

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, JUNE 14, 2005, 7:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER**

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

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

Dick McCallum gave the invocation.

APPROVE THE AGENDA

After discussion, Commissioner McCallum made a motion to approve the agenda as amended by removing item 15a (Approval of a Multi-Jurisdictional Hazard Mitigation Plan for Rutherford County). Commissioner Hullender seconded the motion and the vote of approval was unanimous.

PRESENTATION OF THE TOWN BUDGET FOR FISCAL YEAR 2005-2006

Town Manager Place read excerpts from his budget message for fiscal year 2005-2006 into the record. (Copy of budget message attached).

PUBLIC HEARING - TOWN BUDGET FOR FISCAL YEAR 2005-2006

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

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Mayor Proctor opened the public hearing regarding the town budget for fiscal year 2005-2006 and invited citizens to speak during the hearing. No one requested to speak.

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

ADOPT ORDINANCE NO. 04-06-08 TOWN BUDGET FOR FISCAL YEAR 2004-2005

Council members reviewed and looked for ways to reduce the proposed budget for fiscal year 2004-2005.

After review, Commissioner Hullender made a motion to adopt Ordinance No. 05-06-14A town budget for fiscal year 2005-2006 as presented. Commissioner McCallum seconded the motion and the vote of approval was unanimous. (Copy of Ordinance No. 05-60-14A attached).

Commissioner McCallum said town council and town staff members spent a lot of time reviewing the budget before it was adopted.

Council members thanked the town manager and town staff members for their work preparing the budget.

APPROVE THE CAPITAL IMPROVEMENTS PROGRAM

Town Manager Place reviewed the Capital Improvements Program for fiscal year 2005-2006 through fiscal year 2010-2011.

After discussion, Commissioner Cox made a motion to approve the Capital Improvements Program for fiscal year 2005-2006 through fiscal year 2010-2011 as presented. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

PUBLIC HEARING - ORDINANCE NO. 05-06-14B IMPOSING A MORATORIUM ON THE DEVELOPMENT OF ANY NEW PLANNED UNIT DEVELOPMENTS AS DEFINED BY SECTION 92.005 OF THE LAKE LURE ZONING REGULATIONS

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

Mayor Proctor opened the public hearing regarding proposed Ordinance No. 05-06-14B imposing a moratorium on the development of any new planned unit developments as defined by Section 92.005 of the Lake Lure Zoning Regulations.

The Mayor invited citizens to speak during the hearing. Gary McCall asked for a

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clarification on the regulations pertaining to all planned unit developments.

Community Development Administrator Shannon Baldwin answered questions pertaining to proposed Ordinance No. 05-06-14B and gave a status report on the progress of the Zoning and Planning Board with regards to drafting regulations for planned unit developments.

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

ADOPT ORDINANCE NO. 05-06-14B IMPOSING A MORATORIUM ON THE DEVELOPMENT OF ANY NEW PLANNED UNIT DEVELOPMENTS AS DEFINED BY SECTION 92.005 OF THE LAKE LURE ZONING REGULATIONS

After discussion, Commissioner Watkins made a motion to adopt Ordinance No. 05-06-14B as presented. Commissioner Cox seconded the motion and the vote of approval was unanimous. (Copy of Ordinance No. 05-06-14 B attached).

Council members stated that they would like the Zoning and Planning Board to draft regulations pertaining to the appearance and architecture of buildings.

PUBLIC HEARING - ORDINANCE NO. 05-06-14C AMENDING CHAPTER 96 (THE SOIL EROSION AND SEDIMENTATION CONTROL REGULATIONS) OF THE CODE OF ORDINANCE FOR TOWN OF LAKE LURE ESTABLISHING REGULATIONS TO CONTROL ACCELERATED EROSION AND SEDIMENTATION IN ORDER TO PREVENT THE POLLUTION OF WATER AND OTHER DAMAGE TO LAKES, WATERCOURSES, AND OTHER PUBLIC AND PRIVATE PROPERTY BY SEDIMENTATION
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Public notices were duly given and published in the Forest City Daily Courier newspaper.

