



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

Ron Nalley, 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. Attorney Chris Callahan gave the invocation. Council members led the pledge of allegiance.

APPROVE THE AGENDA

Commissioner Bob Cameron made a motion to approve the agenda as presented. Commissioner Mary Ann Silvey seconded and the motion carried 4-0.

**PUBLIC HEARING PROPOSED ORDINANCE NO. 16-09-13: REVISIONS TO
SECTION 92.158(C)(3) OF THE TOWN OF LAKE LURE ZONING ORDINANCE,
ALLOWING BANNERS TO REMAIN POSTED FOR THIRTY CONSECUTIVE DAYS**

Mayor Bob Keith opened the public hearing for proposed Ordinance No. 16-09-13 concerning revisions to Section 92.158(C)(3) of the Town of Lake Lure Zoning Ordinance, allowing banners to remain posted for thirty consecutive days and invited citizens to speak during the public hearing. No one requested to speak.

Council agreed to close the public hearing.

PUBLIC HEARING PROPOSED ORDINANCE NO. 16-09-13A: REVISIONS TO SECTION 92.005 OF THE TOWN OF LAKE LURE ZONING ORDINANCE, CLARIFYING GARDENS AND GARDENING ARE ALLOWED IN EVERY ZONING DISTRICT

Mayor Bob Keith opened the public hearing for proposed Ordinance No. 16-09-13A concerning revisions to Section 92.005 of the Town of Lake Lure Zoning Ordinance, clarifying gardens and gardening are allowed in every zoning district and invited citizens to speak during the public hearing. No one requested to speak.

Council agreed to close the public hearing.

PUBLIC HEARING PROPOSED ORDINANCE NO. 16-09-13B: REVISION TO SECTION 92.154(B) OF THE TOWN OF LAKE LURE ZONING ORDINANCE, REQUIRING TOWN COUNCIL OR TOWN MANAGER APPROVAL PRIOR TO POSTING CERTAIN GOVERNMENTAL SIGNS

Mayor Bob Keith opened the public hearing for proposed Ordinance No. 16-09-13B concerning revisions to Section 92.154(B) of the Town of Lake Lure Zoning Ordinance, requiring Town Council or Town Manager approval prior to posting certain governmental signs and invited citizens to speak during the public hearing. No one requested to speak.

Council agreed to close the public hearing.

MAYOR'S COMMUNICATIONS - CERTIFICATE OF APPRECIATION PRESENTATION – DANA BRADLEY, TOWN OF LAKE LURE AND RUTHERFORD COUNTY TRAIL STEWARDSHIP COORDINATOR

Mayor Bob Keith and Parks and Recreation Board Chairman Ed Dittmer presented a certificate of appreciation to Dana Bradley to acknowledge her admirable service to the Town of Lake Lure in coordinating maintenance at Buffalo Creek Park and assisting in new trail building at Dittmer-Watts Nature Trail Park as the Town of Lake Lure and Rutherford County Trail Stewardship Coordinator.

MAYOR'S COMMUNICATIONS - ADOPTION OF RESOLUTION NO. 16-09-13: A RESOLUTION OF APPRECIATION

Mayor Bob Keith recognized Sam Karr for his service as interim town manager. Commissioner Stephen Webber made a motion to adopt Resolution No. 16-09-13 in appreciation

Page 3- Minutes of the September 13, 2016 Regular Council Meeting

of Sam A. Karr's service as Interim Town Manger. Commissioner Mary Ann Silvey seconded and the motion carried 4-0.

RESOLUTION NO. 16-09-13

**A RESOLUTION OF THE TOWN OF LAKE LURE, NORTH CAROLINA,
EXPRESSING APPRECIATION FOR THE SERVICES OF SAM A. KARR AS
INTERIM TOWN MANAGER**

WHEREAS, Sam A. Karr was appointed to serve as Interim Town Manager for the Town of Lake Lure on the 1st day of April, 2016; and,

WHEREAS, Mr. Karr served as Interim Town Manager from April 1, 2016 to July 31, 2016; and,

WHEREAS, Mr. Karr also continued to fulfill his duties as Finance Director and served both with great skill, dedication and determination; and,

WHEREAS, the Town Council wishes to express its appreciation to Mr. Karr for his service, loyalty and dedication to the Town of Lake Lure and its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE: That the Town Council does hereby commend and thank Sam A. Karr for his service as Interim Town Manger and the manner in which he carried out his duties.

TOWN MANAGER COMMUNICATIONS

Town Manager Ron Nalley presented the Town Manager's report. After a personnel update from Mr. Nalley, Commissioner Stephen Webber made a motion to approve filling the Zoning Administrator position left vacant upon retirement of the current Zoning Administrator. Commissioner John Moore seconded and the motion carried 4-0.

Mr. Nalley stated that he along with Sam Karr and Anita Taylor met with Management Analyst David Hill of HR Consultants and were given an update concerning the pay plan and salary study conducted by Mr. Hill. Mr. Hill is requesting time to present the study to the Town Council and suggested that the topic be added to their Fall Planning Session.

Mr. Nalley explained that at the July, 2016 Town Council meeting the Town Manager was directed to study and make a recommendation concerning a potential new full time permit/clerk position and report back in November. Mr. Nalley stated that he would like to take additional time and complete an organizational assessment to further study filling the proposed board clerk position. After discussion, Commissioner John Moore made a motion to approve an administrative assessment and authorize the Town Manager to use an outside facilitator or firm

Page 4- Minutes of the September 13, 2016 Regular Council Meeting

for the review at his discretion. Commissioner Stephen Webber seconded and the motion carried 4-0. Council members also discussed filling the vacant accountant position and Commissioner John Moore made a motion to make study of the accountant position part of organizational review. Commissioner Stephen Webber seconded and the motion carried 4-0. Commissioner Mary Ann Silvey expressed concerns about delaying replacement of the accountant. It was the consensus of Town Council to ask that Mr. Nalley provide a recommendation concerning the position no later than January 1, 2017.

Mr. Nalley provided an update concerning NCDOT's proposed bridge replacement project and informed the audience that the Marine Commission voted to lower the lake beginning December 1, 2016 in order to facilitate an essential repair at the hydroelectric dam. Mr. Nalley also reviewed the recommendation from the Zoning and Planning Board not to make changes to the Zoning Regulations regarding fences.

Council discussed holding a proposed fall planning session. Council members agreed to work with town staff to determine an appropriate date to hold the planning session.

COUNCIL LIAISON REPORTS & COMMENTS

Commissioner Bob Cameron reported the activities of the Utility Advisory Board.

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

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

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

PUBLIC FORUM

Mayor Bob Keith invited the audience to speak during public forum. No one spoke at this time.

CONSENT AGENDA

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 changing language in item "D" to include acceptance of two visitor information network signs instead of just one. Commissioner Bob Cameron seconded and the motion carried

Page 5- Minutes of the September 13, 2016 Regular Council Meeting

4-0. Therefore, the consent agenda incorporating the following item was unanimously approved and adopted:

- A. August 9, 2016 Regular Meeting Minutes;
- B. Forward the proposed Parks and Recreation Ordinance to the Parks and Recreation Board for their review and recommendation;
- C. Appoint Ron Nalley to the Strategic Plan Advisory Committee for the Tourism Strategic Planning Process for Rutherford County;
- D. Accept the Rutherford County Tourism Development Authority's gift of two visitor information network signs;
- E. Direct the Zoning and Planning Board to review the current sign ordinance in comparison to the unique challenges faced by businesses in the Arcade Building concerning signage and provide recommendations to Town Council;
- F. Approve the LSA and LSP File Conversion contract with Ricoh Inc. in an amount not to exceed \$6,000 and authorize the Town Manager and Town Clerk to execute the necessary documents; and
- G. Adopt Resolution No. 16-09-13B authorizing financing for four vehicles with Carolina Trust Bank and Resolution No. 16-09-13C approving reimbursement to the Town for loan expenditures incurred before the loan closing

RESOLUTION NO. 16-09-13B

**A RESOLUTION OF THE TOWN OF LAKE LURE, NORTH CAROLINA,
APPROVING AN INSTALLMENT FINANCING CONTRACT OF FOUR NEW TOWN
VEHICLES
(Pickup-Fire Dept., Pickup-Public Works, Two Police Vehicles)**

WHEREAS, the Town of Lake Lure, North Carolina is a duly and regularly created, organized and 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;

BE IT THEREFORE RESOLVED, as follows:

1. Town Council, of the Town of Lake Lure, North Carolina, hereby determines to finance four new vehicles through Carolina Trust Bank, in accordance with the proposal dated , 2016. The amount financed shall not exceed \$133,995, collectively, the annual interest rate shall not exceed 3.5%, and the financing term shall not exceed 3 years from closing.

Page 6- Minutes of the September 13, 2016 Regular Council Meeting

2. All financing contracts and all related documents for the closing of the financing (“the Financing Documents”) shall be consistent with the following terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the 4 Vehicles as contemplated by the proposal and resolution.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for delivery of the Financing Documents have been completed to such officer’s satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall in the final forms as the Finance Officer shall approve, with the Finance Officer’s release of any Financing Document for delivery constituting conclusive evidence of such officer’s final approval of the Document’s final form.
4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments in this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principle and interest payments under the Financing Documents as “qualified tax-exempt obligations” for the purpose of Internal Revenue Code Section 265(b)(3).
5. The Town intends that the adoption of this resolution will be a declaration of the Town’s official intent to reimburse expenditures for the project that is to be financed from the proceeds of the Carolina Trust Bank financing described above. The Town intends that the funds that have been advanced, or that may be advanced, from the Town’s general fund for project costs may be reimbursed from the financing proceeds.
6. All prior action of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved, and confirmed.

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

The motion to adopt this Resolution was made by Council Member Stephen Webber; seconded by Council Member Bob Cameron, and was passed unanimously by those members present at the meeting of the Town Council, Lake Lure, North Carolina, held on the thirteenth day of September, 2016.

RESOLUTION NO. 16-09-13C
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 of vehicles (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 excluded from 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 \$133,995.00.
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 13th day of September, 2016.

Mayor Bob Keith recessed the meeting briefly and reconvened.

UNFINISHED BUSINESS: A. UTILITY ADVISORY BOARD MEMBER APPOINTMENT
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Council voted by written ballot and appointed Don Cason to fill the remainder of Debbie Frandberg's term on the Utility Advisory Board which expires on December 31, 2016.

Attorney Chris Callahan pointed out that at the August 9, 2016 Town Council meeting there were concerns about the dual office holding requirements since Mr. Cason holds other positions in Chimney Rock. After research and discussion with Fleming Bell and Freda Bluestein with the NC School of Government it was determined that the appointment does not lead to a conflict.

UNFINISHED BUSINESS:

B. DEPOSIT INCREASE FOR RENTAL PROPERTY UTILITY ACCOUNTS

Customer Service Supervisor Linda Ward was present to answer questions relating to the proposed deposit increase. Ms. Ward explained that at the January 2010 Town Council Meeting, the utility billing policy was amended to include a deposit for utility accounts that would be transferred into a renter's name. At that time the base rate for an account with both water and sewer, not including usage, was \$107. The Town Council voted to set the deposit requirement at \$150. The base rate for water and sewer, without any usage, has now risen to \$193. As a result, the current deposit requirement does not even cover the base rate.

Council also pointed out that, if approved, the increased amount for the utility deposit would only apply to new renter accounts.

After discussion, Commissioner Stephen Webber made motion to increase the deposit for rental property utility accounts from \$150 to \$200 effective immediately for new account holders. Commissioner Bob Cameron seconded.

Commissioner John Moore explained that the utility rates were recently raised by necessity, but he can't support raising the deposit and increasing the financial burden for renters. Commissioner Moore suggested that a credit check may be an option to potentially reduce the need for an increased deposit.

Commissioner Mary Ann Silvey, Commissioner Bob Cameron and Commissioner Stephen Webber voted in favor of the motion. Commissioner John Moore opposed. The motion carried 3-1.

