



Incorporated 1927

Town of Lake Lure

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MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, APRIL 11, 2000, 7:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER

PRESENT: Mayor Jim Proctor
Commissioner Blaine Cox
Commissioner Dick McCallum
Commissioner George Pressley
Commissioner Jack Stanier

H. M. Place III, Town Manager
J. Christopher Callahan, Town Attorney

ABSENT: N/A

CALL TO ORDER

Mayor Proctor called the meeting to order at 7:00 p.m.

INVOCATION

Attorney Callahan gave the invocation.

PUBLIC HEARING

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

Commissioner McCallum made a motion to open the public hearing regarding the proposed amendment to the zoning ordinance rezoning C-1 Districts and Commissioner Stanier seconded the motion. The vote of approval was unanimous.

Interim Zoning Administrator Lee Jenson explained that the Zoning and Planning Board decided at their April 4, 2000 meeting to withdraw their application to rezone the Sunny Daze Country Store property from R-3 (Resort Residential) to CN (Commercial Neighborhood). Mr. Jenson said the board had identified several reasons for their action. Among these are public opposition to the rezoning and the fact that if the store closes, something else which may not be as desirable could take its place. Mr. Jenson stated the board has the right to withdraw their

Page 2 - Minutes of the April 11, 2000 Regular Council Meeting

application for rezoning and the property owner can make their own request to rezone this same property. He said the board will continue to study this property until a decision is reached.

Attorney Callahan said the Lake Lure Zoning and Planning Board had notified Lake Lure Town Council of their decision to withdraw their application requesting to rezone the Sunny Daze Country Store property.

Mayor Proctor invited citizens to speak during the public hearing and the following requested to speak.

1. Attorney James M. Bowen stated that he was representing the Wilson's who own the Sunny Daze Country Store property. Mr. Bowen said he would submit to the town an application on a timely basis requesting this property be rezoned from R-3 to CN. He asked Council members to schedule a public hearing to consider their application at the next regular town meeting to held on May 9, 2000.
2. Bill Bush, Zoning and Planning Board member, said his board had already discussed issues about rezoning the Sunny Daze Country Store property.
3. Jack Donovan, a Lake Lure resident, asked for a clarification on the zoning change being proposed.
4. Tom McKay asked for a definition of what CN (Commercial Neighborhood) meant and the effects on the use of property zoned as CN.
5. Fraulein S. Beio, a resident of Lake Lure, asked if the zoning changes being proposed would effect her property?

A motion was made by Commissioner Cox to close the public hearing and enter the regular session of the meeting. Commissioner Pressley seconded the motion and the vote of approval was unanimous.

After discussion, Commissioner McCallum made a motion to adopt Ordinance No. 00-4-11 (amending the zoning map of the Town of Lake Lure) as presented by Interim Zoning Administrator Lee Jenson. Commissioner Cox seconded the motion and the vote of approval was unanimous.

ORDINANCE NO. 00-4-11

**AN ORDINANCE AMENDING THE ZONING MAP
OF THE TOWN OF LAKE LURE**

WHEREAS, the Town of Lake Lure Zoning and Planning Board has reviewed and considered rezoning petitions from the Town of Lake Lure and has recommended to the Town Council that certain changes be made to the zoning map;

WHEREAS, the Lake Lure Town Council, after due public notice, conducted a public hearing in the 11th day of April, 2000, upon the question of amending the zoning map in certain respects;

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 COUNCILMEN VOTING IN THE AFFIRMATIVE:

SECTION ONE: To amend the Zoning Map of the Town of Lake Lure, changing the zoning of the properties in question from C-1 to CN, the properties in question are shown on the attached sheet.

SECTION TWO: To amend the Zoning Map of the Town of Lake Lure, changing the zoning of the properties in question from C-1 to CTC, the properties in question are shown on the attached sheet.

SECTION THREE: To amend the Zoning Map of the Town of Lake Lure, changing the zoning of the properties in question from C-1 to GU, the properties in question are shown on the attached sheet.

SECTION FOUR: To amend the Zoning Map of the Town of Lake Lure, changing the zoning of the properties in question from C-1 to CG, the properties in question are shown on the attached sheet.

SECTION FIVE: The Zoning Administrator shall make all the necessary corrections to the zoning map so as to implement the provisions of this ordinance and shall enforce the ordinance as hereby amended.

SECTION SIX: This ordinance shall be effective upon its adoption.

Adopted the 11th day of April, 2000.

Page 4 - Minutes of the April 11, 2000 Regular Council Meeting

ATTEST:

Mary A. Flack, MMC
Town Clerk

Mayor, Jim Proctor

APPROVED AS TO FORM:

J. Christopher Callahan
Town Attorney

Attachment to Ordinance No. 00-4-11

C-1 to CN

<u>Map</u>	<u>Block</u>	<u>Lot</u>
539	1	7H
539	1	7R
539	1	7S
539	1	7L

Attachment to Ordinance No. 00-4-11

C-1 to CTC

<u>Map</u>	<u>Block</u>	<u>Lot</u>
518	1	75A
518	1	79
518	1	76
518	1	72
518	1	73A
518	1	83
518	1	82A
518	1	82
518	1	81
518	1	80
518	1	84
518	1	85
518	1	86A
518	1	86
518	1	75

Page 5 - Minutes of the April 11, 2000 Regular Council Meeting

518	1	77
518	1	73
518	1	78
518	1	77A
524	1	1

Attachment to Ordinance No. 00-4-11

C-1 to GU

<u>Map</u>	<u>Block</u>	<u>Lot</u>
518	1	96
518	1	1
518	1	1D
518	1	1E
518	1	92
518	1	87
518	1	97
518	1	98
518	1	99
518	1	100
516	6	7A
516	6	7
516	6	9
516	6	10
516	6	5

Attachment to Ordinance No. 00-4-11

C-1 to CG

<u>Map</u>	<u>Block</u>	<u>Lot</u>
518	1	101
518	1	112
518	1	113
518	1	66
518	1	67
518	1	68
518	1	69
518	1	70
518	1	71

Page 6 - Minutes of the April 11, 2000 Regular Council Meeting

518	1	71A
518	1	74
518	1	91
518	1	91A
518	1	102
518	1	2
518	1	3
518	1	4
518	1	5
518	1	6
518	1	57
518	1	58
518	1	65
518	1	27
518	1	26
518	1	25
518	1	24
518	1	23
518	1	22
518	1	21
514	1	134
514	1	135
519	1	63
519	1	64
519	1	65
519	1	66
516	1	13B
516	1	13
516	1	15
502	1	33
502	1	34
502	1	35
502	1	36
511	1	88
511	1	89
511	1	90
511	1	90A
521	1	32B
526	1	8
526	1	8A
526	1	10
526	1	11
549	2	26

Page 7 - Minutes of the April 11, 2000 Regular Council Meeting

549	2	25
550	1	4C
550	1	4B
550	1	4A
550	1	3
550	1	2
514	1	158B
514	1	158A
514	1	158C
514	1	158
514	1	159
514	1	160
514	1	106A
514	1	105A
514	1	104
514	1	101
514	1	100
514	1	97
514	1	96
514	1	93
514	1	92
514	1	91
514	1	90
514	1	89
514	1	88
514	1	87
514	1	86
514	1	107
514	1	108
514	1	157
515	2	81
515	2	81A
515	2	82
515	2	83
515	2	84
515	2	85
515	2	80
515	3	1B
517	1	20
517	1	21
517	1	22
517	1	23
517	1	24

Page 8 - Minutes of the April 11, 2000 Regular Council Meeting

517	1	25
517	1	26
517	1	12
517	1	11
517	1	10
517	1	9
517	1	8
520	1	1A
520	1	2
520	1	3
520	1	4
520	1	5
520	1	6
520	1	1
520	2	21
520	2	20
520	2	19
520	2	18
520	2	17
520	2	16
520	2	8
520	2	7
520	2	6
520	2	5

After discussion, Commissioner Stanier made a motion to schedule a public hearing on Tuesday, May 9, 2000, 7:00 p.m. or thereafter, at the Lake Lure Municipal Center for the purpose of considering a petition to rezone the property (map 539, block 1, lot 1) from R-3 (Resort Residential) to CN (Commercial Neighborhood) on which the Sunny Daze Country Store is located as requested by Attorney James M. Bowen. Commissioner Pressley seconded the motion and the vote of approval was unanimous.

PUBLIC FORUM

Mayor Proctor invited the audience to speak on any non-agenda item. Rebecca Driscoll of the Census Bureau office, explained that Lake Lure (including Fairfield Mountains) and Chimney Rock are being treated as special areas for the purpose of the census 2000 count. She explained this is because of the number of hotels, motels, and time-share properties in this resort area. She said residents of these areas will not receive survey forms in the mail, but will be visited by enumerators who will interview them in person. These interviews are being conducted through June of this year. Ms. Driscoll said the census bureau is still looking for more enumerators to work in these area. Also, Ms. Driscoll asked the town to publish an article in

Page 9 - Minutes of the April 11, 2000 Regular Council Meeting

the next issue of the Lake Lure town newsletter about the census. Mayor Proctor agreed to post an article on the town website.

<p>CONSENT AGENDA</p>

Mayor Proctor presented the consent agenda and asked if any items should be removed before calling for action. Commissioner McCallum made a motion to approve the following consent agenda items as presented and Commissioner Stanier seconded the motion. Therefore, the consent agenda, incorporating the following items were unanimously approved:

- a. Approved Minutes of March 14, 2000 (regular meeting); and
- b. Approved Proclamation No: 2000-1 (Designating May 4, 2000 as National Day of Prayer in Lake Lure)

PROCLAMATION NO. 2000-1

**DESIGNATING MAY 4, 2000
AS NATIONAL DAY OF PRAYER**

WHEREAS, civic prayers and national days of prayer have long and venerable history in our constitutional republic, dating back to the First Continental Congress in 1775; and

WHEREAS, the Declaration of Independence, our first statement as Americans of national purpose and identity, made "the Laws of Nature and Nature's God" the foundation of our United States of America and asserted that people have inalienable rights that are God-given; and

WHEREAS, the Supreme Court has affirmed the right of state legislatures to open their sessions with prayer and the Supreme Court and the U. S. Congress themselves begin each day with prayer; and

WHEREAS, in 1988, legislation setting aside the first Thursday in May in each year as a National Day of Prayer was passed unanimously by both Houses of Congress and signed by President Ronald Reagan; and

WHEREAS, the National Day of Prayer is an opportunity for Americans of all faiths to join in united prayer to acknowledge our dependence on God, to give thanks for blessings received, to request healing for wounds endured, and to ask God to guide our leaders and bring wholeness to the United States and her citizens; and

WHEREAS, it is fitting and proper to give thanks to God by observing a day of prayer

Page 10 - Minutes of the April 11, 2000 Regular Council Meeting

in the Town of Lake Lure when all may acknowledge our blessings and express gratitude for them, while recognizing the need for strengthening religious and moral values in our State and nation;

NOW, THEREFORE, BE IT RESOLVED, by the Town of Lake Lure that May 4, 2000 is hereby recognized as "**NATIONAL DAY OF PRAYER**" in Lake Lure and encourage the citizens of Lake Lure to observe the day in ways appropriate to its importance and significance.

Proclaimed this the 11th day of April, 2000.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor

End of Consent Agenda

UNFINISHED BUSINESS

a. Other Unfinished Business

There was no other unfinished business discussed.

NEW BUSINESS

**a. Approve Request from Richard Loftus, Hickory Nut Trolley Co., to
Park their Trolley Vehicle in the Lake Lure Municipal Parking Lot
During Night Hours**

Bill Bentley, representative of the Hickory Nut Trolley Co., answered questions in regards to Richard Loftus's request for the Hickory Nut Trolley Co., to park their trolley vehicle in the Lake Lure Municipal parking lot during night hours from 10:00 p.m. until 8:00 a.m. Mr. Bentley said the Hickory Nut Trolley Co. preferred parking their trolley in the Lake Lure Municipal parking lot rather than other locations mainly because of security reasons and exposure.

Council members expressed their concerns about the trolley vehicle being parked on town property and suggested that Mr. Bentley inquire about other sites for parking their trolley vehicle. Commissioner Cox asked Mr. Bentley to consider using the Chimney Rock parking lot because it is a large parking facility.

Page 11 - Minutes of the April 11, 2000 Regular Council Meeting

Attorney Callahan requested that the town be furnished a copy of the insurance policy on the Hickory Nut Trolley vehicle. Mr Bentley agreed to furnish the town a copy of this insurance policy.

Following discussion, Commissioner Stanier made a motion to grant permission temporarily to allow the Hickory Nut Trolley Co. permission to park their trolley vehicle in the parking lot located behind the town playground during night hours of 10:00 p.m. until 8:00 a.m. Also, Town Council will reconsider this request once again in two months at the regular Town Council meeting on Tuesday, June 13, 2000, 7:00 p.m. or thereafter, at the Lake Lure Municipal Center. Commissioner McCallum seconded the motion. Commissioners Cox and Pressley voted against the motion. Mayor Proctor voted in favor of the motion breaking the tie vote. Therefore, the motion carried with a vote of 3 to 2 in favor.

STAFF REPORTS

Town Manager Place reported on the following:

1. Mentioned that copies of the Capital Improvements Program for Fiscal Year 2000-2006 were distributed Monday. Mr. Place requested that a workshop meeting be scheduled on April 26, 2000, 9:00 a.m., at the Lake Lure Municipal Center for the purpose of discussing and reviewing a draft copy of the proposed capital improvements program (Fiscal Year 2000-2006).

A motion was made by Commissioner Pressley and seconded by Commissioner Cox to schedule a town workshop meeting on April 26, 2000, 9:00 a.m., at the Lake Lure Municipal Center for the purpose of discussing and reviewing a draft copy of the proposed capital improvements. The vote of approval was unanimous. program (Fiscal Year 2000-2006).

2. Received a proposal from Michael and Linda Laughter to lease or rent the "grill" at the Lake Lure Golf Course.

Council members agreed by consensus to forward the proposal from Michael and Linda Laughter to the Lake Lure Golf Course Committee for review.

3. Reported on police activities. Police Chief Bustle responded to allegations made by Richard and Ruth Peck. Corporal exams were given to four police officers to fill two positions. Police Officers Shane Ramsey and Bill Smith were both promoted to the rank of Corporal. Tabatha Flynn was promoted to Patrol Officer to replace Michelle Smith who will work in the office until her baby is born.

Page 12 - Minutes of the April 11, 2000 Regular Council Meeting

Also, Mr. Place said the grant for a Youth Center looks very favorable and the state is considering a 100% grant (no local match) for two years.

4. Announced two bids were received for the small parcel of land near the town center. The higher bid will be submitted to Town Council at the next regular meeting on May 9, 2000 for acceptance and advertising. No bids have been received to date on the two larger parcels of land for sale. There have been two bids received at this time for one of the two trucks for sale and this truck will be negotiated directly with those bidders.
5. The lift station permit has been approved by NCDENR, but the town still needs approval from the Corps of Engineers. This project will be advertised for bid next week with a bid opening scheduled in May 2000. Commencement of construction will begin sometime in June or July. Mr. Place said it is important that construction be well underway by September 2000 because that is when the the extension period granted by DENR for expenditure of grant funds for this project expire.
6. Announced the New Zoning Administrator Terri Potts will start employment with the town on May 1, 2000.
7. Reported that Mr. Chuck Watkins had volunteered to write Standard Operating Procedures for the hydro-electric and waste water operations of the town. Mr. Watkins has already been working with Hydro-Plant Operator William Grimes.
8. Announced that the sport fishing signs have been received.

Attorney Callahan gave a brief report on the status of the pending lawsuit by Fairfield Mountains regarding ad valorem taxes.

COUNCIL COMMENTS

Commissioner Pressley recommended that town employees receive one complimentary boat permit with the stipulation that the boat permit be issued to the employee only and this permit is not transferable to a relative name or any other person. Also, exclude elected officials from receiving a complimentary boat permit.

After discussion, Commissioner Pressley made a motion that all town employees receive one complimentary boat permit with the stipulation that the boat permit be issued to the employee only and this permit is not transferable to a relative name or any other person. Also, exclude elected officials from receiving a complimentary boat permit. Commissioner Cox seconded the motion and the vote of approval was unanimous.

Page 13 - Minutes of the April 11, 2000 Regular Council Meeting

Commissioner Cox gave a brief report on the progress of the Lake Lure Golf Course Advisory Committee's accomplishments.

A motion was made by Commissioner Cox to schedule a special workshop meeting of the Lake Lure Town Council and the Chimney Rock Village Council to be held on Tuesday, April 18, 2000, 7:30 p.m., at the Lake Lure Municipal Center for the purpose of discussing water and sewer system. Commissioner Stanier seconded the motion and the vote of approval was unanimous.

ADJOURNMENT

With no further items of discussion, Commissioner McCallum made a motion to adjourn the Town meeting at 8:43 p.m. Commissioner Pressley seconded the motion and the vote of approval was unanimous.



Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor