

Minutes of the Regular Meeting of the
Zoning and Planning Board

Tuesday, September 17, 2013

Lake Lure Municipal Center

ROLL CALL

Present: Thomas M McKay, Chair
Ric Thurlby
John Wisniewski
John Moore, Town Council Liaison

Absent: Charlie Ellis
Bruce Barrett

Also Present: Shannon Baldwin, Community Development Director
Sheila Spicer, Zoning Administrator
Mike Egan, Town Attorney
Michelle Jolley, Recording Clerk

Chairman McKay called the meeting to order at 9:35 a.m. and gave the invocation.

APPROVAL OF THE AGENDA

Mr. Baldwin proposed to amend the agenda to add item (a) under New Business, 'Review and discuss proposed amendments to the Zoning Regulations regarding Board of Adjustment procedures.'

Mr. Thurlby made a motion to approve the agenda as amended. Mr. Wisniewski seconded and all were in favor.

APPROVAL OF THE MINUTES

The minutes of the August 20, 2013 regular meeting were unanimously approved upon a motion made by Mr. Wisniewski and seconded by Mr. Thurlby.

OLD BUSINESS

(A) Discussion and approval of ZPB memo to Town Council regarding evaluation of Lake Lure Tours Agreement

Chairman McKay mentioned he thinks staff did a good job on the memo and approves of sending it to Town Council. However, he noted he thinks the Board may be moving too hastily and feels they may be negotiating against themselves. Mr. Moore stated at the last meeting it was discussed to have a blackline created so the Board could compare the old agreement with the new agreement at this meeting and then approve the memo to be sent for review to Town Council. He stated it might be wise to wait until the next month's meeting when all Board members are present to review and discuss the memo. Chairman McKay agreed and mentioned he would like a blackline to see the pros and cons. Mr. Baldwin mentioned he could have a blackline created and ready for the next meeting.

Mr. Thurlby asked Mr. Baldwin how long the current agreement is for. Mr. Baldwin answered it runs year to year for 10 years and is currently in the 6th year.

Chairman McKay asked Bo Williams, General Manager of Lake Lure Tours, to explain the contract. Mr. Williams explained that the current concession agreement does not renew on a specific date each year and gives the potential to be ended at any time. He mentioned there is no urgency or hardship that he is aware of to rush through this. Mr. Williams pointed out that it would be nice, if the Town were to go forward with the new agreement, to have the agreement done by fall so he could make capital improvements in the off-season this year.

Mr. Baldwin suggested the Board ask the Town Manager about creating a blackline and that he would be the appropriate person to create one. He stated the Town Manager is currently working with Lake Lure Tours on a proposal. Mr. Baldwin mentioned his department will generate a document based on the blackline to give to this Board and Town Council.

Mr. Wisniewski asked Mr. Williams how long the improvements would take and how much they would cost. Mr. Williams answered the proposed concession agreement lists the cost at around \$100,000. He mentioned he would like several of the improvements to be done during the winter of 2013-2014 because it would impact on operations going into 2014.

Mr. Braund, Town Manager, joined the meeting. Chairman McKay asked Mr. Braund how long it would take to create a blackline document. Mr. Braund asked for clarification on exactly what the Board wanted in the blackline. Discussion ensued regarding a blackline document and what the Board would like to have. During discussion the Board agreed they would like to have Mr. Braund create an analysis of the original contract, showing the pros and cons. They would then like to compare this with the contract that will be submitted to Council. They also asked to have a list of some concerns that may

come up and would like to have some currently proposed changes to the document that will be proposed to Council.

Mr. Baldwin suggested the Board recommend the memo to Town Council, the Town Manager, and the Mayor for review with three objectives:

- 1) Analyze the current agreement
- 2) Decide what you want in the future
- 3) Create the language to get you there

Mr. Thurlby made a recommendation to send the memo as written to Town Council, the Town Manager, and Mayor for review with the three objectives that Mr. Baldwin stated.

Mr. Moore noted it would not be helpful to have the ZPB Board and Town Council simultaneously analyzing the individual provisions of the agreement. He stated it would create confusion. He recommended emailing the memo to each commissioner as a progress report.

Mr. Braund mentioned it is his job to deliver a contract that is going to satisfy the objectives of the Town through the Town Council and its advisory boards. He stated if the Council or the ZPB would like to see anything else in the contract or not in the contract to let him know and he can create a contract based upon those recommendations.

Mr. Baldwin restated the motion on the table adding that the memo be sent to Council as a progress report.

Mr. Wisniewski seconded. All were in favor.

Mr. Moore added that Mr. Baldwin asks, in the email he sends out, that no one 'Reply To All' since this matter cannot be discussed before the meeting. He mentioned they should only reply to Mr. Braund or Mr. Baldwin. Mr. Baldwin stated he would send the memo to the Town Council, the Mayor, and the Town Manager asking everyone to analyze the existing documents, report back to this Board, and then figure out what is wanted.