NEW BUSINESS:

A. TOWN OF LAKE LURE AND CHIMNEY ROCK VILLAGE COMMERCIAL CORRIDOR WALKWAY CONNECTOR

Town Manager Ron Nalley and Community Development Director Shannon Baldwin provided a brief background concerning the Town of Lake Lure and Chimney Rock Village Commercial Corridor Walkway Connector and proposed Resolution No. 16-09-13A.

After discussion Commissioner Stephen Webber made a motion to adopt Resolution No. 16-09-13A supporting the Town of Lake Lure and Chimney Rock Village Commercial Corridor

Page 9- Minutes of the September 13, 2016 Regular Council Meeting

Walkway Connector and approving the projects application to the Appalachian Regional Commission Distressed County Grant Program. Commissioner Webber further moved to approve the surveying proposal by WNC Professional Engineers & Surveyors in an amount not to exceed \$7,000 and authorize the Town Manager to execute the necessary documents and to approve the preliminary engineering services contract with Equinox Environmental Consultation & Design in an Amount of \$21,156.00 and authorize the Town Manager to Execute the Necessary Services Contract. Commissioner Webber further moved to approve the Economic Analysis Statement of Work by Clemson University in the amount of \$7,400 and to authorize the Town Manager to execute the necessary services contract. Commissioner Mary Ann Silvey seconded and the motion carried 4-0.

RESOLUTION 16-09-13A

**RESOLUTION SUPPORTING THE TOWN OF LAKE LURE AND CHIMNEY ROCK
VILLAGE
COMMERCIAL CORRIDOR WALKWAY CONNECTOR AND APPROVING THE
PROJECTS
APPLICATION TO THE APPALACHIAN REGIONAL COMMISSION
DISTRESSED COUNTY GRANT PROGRAM**

WHEREAS, the Town of Lake Lure and Chimney Rock Village are linked by their mutual dependence upon tourism; and

WHEREAS, two jointly commissioned studies, one focused on marketing and the other on long-range transportation needs, point to the importance of focusing on strengthening the connection between Lake Lure and Chimney Rock Village; and

WHEREAS, creating a pedestrian-friendly corridor between the two communities has long been identified as a key economic initiative that will further shape these connections; and

WHEREAS, the objective of the Lake Lure and Chimney Rock Village Commercial Corridor Walkway Connector is to create a continuous walkable corridor to facilitate economic growth from the highly popular Lake Lure Flowering Bridge to the bustling downtown of Chimney Rock Village; and

WHEREAS, the Commercial Corridor Walkway Connector will strengthen the local tourism economies, encourage healthy lifestyles, create more opportunities for outdoor recreation and give better access to residents and visitors by providing an alternative mode of transportation; and

WHEREAS, the Commercial Corridor Walkway Connector will also create an economic impact in the area itself, create opportunities for business growth, create development and redevelopment opportunities, and increase visitor capacity.

Page 10- Minutes of the September 13, 2016 Regular Council Meeting

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

1. Supports the Town of Lake Lure and Chimney Rock Village Commercial Corridor Walkway Connector Project.
2. Supports Application to the Appalachian Regional Commission Distressed County Grant Program.
3. Commits the Match Requirement of the Grant for the Commercial Corridor Walkway Connector Project.

READ, APPROVED AND ADOPTED, this 13th day of September, 2016.

NEW BUSINESS:

B. BID CONSIDERATION - LAKEFRONT LOT WITH BOATHOUSE

Town Manager Ron Nalley stated that in March, Town Council authorized the advertisement for upset bids on the property located at 273 Buffalo Shoals Road and over the period of more than three months, the Town continued to advertise the sale, per State statute, until the town received a final bid without an upset bid. The final bid amount of \$70,000 was made by Collin and Cameron Mackie.

Mr. Nalley explained that as Town Council considers the possible sale of the Lakefront and Boathouse, three issues will require further discussion and consideration by the Board. First, there has been some discussion that the proceeds from the sale of the property would be used towards building a new boathouse and docks located at the Lake Operations Office. The new boathouse would be used to house Town boats including the Fire Boat. The preliminary cost estimate to build the new boathouse and docks is approximately \$150,000. No money is budgeted for the project, which means that another \$80,000 would need to be appropriated before the project could begin. Second, if the lot is sold, there is no other location available at this time to house the Fire Boat, which requires power and heat during the winter months. Finally, Mr. Nalley stated that there has been discussions with the North Carolina Department of Transportation concerning the replacement of the bridge over the dam. Mr. Nalley explained that it is still too early to determine an exact location for the new structure, but suggested that the Town may want to consider delaying sale of this property until at least some initial planning by NCDOT has taken place and it is determined that this lot will not be affected.

Council discussed potential uses for the property and the issues raised by Mr. Nalley. After discussion, Commissioner John Moore made a motion to reject the \$70,000 offer and take the property located at 273 Buffalo Shoals Road off the market at least until after NCDOT makes a decision concerning replacement of the bridge at the dam. Commissioner Mary Ann Silvey seconded the motion and the motion carried 4-0.

NEW BUSINESS:

C. PROPOSED ORDINANCE NO. 16-09-13: REVISIONS TO SECTION 92.158(C)(3) OF THE TOWN OF LAKE LURE ZONING ORDINANCE, ALLOWING BANNERS TO REMAIN POSTED FOR THIRTY CONSECUTIVE DAYS

Community Development Director Shannon Baldwin explained that the proposed amendment lengthens the time banners are allowed to remain on display. Currently the Zoning Regulations allow fifteen consecutive days. The proposed amendment will allow banners to remain posted for thirty consecutive days. This amendment was proposed by the Hickory Nut Gorge Chamber of Commerce and comes recommended by the Zoning and Planning Board.

Commissioner Stephen Webber made a motion to adopt Ordinance No. 16-09-13 to allow banners to remain posted for thirty consecutive days and finds that this amendment is neither consistent nor inconsistent with the 2007-2027 Comprehensive Plan per the Zoning and Planning Board analysis. Commissioner Mary Ann Silvey seconded and the motion carried 4-0.

ORDINANCE NUMBER 16-09-13

AN ORDINANCE CONCERNING BANNERS, SPECIAL EVENT SIGNS

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 neither consistent nor inconsistent with the 2007-2027 Town of Lake Lure Comprehensive Plan; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the 13th of September, 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 92.158(C)(3) of the Zoning Regulations of the Town of Lake Lure, concerning special event signs, is hereby amended as follows:

Page 12- Minutes of the September 13, 2016 Regular Council Meeting

- (3) Special event directional signs for civic or nonprofit organizations, including banners but not pennants, flags, or balloons, are permitted provided that a temporary permit is obtained from the Zoning Administrator. The signs shall be located at points specified by the Zoning Administrator for a period not to exceed ~~15~~ 30 consecutive days.

[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 13 day of September, 2016.

NEW BUSINESS:

D. PROPOSED ORDINANCE NO. 16-09-13A: REVISIONS TO SECTION 92.005 OF THE TOWN OF LAKE LURE ZONING ORDINANCE, CLARIFYING GARDENS AND GARDENING ARE ALLOWED IN EVERY ZONING DISTRICT

Community Development Director Shannon Baldwin gave a brief overview of proposed Ordinance No. 16-09-13A and explained that the proposed amendment to the Zoning Regulations adds the definitions of “Garden” and “Gardening” to Section 92.005 and clarifies that gardens are allowed in all Zoning Districts without a permit, if 2,000 square feet or less is cultivated. Mr. Baldwin stated that the proposed ordinance comes recommended by the Zoning and Planning Board.

Commissioner Bob Cameron made a motion to adopt Ordinance No. 16-09-13A to clarify that gardens and gardening are allowed in every zoning district and council finds that this amendment is neither consistent nor inconsistent with the 2007-2027 Comprehensive Plan per Zoning and Planning Board analysis. Commissioner Mary Ann Silvey seconded and the motion carried 4-0.

ORDINANCE NUMBER 16-09-13A

AN ORDINANCE CONCERNING GARDENS and GARDENING

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 neither consistent or inconsistent with the 2007-2027 Town of Lake Lure Comprehensive Plan; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the 13th of September, 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 92.005 of the Zoning Regulations of the Town of Lake Lure, concerning the definitions of "Garden" and "Gardening", is hereby amended as follows:

"Garden" - a plot of ground where herbs, fruits, flowers, ornamentals or vegetables are cultivated.

"Gardening" – The cultivation of plants in any zoning district on lots solely for the use and/or consumption of the lot owner. No permit is required for this activity if the cultivated area is 2,000 square feet or less and located fifty feet or more from a body of water.

[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 13th day of September, 2016.

NEW BUSINESS:

E. PROPOSED ORDINANCE NO. 16-09-13B: REVISION TO SECTION 92.154(B) OF THE TOWN OF LAKE LURE ZONING ORDINANCE, REQUIRING TOWN COUNCIL OR TOWN MANAGER APPROVAL PRIOR TO POSTING CERTAIN GOVERNMENTAL SIGNS

Community Development Director Shannon Baldwin gave a brief overview of proposed Ordinance No. 16-09-13B concerning an amendment to Section 92.154(B) of the Zoning Regulations. Mr. Baldwin explained that the proposed amendment specifies that specific signs of a governmental body must either have Town Council or Town Manager approval. Signs that must have Town Council approval must be reviewed by the Zoning and Planning Board first. Mr. Baldwin further explained that along with the proposed amendment is a recommended process for approving governmental sign. This amendment and review process comes recommended by town staff and the Zoning and Planning Board.

After discussion, Commissioner Stephen Webber made a motion to adopt Ordinance No. 16-09-13B as well as the governmental sign approval process as recommended by the Zoning and Planning Board. Commissioner Webber further moved that the associated governmental sign design guidelines outlined in this memo be adopted as recommended by staff and used in conjunction with the Arnett Muldrow Style Guide previously adopted and that Council finds Ordinance No. 16-09-13B neither consistent nor inconsistent with the 2007-2027 Comprehensive Plan per Zoning and Planning Board analysis. Commissioner Mary Ann Silvey seconded and the motion carried 4-0.

ORDINANCE NUMBER 16-09-13B

AN ORDINANCE CONCERNING SIGNS OF A GOVERNMENTAL BODY

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 neither consistent nor inconsistent with the 2007-2027 Town of Lake Lure Comprehensive Plan; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the 13th of September, 2016, upon the question of amending the Zoning Regulations in this respect.

CLOSED SESSION:

e. CLOSED SESSION IN ACCORDANCE WITH G.S. 143-318.11(A)(6) FOR THE PURPOSE OF DISCUSSING PERSONNEL MATTERS CONCERNING DISCUSSION OF ATTORNEY CANDIDATES

Commissioner Bob Cameron made a motion to enter into closed session in accordance with G.S. 143-318.11(a)(6) for the purpose of discussing a personnel matter concerning potential attorney candidates and in accordance with G.S. 143-318.11(a) (5) for the purpose of discussing property acquisition. Commissioner Mary Ann Silvey seconded and the motion carried 4-0

Commissioner Stephen Webber made a motion to invite Community Development Director Shannon Baldwin into the property acquisition portion of the closed session. Commissioner Bob Cameron seconded and the motion carried 4-0.

While in Closed Session, Council members discussed the potential purchase of property owned by the American Legion located on Boys Camp Road.

Mr. Baldwin left the closed session portion of the meeting.

Council members also discussed candidates being considered to replace the Town Attorney upon his retirement. It was the consensus of Town Council to offer the position to William Morgan, Jr. of the Law Offices of William Morgan and consider officially appointing Mr. Morgan as Town Attorney at the next regular Town Council Meeting.

Commissioner Bob Cameron made a motion to leave closed session. Commissioner Mary Ann Silvey seconded and the motion carried 4-0.

ADJOURN THE MEETING

With no further business, Commissioner Bob Cameron made a motion to adjourn the meeting. Commissioner Stephen Webber seconded and the motion carried 4-0.

ATTEST:

Andrea H. Calvert

Mayor Bob Keith