Town Manager Place read into the record his memorandum dated May 19, 2005 pertaining to erosion control regulations. (Copy of memorandum attached).

Mayor Proctor opened the public hearing regarding proposed Ordinance No. 05-06-14C.

The Mayor invited citizens to speak during the hearing. A citizen asked for a clarification on the proposed ordinance with regards to enforcement of erosion problems.

Erosion Control Officer Clint Calhoun gave a brief overview of proposed Ordinance No. 05-06-14C and reviewed additional changes.

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

ADOPT ORDINANCE NO. 05-06-14C AMENDING CHAPTER 96 (THE SOIL EROSION AND SEDIMENTATION CONTROL REGULATIONS) OF THE CODE OF ORDINANCE FOR TOWN OF LAKE LURE ESTABLISHING REGULATIONS TO CONTROL ACCELERATED EROSION AND SEDIMENTATION IN ORDER TO PREVENT THE POLLUTION OF WATER AND OTHER DAMAGE TO LAKES, WATERCOURSES, AND OTHER PUBLIC AND PRIVATE PROPERTY BY SEDIMENTATION

After discussion, Commissioner McCallum made a motion to adopt Ordinance No. 05-06-14C as amended. Commissioner Hullender seconded the motion and the vote of approval was unanimous. (Copy of Ordinance No. 05-06-14C attached).

PUBLIC FORUM

Mayor Proctor invited the audience to speak on any non-agenda item. Joan Cashion, a Lake Lure realtor, stated that there was a conflict between what property owners think they own (what is on their general warranty deeds and to which they have title insurance) and what the town claims with regards to a lake boundary dispute. Ms. Cashion said the town amended the lake structure regulations on April 14, 2005 that claimed that the town owned to the lake boundary. She explained that in that same regulation the lake boundary is defined as the 995' elevation contour elevation MSL. Ms. Cashion said the problem is that the Lake Lure lakefront property owner's deed read that they own to the shoreline, the waters edge or to the 992' elevation (the elevation which is known as the shoreline or waters edge) or reference is made to a recorded plat which shows the same.

Lake Advisory Chairman Bob Washburn mention that the town had obtained legal advice from Town Attorney Callahan with regards to Lake Lure's boundary opinion.

Town Council members advised Ms. Cashion that the town would research and get a legal opinion in writing from the town attorney with regards to this issue.

CONSENT AGENDA

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

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

- a. minutes of May 10, 2005 (regular meeting, special workshop meeting and closed session) and May 27, 2005 (special workshop meeting);

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- b. request from Bob Keith on behalf of the Lake Lure Lakefront Owner's Association to suspend the town's alcohol ordinance in order to serve beer and wine during their annual meeting inside the community hall of the Lake Lure Municipal Center on Saturday, June 18, 2005, from 4:00 p.m. until 7:00 p.m.;
- c. request from Jennifer Grindstaff to suspend the town's alcohol ordinance in order to serve beer and wine during a wedding reception inside the community hall of the Lake Lure Municipal Center on Friday, August 5, 2005, from 5:00 p.m. until 9:00 p.m.;
- d. request from Joel Cline to suspend the town's alcohol ordinance in order to serve beer, wine, and champagne during a wedding reception inside a tent at Morse Park Meadows on Saturday, October 14, 2005;
- e. request from Camp Care (camp for children with cancer) to waive the fees for three motorized boat permits from July 2-9, 2005; and
- f. budget amendments transferring \$18,069.00 from the contingency fund account to the golf course equipment account and transferring \$170,163.40 from the lake department account for silt removal to the capital reserve fund for silt removal as submitted by the finance director.

End of Consent Agenda

<p>UNFINISHED BUSINESS:</p> <p>a. Consider Approving Fabric Structure Permit for Main Street Festivals</p>
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Ken Roth, representative of the Main Street Festivals, answered questions regarding the upcoming art festival being held in Lake Lure which is being sponsored by him. Mr. Roth stated that he needed to change the date on his original fabric structure permit for the fabric structure to be erected on September 1, 2005 and removed on September 6, 2005. Town Council members and citizens expressed their concerns about this upcoming art festival.

Council members informed Mr. Roth that this event would need to be approved year to year.

The Mayor recessed the meeting at 8:34 p.m. and reconvened the meeting at 8:45 p.m.

After discussion, Commissioner McCallum made a motion to approve the fabric structure permit for main street festival as amended changing the dates for the fabric structure to be erected on September 1, 2005 and removed on September 6, 2005. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

a. Consider Accepting the Bid from Rudy and Susan Esposito to Purchase Certain Town Property on US 64/74A (Memorial Highway)

Town Manager Place read into the record his memorandum regarding offer to purchase town property adjacent to 2570 Memorial Highway. (Copy of memorandum attached).

After discussion, Commissioner McCallum made a motion to accept the bid offered by Rudy and Susan Esposito to purchase a .3 acre (12,997 sq. ft.) tract on US 64/74A (Memorial Highway) directly East of Lake Lure Log Homes sale office referenced in Tax Map 516, Block 1, Lot 20 and authorize 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:

b. Consider an Offer from William Seymour to Purchase Certain Town Property

After discussion, Commissioner Hullender made a motion to reject the bid offered by William Seymour to purchase town property located adjacent to Sunset Cove. Commissioner Cox seconded the motion and the vote of approval was unanimous.

Town council agreed that a survey was needed before declaring this property surplus for sale and to make sure all adjacent property owners right of access were protected.

William Beason informed Town Council that a survey of this property was 50% completed.

NEW BUSINESS:

c. Consider Proposed Resolution No. 05-06-14 Amending the Town's Personnel Policy to Include a Section Regarding Violence in the Workplace

After discussion, Commissioner McCallum made a motion to approve Resolution No. 05-06-14 as presented. Commissioner Hullender seconded the motion and the vote of approval was unanimous. (Copy of Resolution attached).

NEW BUSINESS:

d. Discussion Regarding the Town of Lake Lure's Water System and Water Tank

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John Orsillo with McGill Associates gave a brief report on the town's water system and water tank. Town Manager Place answered questions relating to the town's water system expansion and water tank. Several citizens expressed their concerns with regards to the appearance and costs associated with the new water system and water tank. Mr. Place invited citizens to e-mail their suggestions regarding the water tower to him. Citizens asked Town Council members consider other alternatives for supplying water and to relocate the water tower to another location. Citizens from neighboring communities also voiced their concerns about the appearance of the water tank.

STAFF REPORTS

Town Manager Place reported on the following:

1. Update on the status of deed easements obtained from property owners around Tryon Bay Circle. At this time, the town has received 14 out of 28 easement documents. A third letter will be sent to the people who have not returned their easement. Mr. Place said he has instructed Town Attorney Callahan to begin the steps needed to condemn the easements if necessary.
2. Update on the status of a conflict between the town and an adjacent property owner to the golf course. Mr. Place explained that a certain property owner refused to pay their sewer bill until a property dispute was settled regarding the use of an access drive for the golf course. Mr. Place said he had this particular property line survey in order to settle a dispute. Mr. Place informed Town Council that except for a small corner of land, the entire drive is on town property and state right-of-way. There is a new survey marker and stake in the drive and the town will relocate the access way so as to not infringe on their property. Mr. Place said the town will proceed to collect the amount due to the town for sewer charges.
3. Update on dredging project with Lake Norman and Marine Construction Company.
4. Update on the town's pedestrian walkway project.
5. Update on the new electric golf carts for the golf course.

COUNCIL COMMENTS

There were no other council comments for discussion.

ADJOURNMENT

With no further items of discussion, Commissioner Hullender made a motion to adjourn the

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meeting at 10:36 p.m. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor