

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, AUGUST 9, 2005 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 Cox made a motion to approve the agenda as amended adding item 5e on the consent agenda amending the budget to cover the cost of a new motor for the police boat. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

PUBLIC FORUM

Mayor Proctor invited the audience to speak on any non-agenda item. Gary McCall complimented the Lake Lure Board of Adjustment members for their work being undertaken with regards to legal issues for the town.

CONSENT AGENDA

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

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

- a. minutes of July 12, 2005 (regular meeting and closed session);
- b. request from Carrie Tracie 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;
- c. contract between the Town of Lake Lure and the town auditor for fiscal year beginning July 1, 2004 and ending June 30, 2005;
- d. amended the 2005 town council meeting schedule changing the November 8, 2005 (2nd Tuesday) meeting to November 15, 2005 (3rd Tuesday) at 7:00 p.m. in the meeting room of the Lake Lure Municipal Center; and
- e. budget amendment as presented by the finance director transferring \$8,000 to cover the cost of a new motor for the police boat; transfer \$8,000 from fund equity in the hydro-electric to the general fund line item for police department (account #105100.5700). (Copy of memorandum dated August 8, 2005 is attached).

End of Consent Agenda

UNFINISHED BUSINESS:

a. Consider Ordinance No. 05-08-09 Amending Chapter 50, Section 50.04 of the Code of Ordinances for the Town of Lake Lure Relating to Required Water Connections

Town Manager Place gave a brief overview of proposed Ordinance No. 05-08-09 and acknowledged a letter received from Werner and Patricia Maringer asking the town for an exemption under the provisions of Section 50.04 of the town code, requiring property owners within 200 feet of a new water line to connect. (Copy of letter from the Maringers dated July 26, 2005 attached).

After discussion, Commissioner Watkins made a motion to adopt Ordinance No. 05-08-09 amending Chapter 50, Section 50.04 of the Code of Ordinances for the Town of Lake Lure relating to required water connections as amended. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

ORDINANCE NO: 05-08-09

AN ORDINANCE AMENDING CHAPTER 50, WATER SYSTEM, CODE OF ORDINANCES FOR THE TOWN OF LAKE LURE, NORTH CAROLINA, EXEMPTING THE MANDATORY CONNECTION TO THE TOWN WATER SYSTEM FOR CERTAIN PROPERTIES AND PROVIDING FOR WAIVER OF THE REQUIREMENT BY COUNCIL.

WHEREAS, Sec. 50.04 of the Code of Ordinances states that all owners of improved property located within the corporate limits within a distance of 200 feet of any town water line shall connect their premises with the town water system; and,

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WHEREAS, the council desires to exempt owners of existing structures located more than 500 feet from a new water line and to provide a mechanism for a waiver or a delay of connection where a determination is made that it is impractical to connect due to topography or other just causes;

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: That Section 50.04, be amended as follows:

§ 50.04 WATER CONNECTIONS REQUIRED; SEPARATE CONNECTIONS

All owners of improved property located within the corporate limits laying within a distance of 200 feet of any town water line shall connect their premises with the town water system, provided that structures existing at the time a new water line is constructed and located more than 500 feet from said line shall be exempt from this requirement. The town council may delay or waive the requirement for connection where a determination is made that it is impractical to connect due to topography or other just causes. New construction shall be required to connect to an existing water line prior to receiving a certificate of occupancy. Existing developed property to be served by a new town water line may connect as soon as the new service is available, but will not be required to connect for a period of two years from the date the service is available. If the property is connected at the time the service is available, the current connection fee shall apply. If the connection is delayed, the fee will be increased by 10% during the first year and 20% during the second year after the service is available. Nothing in this section shall prohibit the continued use of water from private wells for any purpose other than domestic use. There shall be no cross connection of the town water system with any private well or any other source of water supply.

SECTION TWO: This ordinance shall be effective upon its adoption

Adopted this 9th day of August, 2005.

UNFINISHED BUSINESS:

b. Discussion Pertaining to the Proposal/Survey Submitted by Bill Beason Relating to Town Property Located Adjacent to Sunset Cove

Town Manager Place reviewed a letter from William Seymour dated August 8, 2005 offering a bid of \$4,000 for surplus property owned by the town adjacent to Buffalo Shoals Road and Sunset Cove.

Town Council members reviewed a proposal/survey submitted by Bill Beason relating to town property located adjacent to Sunset Cove. After discussion, Commissioner Hullender made a motion to not sell this particular property at this time and to reject the bid of \$4,000 offered by William Seymour to purchase town property located adjacent to Buffalos Shoals Road and Sunset Cove. Also, direct the town manager to draft an ordinance for a notification process pertaining to the disposal of town surplus property in addition to statutory requirements. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

UNFINISHED BUSINESS:

c. Other Unfinished Business

There was no other unfinished business for discussion.

NEW BUSINESS:

a. Consider Approval of a Commercial Shopping Permit (No. CSC-05-01) for Ingles Markets Inc.

Community Development Director Shannon Baldwin gave a brief overview of the review process and recommendations from the Zoning and Planning Board relating to the commercial shopping permit (No. CSC-05-01) for Ingles Markets Inc.

Scott Jones, representative of Ingles Markets Inc. answered questions relating to the landscaping for the Ingles store in Lake Lure and recommendations from the Zoning and Planning Board outlined in a memorandum from Mr. Baldwin dated July 22, 2005. (Copy of memorandum attached).

After discussion, Commissioner McCallum made a motion to approve the commercial shopping permit (No. CSC-05-01) for Ingles Markets Inc. as presented. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

b. Consider a Request from Angela Lankford on Behalf of the Ingles Markets Inc. to Temporarily Suspend the Sign Ordinance and Use of Town Property for the Opening of Ingles in Lake Lure

Town Council members stated that they were not in favor of displaying a grocery bag balloon on town property for two months during peak season which would occupy a large space.

After discussion, Commissioner Cox made a motion to deny the request from Angela Lankford on behalf of the Ingles Markets Inc. to display a grocery bag balloon on town property adjacent to the Lake Lure visitor center, but authorize a temporary suspension of the sign ordinance for one month beginning Saturday, August 27, 2005 to display their advertising balloon at the property of Ingles Market store in Lake Lure. Commissioner McCallum seconded the motion and he vote of approval was unanimous.

NEW BUSINESS:

c. Consider Adoption of Resolution No. 05-08-09 Approving the Schedule of Fees for the Administration of Subdivisions Regulations (Chapter 91), Zoning Regulations Relating to Sign Permits (Chapter 92), and Soil Erosion and Sedimentation Control Regulations (Chapter 96 of the Code of Ordinances for the Town of Lake Lure)

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Community Development Director Shannon Baldwin reviewed and answered questions relating to the proposed schedule of fees outlined in Resolution No. 05-08-09. Mr. Baldwin requested that town council amend the proposed schedule of fees for the administration of subdivisions regulations to include a \$25.00 charge for plat review and approval (lot recombinations and the like).

After discussion, Commissioner Cox made a motion to adopt Resolution No. 05-08-09 as amended to include a \$25.00 charge for plat review and approval (lot recombinations and the like). Commissioner Hullender seconded the motion and the vote of approval was unanimous.

RESOLUTION NO. 05-08-09

A RESOLUTION ADOPTING A SCHEDULE OF FEES FOR THE ADMINISTRATION OF SUBDIVISION REGULATIONS, CHAPTER 91; ZONING REGULATIONS RELATING TO SIGN PERMITS, CHAPTER 92; AND SOIL EROSION AND SEDIMENTATION CONTROL REGULATIONS, CHAPTER 96 OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE LURE

WHEREAS, the Town of Lake Lure is empowered to collect adequate fees for the administration and enforcement of regulations;

NOW, THEREFORE, BE IT RESOLVED by the Town of Lake Lure that the following schedule of fee is hereby adopted:

SECTION ONE. Chapter 91, Subdivision Regulations.

Minor Subdivision Final Plat Approval	\$100
Major Subdivision Preliminary Plat Approval	\$400
Major Subdivision Final Plat Approval	\$400 plus \$20 per lot
Plat Review and Approval (lot recombinations and the like)	\$25

SECTION TWO. Chapter 92, Zoning Regulations.

Sign Permits	\$25 plus \$1 per square foot of sign area
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SECTION THREE. Chapter 96, Soil Erosion and Sedimentation Control Regulations.

Land Disturbance Permits for Less than One Acre of Disturbed Area:

Less than 100 sq. ft. of disturbed area	No permit required
100 sq. ft. to 499 sq. ft of disturbed area	\$10
500 sq. ft. to 10,000 sq. ft of disturbed area	\$50
Over 10,000 sq. ft. of disturbed area	\$100 for each 10,000 sq. ft.

Land Disturbance Permits for One Acre and More of Disturbed Area:

One acre to 4.99 acres of disturbed area	\$400 plus \$100 for each 10,000 sq. ft. over one acre
Five acres and more of disturbed area	\$2,500 plus \$500 for each additional acre over five acres

This resolution shall be in effect upon it's adoption.

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Adopted this 9th day of August, 2005

NEW BUSINESS:

d. Consider Petition Submitted by Jim Keene to Change Youngblood Circle Street to Gentlewinds Lane

Lake Lure Fire Coordinator Ron Morgan answered questions pertaining to a petition received from Jim Keene to change Youngblood Circle Street to Gentlewinds Lane. (Copy of memorandum from Mr. Morgan dated August 5, 2005 and letter from Mr. Keene dated July 14, 2005 attached).

After discussion, Commissioner Cox made a motion to rename Youngblood Circle Street to Gentlewinds Lane effective January 1, 2006. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

e. Consider Proposal from Cardinal Energy Service for Professional Services to Negotiate a New Contract with Duke Power and Authorize the Mayor to Sign this Proposal on Behalf of the Town

Town Manager Place read into the record his memorandum dated August 1, 2005 regarding consultant proposal from Cardinal Energy Service. (Copy of memorandum attached).

