked for too many slips, but she now feels the current project is reasonable. As a permanent resident, she feels that the project will provide needed year-round economy and encouraged town council to consider the actions that have already been taken that prove that the Lodge is committed to being a good neighbor.

Rebecca Waite stated that her family has owned property at 167 Sheridan Lane for many years and that they understand the need for economic improvements. However, Ms. Waite pointed out that she feels the town holds "the bag of gold" and the proposed project will be a "lightning rod" for controversy and sets the town up for conflict and litigation. Ms. Waite encouraged more input from citizens and asked that the second restaurant portion of the proposed project be removed. Ms. Waite encouraged council to delay making a decision on the proposed ordinance and look at it with fresh eyes in January.

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Kathryn Proctor of 328 Boys Camp Road stated that she is in the food service business and is surprised to see that the proposed plan doesn't address the over 7000 square feet of serving space and cited parking as an issue. Ms. Proctor argued that the proposed plan greatly exceeds what conditional zoning should be allowed to do.

Janet Walters of 418 Chapel Point Road explained her long family history in Lake Lure and stated that she would like to see the project go forward. Ms. Walters directed her comments at the audience stating that so many people are vocal against the proposed project, it many seem that no one is for it. Ms. Walters further stated the she believes many people are in favor, possibly the silent majority. Ms. Walters had concerns when the project was first presented, but she feels the developer has tried to address most of the concerns.

Linda Turner of 211 Hawks Nest Trail asked to add her support for the Lodge on Lake Lure projects stating the she has seen many developments start and stall out and that she has seen good businesses fail due to Lake Lure's struggle for year-round economy. Ms. Turner stated that she believes the proposed project will help improve the year-round economy in Town and that the developer has been willing to work to address concerns and urged council to approve the proposed ordinance.

Logan and Sonora Hartzog stated that they were raised in Lake Lure and that they love and have a vested interest in the town. Mr. Hartzog stated that they felt that the public should hear what their father wrote to council in support of the Lodge on behalf of the chamber of commerce. Mr. Hartzog read the letter encouraging approval of the project describing it as a benefit to the community.

Woody Turner of 211 Hawks Nest Trail read an email that he sent to the mayor, town manager and chamber representatives in support of the Lodge on Lake Lure project describing the project as beneficial to Lake Lure and the community for the following reasons: it will grow economy and create jobs, it will promote future tourism and potentially increase permanent residents, it will expand demand for cultural and recreational events and bring gradual demographic change vital to sustaining year-round residents and it will build a business relationship with Tryon Equestrian Center and it's customers. Mr. Turner pointed out that, based on recent changes the developers have made to the plans, they seem committed to accommodating concerns. Mr. Turner complimented the way the process has been conducted over the past months.

Kathy Boff of 238 Snug Harbor Circle stated that she came to support the request of the Lodge on Lake Lure pointing out that the Lodge has been in the same location since the 1930's and has been a commercial property since that time. Ms. Boff stated that she has heard complaints that the business will only provide service jobs but, as far as she can tell, these types of jobs are the only ones here. Ms. Boff stated that another opportunity like the one presented may not come to Lake Lure and encouraged council not to let it slip away, stating that change is inevitable.

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Kara Misenheimer of 466 Charlotte Drive stated that, as a property owner on Charlotte Drive, she is strongly against the project describing the scale of the project as out of balance for the community. Ms. Misenheimer stated that the level of nonresident activity will be inescapable for residents and the zoning restrictions that are in place to protect homes in the area will not be in place if the request is granted. Ms. Misenheimer noted that noise and light concerns will be hard to control and that the project places commercial development in a residential area, which she believes is inconsistent with the town's comprehensive plan.

Steve Eisenbrown of 456 Holmes Road delivered a protest petition signed by 188 people from Lake Lure opposing the conditional rezoning petition and showed a large poster map identifying the locations of those opposed who signed the protest. Mr. Eisenbrown stated that they are not against the development of the Lodge property and respect the Tryon Equestrian Partners, but properties across from the project have legal involvement to try to get the facts on the table and determine what is an appropriate amount of development for the site. Mr. Eisenbrown stated that he would like work out a plan that works for that all and cited problems with the secondary restaurant as the primary concerns along with noise, traffic and the number of boat slips requested. Mr. Eisenbrown urged council to explore further options to find options that work for all three constituencies (the Town, the Lodge, and concerned residents).

Craig Justus of 456 Holmes Road asked how many people in the audience live in a residential area and in an R-1 zoned area and asked who would be upset if Larkin's or the Lake Lure Inn were moving into their neighborhood with restrictions being waived. Mr. Justus stated that the proposed project is a comparable situation. Mr. Justus stated that his clients have a lot of concerns and asked council to allow them 30 days to work with the developer's representatives to come up with a mediated resolution. Mr. Justus said that if council approves the ordinance, they have 60 days to appeal and urged council not to make the decision, but instead allow more time. Mr. Justus asked council to study what they are charged to consider (public safety, public health, and property values). Mr. Justus provided council member copies of letters on behalf of his clients.

Amy Massey, representing Kimley Horne and Associates Inc., stated that she is a professional engineer in North Carolina and that, at the request of Van Winkle Law Firm, Kinley Horne has performed a review of the potential traffic impacts associated with the proposed expansion of the Lodge on Lake Lure relative to the proposed conditional district rezoning. They reviewed the general development plan, the report from town staff with embedded NCDOT comments, the preliminary traffic impact assessment for the Lodge on Lake Lure report from J.M. Teague Engineering and Planning and based on their review they concur with NCDOT and J.M. Teague Engineering and Planning that site distance needs to be improved to meet national standard. While this is an existing condition, addition traffic will create additional exposure. Ms. Massey presented additional recommendations including a potential turning lane. Council members were provided a complete copy of Kimley Horne's recommendations for the road.

Mark Morris, a real estate agent in Asheville and owner of a home in Lake Lure, presented results of an impact study stating that he was hired by Van Winkle Law Firm to do an

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analysis of properties in the area of the Lodge to estimate before and after values for the properties (current values of the properties versus values with the proposed improvements at the Lodge). Mr. Morris reviewed portions of his report and stated that there is a potential negative and detrimental impact for properties in close proximity to the Lodge that would suffer in value negatively from 3-10%.

Karen Knaub of 347 Lakeview Road stated that she is opposed to the proposed plan, but that she can accept it if it is truly the wishes of the majority of the community, but she has still not seen the proof that the majority of citizens are in favor of the project. Ms. Knaub urged the elected officials to vote with the majority of the people and questioned why all commissioners were not invited to all meetings concerning the project from the beginning. Ms. Knaub feels the project is too grand for the location and that it will take away from the throwback feel of the town.

Nancy Anderson of 199 Storm Ridge stated that she owns lots three doors up from the Lodge and was not invited to the neighborhood compatibility meeting. Ms. Anderson expressed concerns for her neighborhood stating that she feels like the quality of life at Lake Lure for her and her neighbors is at risk. Ms. Anderson further stated that she knew the Lodge was in the area when she purchased property, but trusted the town to protect the residential area. Ms. Anderson stated that she can't imagine why the developer who purchased the Lodge property would expect to be given the major variances required for the proposed project. Ms. Anderson informed council that minor variances are understandable, but many fear the plan, as it is, will compromise what many love about Lake Lure and asked council to seek an outcome in the interest of all. Ms. Anderson suggested that the developer make further adaptations to their plan instead of asking Lake Lure to adapt for them.

Molly Oakman of 321 North Shore Drive, employee of Tryon Resort, stated that Tryon Equestrian center has allowed her a great career opportunity without leaving her home town and, as a result, her paycheck is put back into the local economy. Ms. Oakman further stated that the jobs created by the proposed Lodge project will have an impact on the community. Ms. Oakman pointed out that Charlotte Drive has needed improvements for years and Mr. Bellissimo has offered to assist the town in funding the improvements and asked council to consider that record of the applicant at Tryon International Equestrian Center and urged council to consider the opportunity for economic development for the community and the people who live here.

David Forrester of 269 Charlotte Drive (and owner of lots surrounding the parcel), explained that he and his wife are very involved and committed to the area and that the concern they have is what they feel is a significant decline in the economy of the county. Mr. Forrester explained that he thinks it is imperative that we make progress and that jobs are the next thing that has to happen in order to advance. Mr. Forrester believes the project has the potential to be beneficial and improve the community. While he understands that some neighbors have concerns, he believes most of them have been addressed and he believes that impacts of the project on the community will be positive.

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Jim Proctor of 328 Boys Camp Road stated that he has talked to the mayor, commissioners, the town manager, and a spokesperson for the developer and sent information as to why he believes the proposed project does not comply with comprehensive plan. Mr. Proctor further stated that if the developer is honestly sure he will develop a good project, he should have no problems with taking the second restaurant temporarily off the table to allow the community to see how the project looks. Mr. Proctor further stated that if council is concerned about negative impacts of the project to the town, they will take the second restaurant off the table. Mr. Proctor concluded by stating that he hopes council will put the town first when making their decision.

Pat Buede of 2153 Memorial Highway urged council to look at the town comprehensive plan in section 10.0 regarding establishing buffers and asked that the second restaurant be removed from the proposed plan. Ms. Buede stated that she wants tax dollars going to the town, not to law suits and she believes the request goes beyond what a conditional zoning variance should be allowed to do and that approval of the project will polarize the town and set us up for potential unnecessary litigation and stifle further economic growth. Ms. Buede fears that if the project is approved that town may lose "specialness". Ms. Buede also fears that once the town opens the door to conditional zoning they will lose the ability to say "no" to other developers that purchase properties on the lake and request restaurants with no setbacks. Ms. Buede stated that today we have peace and quiet and asked council to at least take the second restaurant off the shore line.

Sue McClinton of 301 Holmes Road stated that they have improved their 1940s lake house and turned it into year round home while spending time and energy to preserve it while following the regulations. Ms. McClinton stated that during a family reunion they stayed at the Lodge and the sound of construction was unpleasant. Ms. McClinton expressed concerns about sound because sound carries across the lake. Ms. McClinton also had questions about price point of the rooms at the Lodge and the attire required for the proposed restaurants.

Wynn Hardy 218 Asa Gray Drive stated that the discussion of improvements to the Lodge property brings to mind conversation with friends speaking of Lake Lure and reflecting that the fond memories related to the Lodge property (that was then vacant and in disrepair). Mr. Hardy discussed the lack of year-round employment in town and vacant properties. Mr. Hardy stated that while some people have a different vision for the property than what is proposed, he hopes that town council isn't swayed by outrageous comments and individuals who roll out threats of lawsuits.

Donald Farrell of 2844 Buffalo Creek Road asked council to look at section 11.0 of the town's comprehensive plan that cites commercial lake front development as a concern and stated that the proposed development will change views from the lake and surrounding properties and urged council to at least take the second restaurant off the plans stating that the plan goes far beyond what the conditional zoning district should be allowed to do and sets the town up for unnecessary litigation and may stifle future development. Mr. Farrell stated that the plans

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proposed a lot for the property size and the street can't handle the traffic associated with the proposed project.

Ed Dittmer of 1136 Memorial Highway asked to raise a few issues that have been brought up, stating that in a recent survey to update the town comprehensive plan the results showed overwhelmingly that residents wanted more lakeside restaurants in 2015. Mr. Dittmer stated that he has lived in a residential area near Larkin's Restaurant for almost 20 years and doesn't understand noise or light concerns. Mr. Dittmer stated that he hopes that council will take into account that so much has been done bring life to the community year round and that the town we needs economic development and good paying jobs. Mr. Dittmer stated that he has talked with people who think the proposed plan is a great and asked council to move the town forward.

Kaye Liebel of 166 Yacht Island Drive stated that last summer the only way to get to Yacht Island was Charlotte Drive and described it as a "zoo" due to a little construction. Ms. Liebel stated that she knows change is inevitable, but it does not have to be negative change citing the memories and peace as things she loves about the lake. Ms. Liebel said that if we have the option to control change that it should be so that it is not a negative change. Ms. Liebel urged council to preserve the quiet in Lake Lure so that her grandchildren may be able to enjoy the peace the she does now in Lake Lure.

Sharon Decker, senior vice president for strategic initiatives for Tryon Equestrian Center, thanked the town for the process and the long negotiation that helped bring about an optimal plan. Stating that have presented the project no less than nine times in public and that she had never seen a process so public and thanked the town because she believes that their team now comes with a better project for the community. Ms. Decker asked that council vote on the ordinance tonight since she feels they have a project that all parties can be proud of and asked that council support their efforts to invest in the community.

Mayor Keith recessed the meeting briefly and reconvened.

CONSIDER ADOPTION OF ORDINANCE NO. 15-12-22 DRAFTED IN RESPONSE TO PETITION NO. CRZ-2015002, A CONDITIONAL DISTRICT REZONING REQUEST FROM MARK BELLISSIMO WITH THE LODGE ON LAKE LURE. THIS REQUEST INVOLVES THE FOLLOWING PROPERTIES:

- **TAX PIN 1650706 LOCATED AT 361 CHARLOTTE DRIVE – REZONE THE ENTIRE PARCEL FROM R-1 RESIDENTIAL TO R-3CD RESORT RESIDENTIAL CONDITIONAL DISTRICT**

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Public notices were duly published in the Daily Courier newspaper.

Commissioner Stephen Webber made the following motion:

With regard to the petition of Mr. Mark Bellissimo, Lake Lure Lodge, LLC, to amend the Zoning Map of the Town of Lake Lure and create the Lodge on Lake Lure R-3CD Conditional District on property situated at 361 Charlotte Drive and currently zoned R-1, I move the Board to make the following findings:

- 1) On balance, the proposed amendment is consistent with the 2007-2027 Comprehensive Plan for the following reasons:

_____ Policy LU-1-1.1 of the Comprehensive Plan reads, "Create zoning districts or modify existing zoning districts to accommodate uses as indicated in the Comprehensive Plan." The land which is the subject of this petition to create an R-3CD Resort Residential Conditional District is classified as Resort Residential on the Future Land Use Map (Figure 8) contained in Chapter 11 of the Comprehensive Plan. Resort Residential equates to R-3 per Table 11.3, Comprehensive Plan.

_____ The proposed uses align with other specific sections of the Comprehensive Plan cited in the applicant's project narrative, and referenced in the Zoning & Planning Board Meeting, regarding Economic Development, Utility Infrastructure, and Community Services and Facilities. The Zoning & Planning Board also finds the proposed amendment consistent with the Comprehensive Plan and recommends approval.

- 2) The proposed amendment to the Zoning Map is reasonable and in the public interest for the following reasons:

_____ The uses proposed for this development are "hotel / motel / lodge, with supporting facilities." The property has been put to the same use for many years and has coexisted in harmony with the surrounding residential properties.

_____ The proposed redevelopment has been designed to maintain the historic character of the lodge which has long been an asset to the neighborhood and the community.

_____ The conceptual plans are generally consistent with the visual manual entitled "Town of Lake Lure Design Guidelines for New Commercial Construction."

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- _____ The project will have a positive impact on the local economy by broadening the range of visitors frequenting Lake Lure, creating jobs, and building the commercial tax base.
- _____ The project will enhance infrastructure by providing a new public 8" water distribution line while increasing water and sewer revenues to the town.
- _____ The applicant will make improvements to Charlotte Drive, a town street, based on a preliminary Traffic Impact Analysis, and as outlined in the List of Standards and Conditions.
- _____ The applicant has acquired additional property to be dedicated to offsite parking to alleviate traffic impacts on Charlotte Drive and will manage deliveries so that impacts are minimal.
- _____ The applicant has committed to using down lighting which will ensure that light will not leave the property. In addition, the applicant agreed to submit at the time of permitting for construction a lighting plan that demonstrates compliance with current commercial lighting standards in the Zoning Regulations.
- _____ The town's noise regulations currently in place are sufficient in ensuring noise will not become an issue with this redevelopment project.
- _____ The Lake Advisory Board has deliberated and offered recommendations regarding lake structures and uses to the Town Council and Marine Commission.
- _____ The applicant will plant mature trees to break up parking areas as well as maintain a vegetative buffer to screen the off-site parking area from the surrounding properties.

Commissioner Webber further moved that Town Council enact Ordinance 15-12-22 together with List of Standards and Conditions (and the general development plan) referenced therein, thereby creating the Lodge on Lake Lure R-3 Conditional District. Commissioner Bob Cameron seconded the motion.

Commissioner Stephen Webber asked that under parking in A2 and A3 of the ordinance that the words "as an accessory use" be added at the beginning. Council members agreed to the change.

Commissioner Webber also suggested that at the end of building height section that the word "and only if site conditions do require it" be added. Commissioner Webber stated that it was his understanding that the 4 foot buffer is only if the site conditions require it and that he

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wants it understood that the buffer is only allowed if necessary. After discussion, it was the consensus of the board the additional statement is not necessary.

Commissioner Bob Cameron thanked staff for all their hard work on the project and thanked the public for their comments. Commissioner Cameron stated that the Lodge was a commercial property and that it is one of properties 17 that were suggested to be changes to R-3 and that the others were changed. Commissioner Cameron stated that as council it is their responsibility to look out for the entire community and that they have all worked hard to represent all citizens. Both advisory boards and the chamber have said it will be good for the community and the applicant is very qualified and that he supports the project.

Commissioner John Moore stated that this has been one of the toughest decisions in his six years on town council and that he believes the comprehensive plan can be interpreted to be for or against the proposed project. Commissioner Moore stated that council has received new information tonight that they need to analyze and suggest that council not make a decision tonight to allow Mr. Eisenbrown and the developer to come up with a compromise and recommend that council postpone the decision for up to 30 days.

Commissioner Mary Ann Silvey stated that the conditional district rezoning was a new concept for her and she had concerns, but that the conditional rezoning is not a "blank check". Commissioner Silvey still has concerns about the setbacks from the lake, but in spite of her concerns she feels comfortable voting and having further discussion throughout the process.

Commissioner Webber asked the developer if he feels it will be beneficial to postpone consideration of the proposed ordinance. Mr. Bellissimo stated that he does not feel like a delay would be beneficial.

Commissioner John Moore made a motion to defer the decision. There was no second to the motion.

Commissioner Stephen Webber, Commissioner Mary Ann Silvey and Commissioner Bob Cameron voted in favor of the original motion to adopt Ordinance No. 15-12-22. Commissioner John Moore opposed. With a vote of three to one, the motion passed adopting Ordinance No. 15-12-22.

Mayor Bob Keith read a portion of a letter he prepared in case he had to break a tie and stated that he would have voted in favor of approving the ordinance.

**ORDINANCE NO. 15-12-22
AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF
LAKE LURE; CREATING THE LODGE ON LAKE LURE
CONDITIONAL DISTRICT**

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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, Mark Bellissimo (Petitioner) has applied to have certain lakefront property he owns (the Property) rezoned from R-1 Residential to R-3CD Resort Residential Conditional District; and

WHEREAS, the Property has been used historically for the purposes requested in Petitioner's application, to wit: lodging, dining and lake access; and

WHEREAS, Petitioner has voluntarily requested that the list of uses permitted in the Lodge on Lake Lure Conditional District be limited to those noted on the General Plan of Development for the project as well as on the List of Standards and Conditions, both of which documents are attached to, and made a part of, this Ordinance; and

WHEREAS, Petitioner agrees that redevelopment of the existing lodge will be consistent with the General Plan of Development and List of Standards and Conditions; 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 Resort Residential; 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 to be reasonable and in the public interest; and

WHEREAS, the Lake Lure Zoning & Planning Board 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 22nd day of December, 2015, upon the question of amending the Zoning Regulations in this respect.

NOW, THEREFORE, PURSUANT TO A LEGISLATIVE DECISION-MAKING PROCESS, THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, MEETING IN A SPECIAL MEETING AND WITH A MAJORITY OF THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE, DOES HEREBY ORDAIN THE FOLLOWING:

SECTION ONE. This ordinance is enacted pursuant to the grant of authority contained in Section 160A-381 of the North Carolina General Statutes.

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SECTION TWO. Upon petition of Mr. Mark Bellissimo, the Zoning Map of the Town of Lake Lure is hereby amended to create the Lodge on Lake Lure Conditional District as more particularly set forth herein.

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 361 Charlotte Drive (Rutherford County Tax PIN 1650706).

SECTION FOUR. The Lodge on Lake Lure 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 those noted on the List of Standards and Conditions, which is attached hereto and incorporated herein as Exhibit A.

SECTION FIVE. Future development of lands situated within the Lodge on Lake Lure Conditional District, and the processing of applications to develop and use such lands, shall comply with the aforementioned List of Standards and Conditions and with the General Development Plan for the Lodge on Lake Lure, which is attached hereto and incorporated herein as Exhibit B.

SECTION SIX. As noted in Exhibit A, the Zoning Regulations of the Town of Lake Lure are hereby adjusted as necessary in order to accommodate development within the Lodge on Lake Lure Conditional District, as 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. This Ordinance only relates to development activities within the Lodge on Lake Lure Conditional District and to Zoning Regulations which apply to such development. It does not authorize development activities within the L-1 Lake Zoning District nor does it modify standards contained in the Town of Lake Lure Lake Structure Regulations.

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

Enacted this 22nd day of December, 2015.

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Attorney Chris Callahan suggested that council clarify that the letters presented during public forum are not part of the minutes of the meeting and that the letters are received by the town and that they will be held with the overall records of the meeting with everything else that has been received.

Commissioner Stephen Webber made a motion to approve Mr. Callahan's clarification. Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

PUBLIC HEARING – PROPOSED ORDINANCE NO. 15-12-22A: AN ORDINANCE AMENDING SECTION 94.12 OF THE LAKE STRUCTURES REGULATIONS OF THE TOWN OF LAKE LURE CONCERNING COMMERCIAL AND MULTI-DWELLING USE LAKE STRUCTURES

Steve Eisenbrown thanked council for their consideration of comments and for their professionalism. Mr. Eisenbrown stated that he has concerns about changing rules that have been in place for decades and doesn't understand why they can't be followed.

Craig Justus questioned the need to change rules that have been in place for decades and explained that developers won't know what the rules are until council sets them on a case by case basis if the proposed ordinance is adopted and asked, "What is the point of having rules if they aren't followed."

Attorney Chris Callahan explained that these regulations, as they are now, have not been in place for decades (as described in the public comments). Mr. Callahan stated that back in the 1990s the lake structure regulations were different and that they were made policy for years (because it gave the town more flexibility) and further explained it was later suggested in the Law of Lake Lure that there may be a time when the town may want to consider a special grant as the owner of the lake.

Town Manager Chris Braund stated that in the Lake Structure Regulations Section 94.12 Town Council approval is required for commercial Lake Structures, but it provides no guidelines and since commercial lake structures have to come before council anyway, town council has the authority to establish rules as it see appropriate.

Commissioner Stephen Webber pointed out that the paragraph that council is considering amending was adopted August 14, 2007.

Barbara Marsh Searcy of 201 Havnaers Point Circle stated that she has likely eaten at the Lodge more than anyone in the room and that she is not against making Lodge on Lake Lure more beautiful but expressed concerns about the large amount of traffic related to the request

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submitted by the Lodge on Lake Lure. Ms. Searcy also express dissatisfaction with relocation of the town's ABC store.

Jim Proctor of 328 Boys Camp Road asked if the public hearing was only for the proposed change to the Lake Structure Regulations or for the multiple variances the Lodge on Lake Lure has requested and stated that in the past the town has always had a public hearing when significant changes were made to the Lake Structure Regulations. Mr. Proctor read the following portion of town's comprehensive plan section 11.0: "additional commercial development on the lakefront would detract from Lake Lure's beauty and potentially could decrease the environmental quality of the lake. Of those surveyed, 83.6% cited the need to limit commercial development on the lakefront." Mr. Proctor stated that the developer wants more slips than are allowed and asked council members if they are going to allow this developer to do things that others are not allowed to do.

Commissioner Bob Cameron made a motion to close the public hearing. Commissioner Stephen Webber seconded the motion and the vote of approval was unanimous.

Commission Mary Ann Silvey stated that this was a public hearing on changing the ordinances, in response to Mr. Proctor's question, asked if council will also be having a public hearing concerning the Lodge's applying for the Lake Structure. Town Manager Chris Braund stated that there is no requirement for public hearing for the request for a commercial lake structure, but that it has been discussed throughout the Lodge's project presentations.

CONSIDER ADOPTION OF ORDINANCE NO. 15-12-22A: AN ORDINANCE AMENDING SECTION 94.12 OF THE LAKE STRUCTURES REGULATIONS OF THE TOWN OF LAKE LURE CONCERNING COMMERCIAL AND MULTI-DWELLING USE LAKE STRUCTURES
--

Public notices were duly published in the Daily Courier newspaper.

Commissioner Stephen Webber made a motion to adopt Ordinance No. 15-12-22A: An Ordinance Amending Section 94.12 of the Lake Structures Regulations of the Town of Lake Lure concerning commercial and multi-dwelling use lake structures be adopted as amended with the word "regular" being changed to "special" in the ordinance where it states "now therefore be it ordained in regular session" and removing of the last sentence of the paragraph that states "The Town shall assess all commercial and multi-dwelling lake structure owners an annual commercial use fee based on the type of commercial use." Commissioner Bob Cameron seconded the motion.

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Commissioner Bob Cameron, Commissioner Stephen Webber and Commissioner John Moore votes in favor of the motion Commissioner Mary Ann Silvey abstained. The motion carried.

Commissioner Mary Ann Silvey questioned why the proposed sentence was removed. Commissioner Stephen Webber explained that he originally proposed the addition of the sentence, but later decided placement of the sentence was not appropriate in this ordinance because the action suggested was not a function of the ordinance.

ORDINANCE NUMBER 15-12-22A

AN ORDINANCE AMENDING SECTION 94.12, COMMERCIAL AND MULTI-DWELLING USE LAKE STRUCTURES, OF THE LAKE STRUCTURE REGULATIONS OF THE TOWN OF LAKE LURE

WHEREAS, the Town of Lake Lure Lake Advisory Board has recommended modifications to Chapter 94, concerning the 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 22nd day of December, 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 SPECIAL SESSION AND WITH A MAJORITY OF TOWN COUNCIL VOTING IN THE AFFIRMATIVE.

SECTION ONE. Section 94.12 of the Lake Structure Regulations of the Town of Lake Lure is hereby amended as follows:

§94.12 COMMERCIAL AND MULTI-DWELLING USE LAKE STRUCTURES

The Lake Structure Administrator and the Lake Advisory ~~Committee~~ Board shall review each lake structure permit application for any new or existing structure that is to be built or converted for commercial or multi- dwelling use. The application review will confirm that the proposed facility conforms to these regulations, evaluate its impact on the lake's carrying capacity, and determine that the location will not be adverse to navigation and boating safety or to any nearby residential area with single family dwellings. A recommendation based on this review will then be submitted to Town Council. The Town Council shall approve or deny the request after examining the report. Specific design standards, restrictions, and/or prohibitions may be varied by a special grant from Town Council if specifically requested by the petitioner as part of a commercial lake structure application and if the special grant is found to secure general welfare and the best overall interest of the public and the municipality. Town Council may also apply specific conditions upon commercial lake structures as Council deems necessary.

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

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

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

Adopted this 22th day of December, 2015.

CONSIDER APPROVAL OF COMMERCIAL LAKE STRUCTURES FOR THE LODGE ON LAKE LURE
--

Town manager Chris Braund outlined a request from the Lodge on Lake Lure asking for approval of a commercial Lake Structure.

Commissioner Stephen Webber explained that he feels it would be appropriate to grant a restricted marina status since there are some portions of the marina definition that will not apply.

Commissioner Mary Ann Silvey asked what distinguishes the need for marina status. Environmental Management Officer Clint Calhoun stated that it is necessary since the proposed will be a commercial operation.

Commissioner Bob Cameron suggested that the Lake Advisory Board be asked to establish an official definition for "restricted marina".

Commissioner Stephen Webber made a motion to approve the marina as a restricted marina with 8 permanent slips and 10 temporary slips that cannot be rented to the general public and no selling of gas, no commercial tour operation and no boat slip rentals are allowed at the restricted marina.

Mr. Bellissimo and Ms. Decker explained that Lodge guests may use boats owned by the Lodge for a charge.

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Town Manager Chris Braund explained that the town has a commercial boat licensing process that balances all of the boating on the lake, citing as at Rumbling Bald resort as a similar operation.

Commissioner Bob Cameron seconded the motion and the vote of approval was unanimous. Council agreed to add the language in the motion to the proposed special grant.

Commissioner Stephen Webber made a motion to approve the request for special grant with additions as previously stated. Commissioner Bob Cameron seconded the motion and the vote of approval was unanimous.

LODGE ON LAKE LURE REQUEST FOR SPECIAL GRANT TO MODIFY DESIGN STANDARDS

1. Definitions. Within this Request for Special Grant to Modify Design Standards the following terms shall have the meanings articulated:

- a. "Project" refers to proposed lake structures associated with the Lodge on Lake Lure R3 Conditional District, as depicted on the General Development Plan for the District.
- b. "General Development Plan" refers to the documents submitted by Lake Lure Lodge, LLC as part of the R3 Conditional District, entitled "The Lodge on Lake Lure General Development Plan".
- c. "LSR" refers to the Town of Lake Lure Lake Structure Regulations.

2. Future Development. Future development of the Project shall comply with the General Development Plan, a copy of which is attached hereto and incorporated herein by reference, and with the requested Special Grant to Modify Design Standards.

3. Development Standards. Development standards which are not modified by the General Development Plan or the requested Special Grant to Modify Standards shall be those contained in the LSR. As provided in §94.12, the LSR are varied to the extent they conflict with the General Development Plan and the requested Special Grant to Modify Design Standards. As indicated on the General Development Plan and the accompanying conceptual building elevations, the modified design standards include, but are not limited to, the following:

- a. The boathouse shall be allowed to exceed the projection into the lake of

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30ft as set forth in §94.05(B) of the LSR. The maximum allowable projection shall be 35ft.

b. The boathouse shall be allowed to exceed the maximum structure width of 45ft as set forth in §94.05(N) of the LSR. The maximum allowable width shall be 50ft.

c. The boathouse, along with the adjacent lake deck, shall be allowed to be built in conjunction with restricted marina status (no gas sells, no commercial tour operation and no boat slip rentals are allowed) of the boat slips as opposed to the requirement that a marina must be free of any other lake structures as set forth in §94.14(B)(4) of the LSR.

ADJOURN THE MEETING

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

ATTEST:

Andrea H. Calvert

Mayor Bob Keith



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, JANUARY 12, 2016, 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 Stephen M. Webber

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 incorporating the following changes:

- 1) Remove item 10d consideration of a utility easement agreement with Melvin and Judy Owensby relating to property located at 1808 Memorial Highway from the new business portion of the agenda
- 2) Add to the consent agenda approval of a request from Chimney Rock Park to suspend the peddling ordinance for a movie event at Town Hall on January 27th

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- 3) Remove approval of the 12-22-15 special meeting minutes from the consent agenda

Commissioner John Moore seconded the motion and the vote of approval was unanimous.

STAFF REPORTS

Town Manager Chris Braund presented the town manager's report dated January 12, 2016. (Copy of the town manager's report is attached.)

Commissioner Stephen Webber asked Mr. Braund to give an update regarding the boathouse off of Lakeview Road that is falling down in his report each month.

COUNCIL LIAISON REPORTS & COMMENTS

Commissioner Stephen Webber reported the activities of the Parks and Recreation Board and 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.

Pat Cooke of 163 Seawish Way thanked council for the improvements on Boys Camp Road. Ms. Cooke also asked to remove herself from the candidate list for the new utility board. Ms. Cooke asked that the utility board consider reviewing the commercial utility rate structure and stated that she (Four Seasons Cottages), Martyn Watts (Grafton Lodge) and Linda Hayes (The Arbor) are paying commercial rates and she believes rental properties should pay the same rate that she does.

John Kilby of 164 Neighborly Drive thanked the board and staff for placement of a trash barrier at the dam and stated that he has noticed a great difference in leaves passing down the river.

CONSENT AGENDA

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

Commissioner Stephen Webber 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 December 8, 2015 regular meeting and the December 15, 2015 special meeting;
- b. appoint Julie Scherer and Mayor Bob Keith to serve on behalf of the Town on the Fireman Relief Fund Board; and
- c. a request from Chimney Rock Park to suspend the peddling ordinance for a movie event at Town Hall on January 27th.

End of Consent Agenda.

NEW BUSINESS:

a. APPOINTMENTS – UTILITY BOARD

Council members voted by written ballot. Town Manager Chris Braund announced the following appointments to the new utility board:

Debbie Frandberg	1 year term
John Chapman	2 year term
Roger Peterson	2 year term
Paul Westbrook	2 year term
Richard Glassen	3 year term
Wayne Hyatt	3 year term
Steve Miller	3 year term

Council also suggested the Wayne Hyatt serve as chairman of the board.

NEW BUSINESS:

- b. CONSIDER APPROVAL OF A REQUEST FROM THE 1927 LAKE LURE INN AND SPA TO BOOK THE TOWN GAZEBO FOR 26 SPECIFIED DATES IN 2017**

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Town Manager Chris Brand presented a request from Lake Lure Inn concerning rental of the gazebo for the following dates in 2017:

Saturday 5-06-17	Sunday 9-03-17
Saturday 5-13-17	Saturday 9-09-17
Saturday 5-20-17	Saturday 9-16-17
Saturday 5-27-17	Saturday 9-23-17
Sunday 5-28-17	Saturday 9-30-17
Saturday 6-03-17	Saturday 10-07-17
Saturday 6-10-17	Sunday 10-08-17
Saturday 6-17-17	Saturday 10-14-17
Saturday 6-24-17	Saturday 10-21-17
Saturday 8-05-17	Saturday 10-28-17
Saturday 8-19-17	Saturday 11-04-17
Saturday 8-26-17	Saturday 11-11-17
Saturday 9-02-17	

Mr. Braund addressed concerns that were brought up when the request was previously presented and stated that Lake Lure Inn has agreed to pay the entire rental fee by March 31, 2016 instead of making partial payment as previously requested and they also agree to adjust their payment amount if necessary if the rental fee increases when the 2017 fee schedule for the Gazebo is approved.

After discussion, Commissioner Bob Cameron made a motion to approve the request from the Lake Lure Inn for rental of the gazebo for specified dates in 2017 excluding June 17, 2017 and August 19, 2017 which have already been reserved by other parties. Commissioner John Moore seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

c. DISCUSSION OF TRAFFIC SPEED CONTROL ON BOY'S CAMP ROAD

Commissioner Stephen Webber and Commissioner Bob Cameron presented proposed ideas for speed control on Boy's Camp Road stating that they have studied the issue and recommend no physical obstructions in the road (speed bump, tables etc.) but instead they recommended approval of a budget of \$12,000 for four automated signs that will display drivers speed and the speed limit.

After further discussion Commissioner Stephen Webber made a motion to address the speed on Boy's Camp Road by installing radar signs as presented and also ask the police

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department for extra patrol in the area. Commissioner Bob Cameron seconded the motion and the vote of approval was unanimous.

e. Review and Consider Approval of VROP-2015016 Submitted by Patricia Gergen
--

Commissioner Stephen Webber stated that he spoke with Ms. Gergen prior to the meeting and she explained that she was unable to attend the council meeting due to illness, but she asked that council proceed with consideration of the request. Mr. Webber stated that he is familiar with the case and that he can likely answer most questions related to the proposed vacation rental operating permit.

Mr. Webber explained that the application meets all that would be required for a residential vacation rental on land and that the Lake Advisory Board recommended approval of the change from a residential use to a commercial use with a vote of 3 to 2.

Council members discussed a concern brought up by a neighbor relating to a sewer line connection on the property, but determined that the question of a need for an agreement concerning the sewer line connection is a civil matter that should be addressed by the property owners.

Mayor Bob Keith stated that if the town comes up with a fee for commercial uses over the lake, the property owners would be subject to that fee if the VROP is issued. Council members agreed to make this a condition of approval of the application.

After further discussion, Commissioner Stephen Webber made a motion to approve VROP-2015016 submitted by Patricia Gergen as amended changing the proposed three bedrooms to one bedroom and the property, being a commercial structure over the lake, would be subject to a commercial operating fee if the town imposes one at a later date. The property owner must agree to this stipulation, in writing, prior to receiving the permit to operate a vacation rental. Commissioner Bob Cameron seconded the motion and the vote of approval was unanimous,

Commissioner Mary Ann Silvey expressed concerns about allowing the first commercial operating permit over the lake and stated that once the use is allowed it can't be "unallow".

Commissioner Stephen Webber, Commissioner Bob Cameron, and Commissioner John Moore 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

Agenda Item: 12a

Andi Calvert

From: John Moore <jwmoore329@bellsouth.net>
Sent: Monday, January 11, 2016 10:29 AM
To: Andi Calvert
Subject: FW: US Motto Info
Attachments: Motto Invitation for Officials.doc; Motto All Locatons Approved.xlsx; Motto Case Law # 04-1753 Lambeth vs Davidson County.pdf; Motto Resolution For Cities.doc; US Motto Brochure.pdf

Hi Andi,

Please forward this to Town Council. I would like to include a presentation from Rick Lanier at our February 9, 2016 meeting.

Thanks,
John

-----Original Message-----

From: 7thheaven@windstream.net [mailto:7thheaven@windstream.net]
Sent: Thursday, January 07, 2016 3:14 PM
To: jwmoore329@bellsouth.net
Subject: US Motto Info

Please provide copies to the Board via e-mail or in box. Thank you so much for your interest and we look forward to helping this come to pass in beautiful Lake Lure.

Rick Lanier
US Motto Action Committee
336-798-7700

This email has been checked for viruses by Avast antivirus software.
<https://www.avast.com/antivirus>

Dear Honorable Elected Officials,

This is an invitation to join the growing list of cities and counties that are "Voting Yes" to proudly and prominently display our national motto, *IN GOD WE TRUST*, in and on their governmental buildings.

My name is Rick Lanier and I am the Co-Founder and Vice Chairman of the *US MOTTO ACTION COMMITTEE*. I served as a County Commissioner of Davidson County in Lexington, NC from 1998 to 2002. In 2002, I led my board of Commissioners to "Vote Yes", to display *IN GOD WE TRUST*, on the exterior of our Governmental Center. Soon after that several other surrounding cities and counties joined us in doing the same.

To encourage this we formed the *US MOTTO ACTION COMMITTEE*. Its sole purpose is to promote patriotism by encouraging elected officials to "Vote Yes" to display *IN GOD WE TRUST* in and on their governmental Buildings.

Displaying the Motto gives ceremonial honor to public occasions and expresses confidence in our society. These words have been used on US Currency since 1864. This inspiring slogan is engraved above the entrance of the US Senate Chamber as well as above the Speaker's Seat in the US House of Representatives. On July 30, 1956, during the Dwight D. Eisenhower administration, the U.S. Congress adopted *IN GOD WE TRUST* as the official National Motto of the United States of America. Thus, displaying our Motto is a legal right, protected by the first amendment.

On November 1, 2011 the U.S. House of Representatives voted overwhelmingly, 396 - 9, to reaffirm *IN GOD WE TRUST* as our nation's motto. Congressman Randy Forbes, of Virginia, sponsored the resolution, in part, because some have mistakenly stated that "E Pluribus Unum" is our national motto. Most importantly, the resolution specifically encourages the placement of the motto in and on all government buildings from courthouses to school classrooms. A recent survey shows that 87% of all Americans still support the display of our National Motto.

In times of both war and peace, these words have been a profound source of strength and guidance to many generations of Americans.

As a grassroots patriotic movement, the *US MOTTO ACTION COMMITTEE* stands on solid legal ground. Since Davidson County paved the way, not one legal challenge has been raised against any city or county that has "Voted Yes." This effort is legal and there is nothing to challenge!

We are very pleased to announce that we are having an overwhelming success with the counties and cities that are readily voting "Yes" to display *IN GOD WE TRUST*, in or on their Government Building.

Elected officials like you, are showing a commitment to the values that our country was founded upon.

The purpose of this letter is to urge you to place us on your next possible meeting agenda. It would be our pleasure to incur the full cost of this display.

Finally, we welcome you to call or contact us personally with any questions or encouragement we can provide.

Thank you, Rick Lanier

**Please distribute this "Letter of Invitation"
to your Elected Officials and other appropriate staff members via their in box or e-mail
Thank You.**

US MOTTO ACTION COMMITTEE
MISSION STATEMENT

TO DEFEND, PROMOTE,
AND ASSIST
IN THE AWARENESS
AND FURTHERANCE OF OUR
US MOTTO,
"IN GOD WE TRUST,"
ON PUBLIC BUILDINGS,
STRUCTURES, MONUMENTS,
THE PRINTED PAGE,
AND TO ENCOURAGE
OUR GODLY HERITAGE
IN VARIOUS OTHER ASPECTS.

USMAC
PO Box 1351
Lexington, NC 27293
E-mail usmotto02@gmail.com

DAVID WHITE- Chairman	336-239-0473	davidmwhite7@aol.com
RICK LANIER- Vice Chairman	336-798-7700	7thheaven@windstream.net
FRED MCCLURE- Treasurer	336-249-9269	fred@fredmcclure.com
PASTOR RON BAITY- Chaplain	336-785-0529	rbaity4520@aol.com
MARK SMITH- Secretary	336-306-6476	MSDKSmith@icloud.com
RICHARD CALLAHAN	336-259-9113	richarddcallahan@gmail.com

THE US MOTTO ACTION COMMITTEE
Established
DECEMBER 30, 2002

IN GOD WE TRUST

USMAC Mission

To defend, promote and assist in the awareness and furtherance of our U. S. Motto, "In God We Trust," on public buildings, structures, monuments, the printed page, and to encourage our Godly Heritage in various other aspects.

USMAC Board

David White, Chair (336) 239-0473
davidmwhite7@aol.com

Rick Lanier, Vice Chair (336) 798-7700
7thheaven@windstream.net

Pastor Mark Smith, Secretary (336) 306-6476
MSDKSmith@icloud.com

Fred McClure, Treasurer (336) 249-9269
fred@fredmccure.com

Dr. Ron Baity, Chaplain (336) 785-0529
rbaity4520@aol.com

Dr. Richard Callahan (336) 259-9113
richardd.callahan@gmail.com

What you can do!

Pray

- * For municipalities to vote "Yes" to display our National Motto-*In God We Trust*.
- * For pastors to catch our vision and motivate their members in our mission.
- * For patriotic individuals to get involved in their local community.

Promote

- * Contact your city or county commissioners to request the U.S. Motto be displayed.
- * Ask your pastor or civic organization to invite a member of the USMAC to share our mission.
- * Get involved! One active, energetic voice can make a tremendous difference.

Provide

- * USMAC incurs ALL costs to display the U.S. Motto on government buildings.
- * We depend on churches and patriotic individuals to meet these needs.
- * Costs range up to \$2,500 per location
- * Become a *USMAC Partner* with a *One Time Gift* to promote a permanent and public reminder of America's Godly Heritage.

*If the foundations be destroyed,
 what can the righteous do?*

Psalms 11:3

Donations may be mailed to:

USMAC
 P.O. Box 1351
 Lexington, NC 27293
 (336) 798-7700 usmotto02@gmail.com

The U. S. Motto Action Committee

*Promoting the public display of
 the national motto of the United States*

*Hear me, O LORD, hear me, that this people
 may know that thou art the LORD God, and
 that thou hast turned their heart back again.*
 I Kings 18:37



We believe God gave birth to the
U.S. Motto Action Committee.

A BRIEF HISTORY

August 2002

With a desire to promote patriotism, David White petitioned Commissioner Rick Lanier to place the national motto, *In God We Trust*, on the Davidson County Governmental Center.

November 26, 2002

Commissioner Lanier led the Davidson County Commissioners to approve the display of our National Motto.

December 29, 2002

The US Motto was publicly displayed on the Davidson County Governmental Center.

December 30, 2002

In an effort to promote America's Godly Heritage, David White, Rick Lanier, Todd Clark, and Fred McClure formed the US Motto Action Committee. Shortly thereafter, Pastor Ron Baity was added as Committee Chaplain.

June 24, 2003

Two ACLU-funded attorneys sued Davidson County citing the public display of the Motto violated the "separation of church and state."

August 12, 2003

Due to the proactive efforts of the USMAC, the Commissioners unanimously decided to fight the lawsuit

May 2004

U. S. District Court Judge William Osteen, Sr. dismissed the lawsuit, citing no church/state conflict

May 13, 2005

The U. S. Fourth Circuit Court of Appeals affirmed Judge Osteen's opinion.

November 14, 2005

The U. S. Supreme Court refused to hear the case. The decision of the Fourth Circuit Court of Appeals became case law.
Ref: *Lambeth and Lea vs. Davidson County*, NC # 04-1753

The U.S. Motto Action Committee actively encourages local elected officials across NC and our nation to display the National Motto. Our purpose is to promote America's Christian heritage with the hope that hearts would turn back to Him.
II Chronicles 7:14



Approved on 2/10/2015



Approved on 3/02/2015

"If we ever forget that we are One Nation Under God, then we will be one nation gone under." *Ronald Reagan*



Approved on 3/02/2006



Approved on 12/09/2014

To join our effort to publicly display the U.S. Motto on your city or county building, contact us at (336) 798-7700 or usmotto02@gmail.com.

PUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

CHARLES F. LAMBETH, JR.; MICHAEL
D. LEA,

Plaintiffs-Appellants,

v.

THE BOARD OF COMMISSIONERS OF
DAVIDSON COUNTY, NORTH CAROLINA,
Defendant-Appellee.

No. 04-1753

Appeal from the United States District Court
for the Middle District of North Carolina, at Durham.
William L. Osteen, District Judge.
(CA-03-592)

Argued: February 3, 2005

Decided: May 13, 2005

Before WIDENER and KING, Circuit Judges, and
Henry F. FLOYD, United States District Judge for the
District of South Carolina, sitting by designation.

Affirmed by published opinion. Judge King wrote the opinion, in
which Judge Widener and Judge Floyd joined.

COUNSEL

ARGUED: George Daly, Charlotte, North Carolina, for Appellants.
James Redfern Morgan, Jr., WOMBLE, CARLYLE, SANDRIDGE &
RICE, P.L.L.C., Winston-Salem, North Carolina, for Appellee. **ON**

They maintain that, around December 31, 2002, the Board unconstitutionally decided to inscribe the national motto, "In God We Trust," on the Government Center (the "display"). According to the Plaintiffs, Board members and the public spoke both in favor of and against the proposed display at the crucial Board meeting, emphasizing the religious nature of the words "In God We Trust," and observing that the display depicted the national motto. The display has since been installed on the front facade of the Government Center in eighteen-inch block letters.

On August 21, 2003, the Board moved to dismiss the Plaintiffs' action pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, for failure to state a claim upon which relief could be granted. Soon thereafter, on September 15, 2003, the Plaintiffs filed their First Amended Complaint (the "Complaint"). On October 2, 2003, the Board filed another Rule 12(b)(6) motion, asserting that the Complaint was legally deficient and incorporating by reference the contentions made in the Board's initial motion to dismiss.

On May 25, 2004, the district court dismissed the Complaint, concluding that it failed to state a claim of a First Amendment violation on which relief could be granted. *Lambeth v. Bd. of Comm'rs*, No. 03-cv-592-WLO (M.D.N.C. May 25, 2004) (the "Memorandum Opinion"). In so ruling, the court determined that the allegations of the Complaint fail, under the *Lemon* test, to demonstrate a violation of the Establishment Clause. Memorandum Opinion at 44. The Plaintiffs have timely appealed, and we possess jurisdiction pursuant to 28 U.S.C. § 1291.

II.

We review de novo a district court's dismissal of a complaint under Rule 12(b)(6). *Duckworth v. State Admin. Bd. of Election Laws*, 332 F.3d 769, 772 (4th Cir. 2003). Under controlling principles, a district court may dismiss a complaint for failure to state a claim only if it appears beyond doubt that the plaintiff can prove no set of facts that would entitle him to relief. *Conley v. Gibson*, 355 U.S. 41, 45-46 (1957). In assessing a Rule 12(b)(6) issue, we accept as true the factual allegations of the challenged complaint, *see Zinerman v. Burch*, 494 U.S. 113, 118 (1990), and we view those allegations in the light

Finally, the court concluded that the display of the national motto did not result in an "excessive entanglement" of government with religion, and thus that it did not contravene the third prong. *Id.* at 37-44.

On appeal, the Plaintiffs contend that the district court erred in its application of the *Lemon* test, and that the allegations of the Complaint are sufficient to proceed to discovery. They maintain that the Complaint alleges that the Board's "dominant" purpose in approving the display was religious, which, they contend, is sufficient to allege that the display fails the *Lemon* test's first prong; that the effect of the display is to advance or endorse religion, prohibited by the *Lemon* test's second prong; and that the display results in an excessive entanglement of government with religion, precluded by the *Lemon* test's third prong. Pursuant to *Lemon* and its progeny, we assess de novo the alleged constitutional defects of the display.

1.

We first assess, under prong one of the *Lemon* test, whether the Complaint sufficiently alleges that the Board's adoption of the challenged display lacked a secular intent. As the district court observed, the Complaint alleges that both secular and religious aspects of the display were discussed at the crucial Board meeting. Memorandum Opinion at 22-24. The Complaint alleges that Board members, and members of the public as well, "emphasized" at the Board meeting the religious nature of the phrase "In God We Trust," and that the display was thereafter adopted. Complaint at ¶ 3(u)-(v). The Complaint further alleges that one Board member observed that voting against the installation of the display would be perceived by the public as a vote against God. *Id.* at ¶ 3(y). Finally, the Complaint also alleges that "the fact that these words are also the national motto was mentioned but not emphasized at the meeting at which defendant authorized the display." *Id.* at ¶ 3(w).

Although the Plaintiffs contend that their allegations are sufficient in this regard, we are constrained to disagree. Under applicable Supreme Court precedent, a "legitimate secular purpose" supporting a challenged governmental action will suffice to satisfy the *Lemon* test's first prong. *See Lynch v. Donnelly*, 465 U.S. 668, 681 (1984). And, as we have previously observed, the demonstration of such a

a.

We have heretofore characterized the phrase, "In God We Trust," when used as the national motto on coins and currency, as a "patriotic and ceremonial motto" with "no theological or ritualistic impact." *Carolina Civil Liberties Union Legal Found. v. Constangy*, 947 F.2d 1145, 1151 (4th Cir. 1991). The use of the challenged phrase as the national motto is long-standing, and it has been used extensively over the years by the federal government. By way of example, Congress first authorized the National Mint to include "In God We Trust" on coins in 1865, and made its inclusion mandatory on gold and silver coins in 1908. Its use was extended to the national currency in 1955. Importantly, Congress made "In God We Trust" the national motto in 1956, and the motto is inscribed above the Speaker's Chair in the House of Representatives, and also above the main door of the Senate Chamber.

The Supreme Court has strongly indicated on several occasions, albeit in dicta, that governmental use of the motto "In God We Trust," does not, at least in certain contexts, contravene the mandate of the Establishment Clause. See *County of Allegheny*, 492 U.S. at 602-03 ("[O]ur previous opinions have considered in dicta the ['In God We Trust'] motto . . . , characterizing [it] as consistent with the proposition that government may not communicate an endorsement of religious belief."); *Lynch*, 465 U.S. at 693 (O'Connor, J., concurring) ("[G]overnment's display of the crèche in this particular physical setting [is] no more an endorsement of religion than such governmental 'acknowledgments' of religion as . . . [the] printing of 'In God We Trust' on coins . . . "). Such observations by the Court, interpreting the First Amendment and clarifying the application of its Establishment Clause jurisprudence, constitute the sort of dicta that has considerable persuasive value in the inferior courts. See *Garris v. Norfolk Shipbldg. & Drydock Corp.*, 210 F.3d 209, 227 (4th Cir. 2000) (Hall, J., concurring) (observing that Court's interpretation of its own opinion is persuasive).

As the Plaintiffs properly recognize, however, the County's installation of the national motto on the facade of the Government Center constitutes a governmental action which goes beyond the traditional uses of the phrase, as discussed in the Court's dicta and by our prece-

these associations into account, the display's principal or primary effect is to advance or inhibit religion; or, put differently, whether an informed, reasonable observer would view the display as an endorsement of religion. We now turn to an assessment of that question.

b.

The Plaintiffs maintain that, in making this analysis under the *Lemon* test's second prong, we must consider the reasonable observer to be aware of the religious comments made in favor of the display at the Board meeting where it was authorized. However, as the district court determined, the allegations of the Complaint on the Board's intent are inapplicable to the *Lemon* test's second prong. The first and second prongs of the *Lemon* test are intended to assess different aspects of a challenged government action. Prong one of the *Lemon* test looks at the purpose behind such an action, and allows the action to stand if it is not "entirely motivated by religion." *Mellen*, 327 F.3d at 372. Prong two, by contrast, assesses the effect of the action, *Lemon*, 403 U.S. at 612-13, and inquires "whether, irrespective of government's actual purpose, the practice under review in fact conveys a message of endorsement or disapproval [of religion]," *Mellen*, 327 F.3d at 373 (quoting *Wallace*, 472 U.S. at 56 n. 42). Prong two thus looks to the effect of the display itself, not to the display's origin. See *Constangy*, 947 F.2d at 1151 (explaining that, under the *Lemon* test's second prong, "intent is irrelevant").

With these principles in mind, we are constrained to conclude, under the *Lemon* test's second prong, that the installation of the national motto "In God We Trust" on the Government Center would not cause a reasonable observer to fairly understand the purpose of the message "in its particular physical setting" to impermissibly advance or endorse religion. *County of Allegheny*, 492 U.S. at 598-00; see also *Good News Club*, 533 U.S. at 119 (emphasizing that Establishment Clause does not create a "heckler's veto"). The Complaint alleges no circumstances — such as an inappropriate context or character — to negate the legitimate secular connotations arising from the long-standing patriotic uses in this country of the phrase "In God We Trust." A reasonable observer contemplating the inscription of the phrase on the Government Center would recognize it as recently installed, but also as incorporating familiar words — a phrase with

school teachers into parochial schools to provide remedial education to disadvantaged children did not result in excessive entanglement). Nor does the display require any other sort of continued and repeated government involvement with religion. *See Mellen*, 327 F.3d at 375 (determining that public university's supper prayer violated *Lemon*'s third prong because school officials "composed, mandated, and monitored a daily prayer"). As a result of the foregoing, we must also conclude that the display does not contravene the *Lemon* test's third prong.

B.

In sum, even accepting the allegations of the Complaint as true, the display does not contravene any of the three prongs of the *Lemon* test. The Complaint fails to sufficiently allege that the display had no legitimate secular purpose; that it has the effect of advancing or endorsing religion; or that it results in an excessive entanglement of government and religion. As a result, we agree with the comprehensive analysis made by the district court with regard to this dispute, *see Memorandum Opinion* at 18-44, and conclude that the Complaint fails to state a claim for relief under the Establishment Clause upon which relief can be granted.

IV.

Pursuant to the foregoing, we affirm the judgment of the district court.

AFFIRMED

RESOLUTION BY THE COUNCIL OF THE CITY OF
_____, IN _____ COUNTY,
STATE OF NORTH CAROLINA,
SUPPORTING THE DISPLAY OF THE NATIONAL MOTTO
"IN GOD WE TRUST" IN A PROMINENT LOCATION AT
_____, _____, NORTH CAROLINA

WHEREAS, "In God We Trust" became the United States national motto on July 30, 1956, shortly after our nation led the world through the trauma of World War II and

WHEREAS, the words have been used on U.S. currency since 1864; and

WHEREAS, the same inspiring slogan is engraved above the entrance to the Senate Chamber as well as above the Speaker's dais in the House of Representatives; and

WHEREAS, in both war and peace, these words have been a profound source of strength and guidance to many generations of Americans; and

WHEREAS, the City desires to display this patriotic motto in a way to solemnize public occasions and express confidence in our society.

NOW, THEREFORE, BE IT RESOLVED the City Council of _____
does hereby resolve as follows:

Section 1. That the City Council of the City of _____,
North Carolina, does hereby determine that the historic and patriotic words of our
national motto, "In God We Trust" shall be permanently and prominently displayed
on _____ at _____,
_____, North Carolina, and to remain there in perpetuity.

Section 2. The City Clerk shall certify to the passage and adoption of this resolution and
enter it into the book of resolutions.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of
the city of _____, North Carolina, held on the
_____ day of _____, 20____

Add names and signatures of Mayor and Council Members.

MOTTO ALL LOCATIONS APPROVED

	STATE	LOCATION	COUNTY	APPROVAL DATE	INSTALLATION PROGRESS	PATROL DECALS
1	North Carolina	Alamance County	Alamance	4/6/2015	Complete	
2	North Carolina	Alexander County	Alexander	4/13/2015	Complete	32
3	North Carolina	Alleghany County	Alleghany	8/17/2015	Ordered	24
4	North Carolina	Ashe County	Ashe	1/20/2015	Complete	
5	North Carolina	Avery County	Avery	7/6/2015	Complete	20
6	North Carolina	Brunswick County	Brunswick	1/13/2015	Complete	
7	North Carolina	Burke County	Burke	3/7/2015	Complete	
8	North Carolina	Caldwell County	Caldwell	6/15/2015	Complete	
9	North Carolina	Caswell County	Caswell	3/16/2015	Complete	
10	North Carolina	Cherokee County	Cherokee	2/1/2015	Confirm Size/Location	
11	North Carolina	Clay County	Clay	9/3/2015	Ordered	22
12	North Carolina	Cleveland County	Cleveland	2/11/2015	Complete	55
13	North Carolina	Davidson County	Davidson	11/26/2002	Complete	130
14	North Carolina	Davie County	Davie	8/7/2006	Complete	
15	North Carolina	Gaston County	Gaston	2/10/2015	Complete	
16	North Carolina	Graham County	Graham	8/4/2015	Ordered	
17	North Carolina	Haywood County	Haywood	6/1/1932	Complete	
18	North Carolina	Henderson County	Henderson	9/16/2015	Ready To Order	
19	North Carolina	Iredell County	Iredell	4/19/2006	Complete	
20	North Carolina	Lee County	Lee	11/17/2014	Complete	
21	North Carolina	Lincoln County	Lincoln	3/16/2015	Complete	140
22	North Carolina	Macon County	Macon	10/13/2015	Ordered	50
23	North Carolina	McDowell County	McDowell	4/13/2015	Complete	60
24	North Carolina	Mitchell County	Mitchell	7/13/2015	Ready To Order	17
25	North Carolina	Moore County	Moore	3/17/2015	Complete	
26	North Carolina	Montgomery County	Montgomery	5/19/2015	Confirm Size/Location	
27	North Carolina	Pender County	Pender	1/5/2015	Complete	
28	North Carolina	Polk County	Polk	7/20/2015	Ready To Order	
29	North Carolina	Randolph County	Randolph	4/6/2015	Complete	
30	North Carolina	Robeson County	Robeson	1/21/2015	Complete	
31	North Carolina	Rockingham County	Rockingham	5/4/2015	Complete	
32	North Carolina	Rowan County	Rowan	4/3/2006	Complete	
33	North Carolina	Rutherford County	Rutherford	7/6/2015	Complete	60
34	North Carolina	Stanly County	Stanly	2/19/2015	Complete	
35	North Carolina	Stokes County	Stokes	4/13/2015	Complete	
36	North Carolina	Surry County	Surry	5/18/2015	Ordered	80
37	North Carolina	Swain County	Swain	8/27/2015	Ordered	25
38	North Carolina	Watauga County	Watauga	5/5/2015	Complete	42
39	North Carolina	Wilkes County	Wilkes	5/5/2015	Complete	
40	North Carolina	Union County	Union	2/16/2015	Complete	
41	North Carolina	Yadkin County	Yadkin	3/2/2006	Complete	
42	North Carolina	Yancey County	Yancey	8/10/2015	Confirm Size/Location	

[illegible]

Agenda Item: 12b

RESOLUTION NO. 16-02-09

A RESOLUTION TO AMEND RESOLUTION NO. 15-11-10B WHICH CREATED THE UTILITY BOARD TO CHANGE THE NUMBER OF BOARD MEMBERS AND ADD A PROVISION FOR ATTENDANCE

WHEREAS, the aforesaid Resolution No. 15-11-10B was duly adopted by the Town Council of Lake Lure, North Carolina on November 11, 2015 creating a Utility Board; and

WHEREAS, Town Council has reviewed and considered the number of members to be appointed to this board under the provisions of Resolutions No. 15-11-10B and found it desirable to modify the membership of this Utility Board; and

WHEREAS, the Town Council desires to add a provision for attendance.

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

SECTION 1. That section 3: of Resolution No. 15-11-10B be amended to read:

Section 3: That the Board shall consist of ~~five~~ seven 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

{ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~}

SECTION 2. That section 10 shall be renumbered as "Section 11" and new section 10 be added as follows:

Section 10: Attendance requirement: any board member who is absent from three consecutive regularly scheduled meetings in a calendar year, and/or a total of four meetings in a calendar year may be subject to removal off the Utility Board by Town Council.

SECTION 3: Effective date.

This resolution shall be effective upon its adoption.

Resolution No. 16-02-09

February 9, 2016

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Adopted this the 9th day of February, 2016.

ATTEST:

Andrea Calvert
Town Clerk

Mayor Bob Keith

AS TO FORM:

J. Christopher Callahan
Town Attorney

Agenda Item: 12c

**ORDINANCE NUMBER 16-02-09A
CAPITAL PROJECT ORDINANCE
OF THE TOWN OF LAKE LURE TOWN COUNCIL**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, WHICH, PURSUANT TO SECTION 13.2 OF CHAPTER 159 OF THE GENERAL STATUTES OF NORTH CAROLINA, THE FOLLOWING CAPITAL PROJECT ORDINANCE IS HEREBY ADOPTED:

SECTION 1. The project authorized Four Unit Strip Center Mall, 2564 Memorial HWY and construction to be financed with a 10 year installment financing agreement with Branch Banking & Trust.

SECTION 2. The officers of the Town of Lake Lure are hereby directed to proceed with the capital project within the terms of the council's resolution, loan documents and the budget contained herein.

SECTION 3. The following amounts were appropriated for the project:

	Purchase Price
	300,000
Design/Engineering/Permits	9,000
Improvements to Building/Property	161,500
	Other Legal/Fiscal Cost
	24,400
Contingency	
5,100	
Total	500,000

SECTION 4. The following revenues are available for this project:

Installment Purchase Proceeds
500,000

SECTION 5. The Finance office is hereby directed to maintain within the Capital Project Fund sufficient detailed accounting records related to the project.

SECTION 6. The town Council acknowledges that his project has been approved by the LGC. The finance officer is directed to report, on a quarterly basis, on the financial status of each project element in section 3.

SECTION 7. The Budget officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this board.

SECTION 8. Copies of this capital project ordinance shall be furnished to the Clerk to Town Council, and to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted and approved by vote of (for) (against) this the 9th day of February, 2016.

Enacted this _____ day of _____, 2016.

Bob Keith, Mayor

ATTEST:

Andi Calvert, Town Clerk