NEW BUSINESS

(A) Review and discuss proposed amendments to the Zoning Regulations regarding Board of Adjustment procedures

Mr. Egan gave an introduction of the ordinance concerning the Board of Adjustment and pointed out it is all mandated by the General Assembly. He noted that he made some tactical, organizational changes in the zoning regulations. He mentioned there was only one change made that was not mandated by the new Session Law, which is regarding the seven day requirement to notify the applicant of the Board's decision.

Mr. Egan gave an explanation of the changes the new Session Law mandates regarding the way planning departments and boards of adjustment do business. Discussion was held regarding these changes, which were included in the packet. During discussion, Ms. Spicer pointed out that advertisements are run in the paper for variances, which is not required by the zoning regulations. She mentioned the only requirement to advertise is for conditional use permits. Ms. Spicer suggested proposing that this process be changed to comply with the North Carolina General Statutes (N.C.G.S.). Mr. Baldwin added that an ad is also run for the ZPB as well, which is not a requirement by N.C.G.S. Ms. Spicer and Mr. Baldwin noted that running ads in The Daily Courier is costly.

Ms. Spicer made a referral to page 13 of the Project History & Analysis Memo, which talks about appealing a decision and how long an applicant has to appeal. Mr. Egan stated there is a new provision in the N.C.G.S. in which the applicant bears the expense of posting the notice and an appeal can only be filed within 10 days from the posted notice. He mentioned in the past this was done by the Town and was created to protect the applicant. Ms. Spicer added that abutting property owners will still get a certified letter in the mail. Discussion held.

Mr. Wisniewski moved that the Zoning & Planning Board find that the ordinance concerning the Board of Adjustment is neither consistent nor inconsistent with the 2007-2027 Town of Lake Lure Comprehensive Plan, and further moved the Board to recommend enactment of such ordinance. Mr. Thurlby seconded and all were in favor.

PLANNING PROJECTS UPDATE

Mr. Baldwin pointed out that his department generates a staff activity report each month. Chairman McKay asked Mr. Baldwin for an update on the new school site. Mr. Baldwin responded that there are two projects currently underway. He mentioned one project taking place is the old landfill being reshaped and cleaned up for reuse. He noted this project is almost complete and all expenses are paid for by a grant given to the Town.

Mr. Baldwin then gave an update on the medical facility and explained that all permits have been issued for MAHEC and Dr. Adams' dental office. He mentioned it is now in their hands to start grading and developing those properties.

Chairman McKay asked Mr. Baldwin to give an update on the Buffalo Creek trails. Mr. Baldwin mentioned he is working on a contract and is hoping to have that done before he leaves today since he would be out of town the rest of the week. He pointed out the pedestrian bridge is completed on the old Buffalo Creek Road for the Type 1 trail to serve mountain bikers and pedestrians. He stated construction will start on October 1 for Type 2 and 3 trails which will serve mountain bikers and will hopefully be finished by December of this year. He noted the trails will be a minimum of five miles. He also stated the Town is in the process of getting another grant, which will connect the trails to Eagle Rock.

Chairman McKay asked what the town limits research project is. Mr. Baldwin explained the project stating that when the Town was originally incorporated in 1927 there was no map adopted with meets and bounds to show where the Town's property lines were located. He stated issues have arisen over time that the Town has had to resolve. He noted that almost all issues have been resolved except for a section in the northeast which he is still working on.

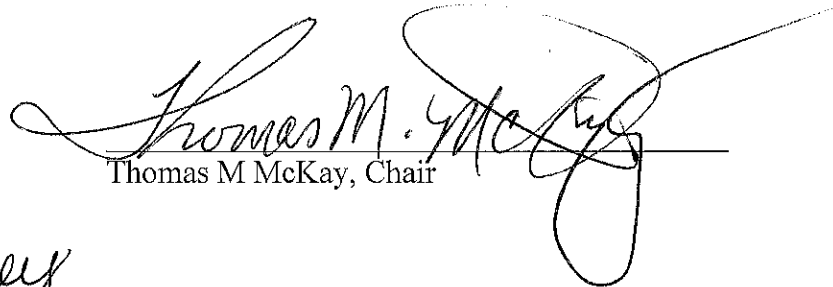
Mr. Baldwin gave an update on the old El Sureno property. He mentioned the Town has purchased the property and has sought competitive bids for demolition. He noted asbestos has been removed and the buildings are in the process of coming down. He stated the Town will be soliciting input from the community on the 27th and once the input has been obtained the Town will try to develop concepts of what will happen at the property in the future. He mentioned he would give the Board a report on the 8th of the status and what the results were from the stakeholder interviews regarding that property. He explained he would then like to seek additional input from the Board and create some type of a visual to present to the community and solicit the community's opinion to take into consideration.

Sharon Theiss was sworn in and presented herself. She explained Pat Cook and herself are interested in bringing a dog park to the Hickory Nut Gorge area but are unsure of a location at this time. She gave an overview of what their plans and ideas are for the park. Discussion held.

ADJOURNMENT

Upon a motion by Mr. Wisniewski and seconded by Mr. Thurlby, the meeting was adjourned at 10:52 a.m. The next regular meeting is scheduled for Tuesday, October 15, 2013 at 9:30 a.m. at the Lake Lure Municipal Center.

ATTEST



Thomas M McKay, Chair



Michelle Jolley, Recording Clerk