After discussion, Commissioner McCallum made a motion to approve the proposal from Cardinal Energy Service for professional services to negotiate a new contract with Duke Power and authorize the Mayor to sign this proposal on behalf of the town. Also, amend the budget transferring \$11,200 to cover professional fees for Cardinal Energy Service, Inc. to negotiate a power sales contract with Duke Power. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

f. Consider a Request from Jon Hazan on Behalf of Challenger World to Hold a US Challenge Event on October 29, 2005 and Waive Boat Permit Fees for the Inflatable Whitewater Rafts being used During this Event

Town Manager Place read into the record his memorandum dated July 27, 2005 regarding a request for boat permit fees to be waived for the Challenger World to hold a US challenge event on October 29, 2005. (Copy of memorandum attached).

Lake Advisory Chairman Bob Washburn suggested that the town consider the liability issues and make sure there is sufficient insurance coverage for this event.

Town Attorney Callahan suggested that the town have waivers signed by participants releasing the town from any liabilities relating to this event.

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After discussion, Commissioner Hullender made a motion to approve the request from Jon Hazan on behalf of Challenger World to hold a US challenge event on October 29, 2005 and waive the boat permit fees for the inflatable whitewater rafts being used during this event. Commissioner Cox seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

g. Consider a Request from Claude Luvis Pertaining to a Water Leak Adjustment

Town Manager Place read into the record a memorandum from Customer Services Supervisor Linda Ward dated August 5, 2005 regarding a request from Claude Luvis for a water leak adjustment. (Copy of memorandum attached).

After discussion, Commissioner Cox made a motion to deny the request from Claude Luvis for additional adjustment on his water bill for a leak and to uphold the current water and sewer adjustment policy already in effect. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

h. Consider a Request from Ken Roth Requesting Permission to Provide Helicopter Tours during the Lake Lure Art Festival

After discussion, Commissioner Cox made a motion to deny the request from Ken Roth asking permission to provide helicopter tours during the Lake Lure art festival. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

i. Other New Business

There was no other new business for discussion.

STAFF REPORTS

Town Manager Place reported on the following:

1. Update on dredging project.
2. Update on the town's water tank. Mr. Place said the painting of the water tank is just about complete and the tank is currently being filled. The tank is being sanitized and should be available for use by the Ingles store well in advance of their grand opening date scheduled for August 27, 2005.
3. Replacement of a valve for a raw sewer line. Mr. Place said he and the Hydro-Electric Plant Operator William Grimes met with Randy Hintz of McGill Associates and Kelly Burnett of the North Carolina Department of Transportation to discuss the logistics of replacing a valve

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in a particular raw sewer line. Mr. Place explained that the town is trying to reduce the flow into the plant with a new valve as a means of increasing the available capacity of the plant.

4. Update on revenue received from Duke Power for hydro-electric power. Mr. Place said the town received a check for \$73,347 from Duke Power for the new fiscal year which was the largest single check for many years.
5. Update on personnel and offices changes. Mr. Place said the employee lounge is being relocated temporarily to the community hall kitchen and the drink machines will be moved to the new covered area behind the building. The old break room is currently being used for two offices. Mr. Place said the town has hired Teresa Reed to fill the new assistant zoning administrator position. He said Ms. Reed has six years experience with the Town of Montreat as a zoning official and is a North Carolina certified zoning official. The position for finance clerk has been filled by Vicki Coggins and her former position as front desk receptionist has been filled by Andrea Atchley. In addition, Michelle Lancaster has filled the administrative assistant position at the police department. Rusty Jenkins, former patrol officer from Marion has filled the position as patrolman.
6. Update on the sale of Martha Jane Power's estate and plans for development. Mr. Place said the plans for development have been filed as the Blue Heron Point 46 lot subdivision and the preliminary plat will be reviewed by the zoning and planning board next week. Mr. Place said at this point, they are proposing to construct a complete water system, well reservoir, distribution lines and meters and plan to turn the system over to the town after completion.
7. Update on PUD zoning. Mr. Place said the zoning and planning board met today to continue their deliberations on PUD zoning. Their next meeting will be on August 23, 2005 at which time they will discuss the review and approval process including which body should have final say regarding the approval of each of the four types of PUD's they are contemplating (residential, residential with commercial, small scale commercial and large scale commercial).
8. Update on the first annual Hickory Nut Gorge Olympiad 2005. Mr. Encourage everyone to attend this event.

COUNCIL COMMENTS

Commission Cox reported on the Lake Lure golf course and asked for an update on the status of surplus property for the golf course.

Commissioner Dick McCallum thanked and welcomed the candidates running for town council seats. Mr. McCallum invited citizens to attend a republican meeting being held on Thursday, October 27, 2005, at 7:00 p.m.

Commissioner Watkins asked for an update on the status of the police boat.

Mayor Proctor reported on the state park in Hickory Nut Gorge. He said the 1,568 acre track known as the World's Edge will be protected thanks to the Carolina Mountain Land Conservancy and the Nature Conservancy.

ADJOURNMENT

With no further items of discussion, Commissioner Cox made a motion to adjourn the meeting at 9:23 p.m. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor