

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, NOVEMBER 9, 2004, 7:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

PRESENT: Mayor Jim Proctor
Commissioner Blaine Cox
Commissioner Lea Hullender
Commissioner Dick McCallum
Commissioner Chuck Watkins

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

Town Attorney Callahan gave the invocation.

APPROVE THE AGENDA

After discussion, Commissioner Mcallum made a motion to approve the agenda as amended by adding an item under new business as10 c. (consider amending the boat slip leasing policy adopted June 19, 2003) and add an item 12 (closed session for purpose of discussing legal matters and attorney client privilege in accordance with G.S. 143-318.11(a)(3) regarding pending litigation between Patricia Hyatt and the Town of Lake Lure). Commissioner Hullender seconded the motion and the vote of approval was unanimous.

**PUBLIC HEARING - PROPOSED ORDINANCE NO. 04-11-09 AMENDING TITLE IX,
CHAPTER 92 OF THE TOWN OF LAKE LURE ZONING REGULATIONS RELATING
TO FABRIC AND METAL STRUCTURES**

Mayor Proctor opened the public hearing regarding the proposed amendment to the zoning regulations relating to fabric and metal structures.

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Town Manager Place read into the record his memorandum dated October 14,2004 regarding regulation of fabric and metal structures. (Copy of memorandum attached).

Mayor Proctor invited citizens to speak during the public hearing. Lake Lure residents Brad Martin, Bill Locklair, and Rick Coley asked town council members to explain the impact the proposed regulations would have on their existing fabric and metal structures. Town Manager Place answered questions pertaining to the proposed regulations.

After discussion, Commissioner Cox made a motion to close the public hearing. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

ADOPT ORDINANCE NO. 04-11-09 AMENDING TITLE IX, CHAPTER 92 OF THE TOWN OF LAKE LURE ZONING REGULATIONS RELATING TO FABRIC AND METAL STRUCTURES

After discussion, Commissioner Hullender made a motion to adopt Ordinance 04-11-09 as presented. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

ORDINANCE NUMBER 04-11-09

AN AMENDMENT TO TITLE IX, CHAPTER 92, THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE, RELATING TO FABRIC AND METAL STRUCTURES

WHEREAS, the Town of Lake Lure Zoning and Planning Board, upon the request of the Town Council and after a thorough review of the Zoning Ordinance, has recommended an amendment regulating fabric structures and metal structures within the town; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the 9th day of November 2004, upon 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 ALL COUNCILMEN VOTING IN THE AFFIRMATIVE:

SECTION ONE. Add a new §92.118, “Fabric and metal structures,” as follows:

§92.118 FABRIC AND METAL STRUCTURES

- a. Fabric Structures. To protect the character and appearance of Lake Lure, no fabric structures, including tents and similar fabric covered shelters, other than canopies and awnings shall be erected in the Town of Lake Lure except as follows:

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- a. Tents and similar fabric covered shelters or other structures of not greater than 200 square feet in area may be erected on any lot for a period of not more than seven days in any six month period, provided that this provision may be waived or modified by the town council upon written request of the property owner.
- b. All fabric structures shall comply with the standards and requirements of Chapter 97 of this code.
- b. Metal Structures. Metal structures are permitted in the Town of Lake Lure, provided that no metal sheathed walls shall be visible from any arterial streets or residentially zoned property. All such metal walls visible from any arterial streets or residentially zoned property shall either be sheathed with wood, stone, or other natural or simulated natural material or hidden by walls or other structures.

SECTION TWO. The Zoning Administrator shall make all the necessary corrections and additions to the Zoning Ordinance and shall henceforth enforce the ordinance hereby amended.

SECTION THREE. This ordinance shall be effective upon its adoption.

Adopted this 9th day of November, 2004.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor

Approved as to form:

J. Christopher Callahan
Town Attorney

PUBLIC FORUM

Mayor Proctor invited the audience to speak on any non-agenda item. The following individuals requested to speak.

George Nixon, a Lake Lure resident, asked town council members for permission to allow a 21' 6" Budsin electric boat on the lake for a photo shoot for one day during the 1st week of December, 2004. Town Council members agreed to consider Mr. Nixon's request at the Lake Lure Marine Commission meeting following this town council meeting.

CONSENT AGENDA

Mayor Proctor presented the consent agenda and asked if any item should be removed before calling for action.

Commissioner Cox moved, seconded by Commissioner Watkins, to approve the consent agenda items as presented. Therefore, the consent agenda, incorporating the following items was unanimously approved:

- a. minutes of October 12, 2004 (regular meeting);
- b. request from Stanley Long to suspend the town's peddling ordinance in order that food, t-shirts, truck parts, and other items may be sold on site at the Geneva Riverside property during the F-100 truck show "Run to the Rock" on November 5-7, 2004;
- c. budget amendment of \$8,200.00 for water system improvements and easement acquisitions as submitted by the finance director; transfer \$8,200.00 from water/sewer equity fund to water department account #308300.5550 (easements);
- d. budget amendment of \$4,000.00 for a new computer server at town hall as submitted by the finance director; transfer \$4,000.00 from the contingency fund account #109100.1000 to administrative account #104200.5600 (computer upgrade);
- e. budget amendment to cover the cost of work on the bar screen at the wastewater treatment plant as submitted by the finance director; transfer \$9,250.00 from the water/sewer fund equity to sewer line item account #308200.1600 (maintenance and repair equipment);
- f. request from Sharon Theiss on behalf of the Hickory Nut Gorge Kiwanis Club to waive the rental fee for use of the community hall in the Lake Lure Municipal Center for the purpose of holding an annual children's Christmas party on Saturday, December 11, 2004, from 2:00 p.m. until 4:00 p.m.;
- g. request from Kristin Seagroves and James Case to suspend the town's alcohol ordinance in order to serve beer, wine, and champagne during a wedding reception inside the community hall of the Lake Lure municipal center on Saturday, April 23, 2005, from 2:00 p.m. until 7:00 p.m.; and
- h. Resolution No. 04-11-09 authorizing the advertisement of an offer to purchase certain town property referenced as Map 514, Block 1, Lot 60 on the Rutherford County tax map, located on Jack London Ct.

**Resolution No. 04-11-09 Authorizing the Advertisement
of an Offer to Purchase Certain Surplus Property**

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WHEREAS, the Town Council of the Town of Lake Lure desires to dispose of certain surplus property of the town;

NOW, THEREFORE, BE IT RESOLVED by the Town Council that:

1. The following described property is hereby declared to be surplus to the needs of the Town: a lot referenced as Map 514, Block 1, Lot 60 on the Rutherford County Tax Map, located adjacent to Jack London Court, Lake Lure, North Carolina. This property is recorded in the Rutherford County Registry at the Rutherford County Register of Deeds Office.
2. The Town Council has received an offer to purchase for the sum of \$750.00 the property described above.
3. The Town Council proposes to accept the offer unless an upset bid shall be made.
4. The person making the offer must deposit with the Town Manager a sum equal to five percent (5%) of his or her offer.
5. The Town Clerk shall cause a notice of such offer to be published in accordance with G.S. 160A-269.
6. The Town Clerk is directed, should a qualifying upset bid and deposit be received within ten (10) days from the publication of said notice in accordance with G.S. 160A-269, to re-advertise the offer at the increased upset bid amount.

Adopted this 9th day of November, 2004.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor

End of Consent Agenda

NEW BUSINESS:

a. Consider Request from Chris & Connie Morgan asking Permission to Replace Beach Sand on Their Property Located at 212 Paradise Point which Washed Away

Chris Morgan asked Council members to consider his request for permission to have several truck loads (number to be determined by need) of sand on his beach to replace the sand that has washed away over several years. Mr. Morgan stated that sixteen years ago he had five dump truck

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loads of sand put on his beach and enhanced the beauty of the lake side significantly. He says the sand now needs to be replaced again. Mr. Morgan distributed copies of pictures showing the extent of erosion and how far the beach has eroded away. (Copy of photos furnished by Mr. Morgan attached).

After discussion, Commissioner Watkins made a motion to approve the request from Chris and Connie Morgan permission to replace not more than 4 to 6 inches of sand above the water line on their beach property located at 212 paradise point as a restoration. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

b. Consider Awarding Bid Offer from Russell Womack to Purchase Certain Town Property Located Adjacent to Island Creek Road and Authorize the Town Attorney to Prepare Appropriate Documents to Finalize the Sale

After discussion, Commissioner Cox made a motion to accept the offer of \$1,500.00 by Russell Womack to purchase a portion of lot referenced as Map 520, Block 1, Lot 5 on the Rutherford Count Tax Map, located adjacent to Island Creek Road and authorized the town attorney to prepare appropriate documents to finalize the sale. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

c. Consider Amending the Town's Boat Slip Leasing Policy Adopted June 19, 2003

After review, Commissioner Hullender made a motion to amend the town's boat slip leasing policy formerly adopted on June 19, 2004 as outlined in a memorandum dated November 9, 2004 furnished by Customer Service Supervisor Linda Ward. Commissioner McCallum seconded the motion and the vote of approval was unanimous. (Copy of memorandum from Customer Service Supervisor Linda Ward dated November 9, 2004 attached).

STAFF REPORTS

Town Manager Place reported on the following:

1. Introduced Community Development Administrator Shannon Baldwin. Mr. Place said Shannon has a degree in public administration with an emphasis in planning and more than 10 years experience in planning and zoning. He is both a member of the American Institute of Certified Planners and a certified zoning administrator in North Carolina. Shannon has been the zoning administrator in Highlands, town manager and town planner in Banner Elk, and

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town administrator (including zoning administration) for Saluda. In addition, he is a member of the Henderson County Board of Commissioners.

2. Update on water sytem improvements. Mr. Place said Stepp Construction has already started laying water lines along Memorial Highway. The town will receive bids soon for two wells and a storage.
3. Status on the Ingles Store project.
4. Status on affordable housing project including a 32 unit apartment complex across from the Girls Scout Camp Road.
5. Status on town center walkway project. McGill Associates has submitted the plans for the town center walkway project to the state for their final approval. Plan to go to bid once approval has been made.
6. Police Lt. Eric Hester attended a two week training course at the North Carolina Justice Academy in Salemburg and now is a certified firearms instructor.
7. Mr. Place has been appointed to the site selection committee for the E-NC Business and Technology Telecenter to be located somewhere in Rutherford County. Mr. Place said this center will have little impact on Lake Lure but will benefit the economic development of the entire region.
8. Mr. Place and the Mayor and attended the annual conference of the North Carolina League of Municipalities in Raleigh earlier this month.

COUNCIL COMMENTS

Commissioner McCallum mentioned that he and others met with Mike Miller, representative of Dehnr last week regarding erosion caused from the Grey Rock Construction project. Commissioner McCallum said Mr. Miller mentioned that there are grant monies available to municipalities who want to enforce their own erosion control ordinances. Town Manager Place said he plans to take advantage of these grant monies. Mr. Place stated that he has requested Erosion Control Specialist Clint Calhoun to review the town's erosion control ordinance previously adopted and make revisions as needed. Once recommended changes are made, Mr. Place will resubmit this ordinance for adoption by town council.

Commissioner Cox reported that there was a good turn out of Lake Lure Council members and citizens at the Rutherford County meeting held on Monday, October 4, 2004, at 4:00 p.m. supporting the hiring of another employee for the Lake Lure library. Commissioner Cox said the Rutherford County Commissioners voted unanimously to add a position for a library assistant at the Lake Lure library. Also, Commissioner Cox reported that the Rutherford County Commissioners

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did not the change the sales tax distribution method within the county.

CLOSED SESSION MEETING

A motion was made by Commissioner Cox to recess the closed session meeting until after the Lake Lure Marine Commission meeting being held Tuesday, November 9, 2004 at 8:00 p.m., at the Lake Lure Municipal Hall. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

Mayor Proctor reconvened the closed session meeting at 9:40 p.m. A motion was made by Commissioner Cox to enter into closed session meeting to discuss legal matters and attorney client privilege pursuant to G.S. 143-318.11(a)(3) regarding ongoing litigation between Patricia Hyatt and the Town of Lake Lure. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

While in closed session, Council members voted to seal the minutes of the closed session meeting in order to avoid frustrating the purpose of the closed session.

ADJOURNMENT

With no further items of discussion, Commissioner Hullender made a motion to adjourn the meeting at 10:20 p.m. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor