

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL  
HELD TUESDAY, JANUARY 10, 2006, 7:00 P.M. AT THE LAKE LURE MUNICIPAL  
CENTER**

**PRESENT:** Mayor Jim Proctor  
Commissioner Jeanine Noble  
Commissioner Russ Pitts  
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 Watkins made a motion to approve the agenda as presented. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

**PUBLIC HEARING - CONSIDER AMENDMENTS TO THE TOWN OF LAKE LURE  
ZONING REGULATIONS, TITLE IX, CHAPTER 92, RELATING TO STANDARDS AND  
REQUIREMENTS FOR CAMPS AS A CONDITIONAL USE IN THE R-3 ZONING  
DISTRICT**

Mayor Proctor opened the public hearing regarding the proposed Ordinance No. 06-01-10 amending the zoning regulations relating to standards and requirements for camps as a conditional use in the R-3 Zoning District.

Community Development Director Shannon Baldwin gave a brief overview and answered questions pertaining to the proposed amendment establishing standards for camps.

Mayor Proctor invited citizens to speak during the public hearing. Margie Ann Jones, Robin Proctor, George Pressley, Blaine Cox, Bill Beason, and Gary McCall requested to speak during the hearing and voiced their concerns regarding the proposed amendments.

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

**ADOPT ORDINANCE NO. 06-01-10 AMENDING TITLE IX, CHAPTER 92 OF THE TOWN OF LAKE LURE ZONING REGULATIONS RELATING TO STANDARDS AND REQUIREMENTS FOR CAMPS AS A CONDITIONAL USE IN THE R-3 ZONING DISTRICT**

Town Manger Place requested that the proposed Ordinance No. 06-01-10 be tabled for further revisions until next month.

A motion was made by Commissioner Pitts to table the proposed Ordinance No. 06-01-10 for further revisions to be made by the town manager and community development director. Commissioner Noble seconded the motion and the vote of approval was unanimous.

**PUBLIC FORUM**

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

1. Yvonne Anderson requested that the striping of Boys Camp Road be completed as soon as possible during the evening hours.
2. Pat Mitchell requested that a letter of appreciation be sent to the owner of the Lake Lure Inn on behalf of the town acknowledging the improvements made on the Inn and Lake Lure Arcade Building.
3. Norton Elder asked council members to consider a proposal recommended by Commissioner Noble in December, 2005 to split the Board of Adjustment and the Lake Structures Appeals Board into separate boards. Mr. Elder said the town has received enough applications from individuals who are willing to serve on these boards.

Commissioner Watkins responded to Mr. Elder and informed him that this item has not been voted on by town council at this time. Commissioner Watkins said he was directed by town council to contact the co-chairs of the Board of Adjustment and the Lake Structures Appeals Board about discussing the possibility of splitting these boards at their next meeting to be held on January 24, 2006 and after that meeting present their recommendations in writing to town council.

Town Manager Place stated that splitting these two boards would not save staff time. He explained that it would be the same staff doing the same work for these boards.

4. Bryant McCarthy inquired about the status of the water line for Tryon Bay Circle. Mr. McCarthy said he owns two houses on Tryon Bay Circle and noticed that the entire circle had been marked with red striping. He informed town council members that he has not yet signed a water easement agreement with the town.

Town Manager Place explained that as far he knows the orange striping is utilities locators. He said that it is not where the construction of the water lines is going to be. Town Manager

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Chuck Place explained that the construction is imminent and will take place in the pavement of the road.

Town Attorney Christopher Callahan said he spent a considerable amount of time researching titles on Tryon Bay Circle. He explained that the town has multiple ways of installing a water line without getting a signed easement from adjoining property owners. Attorney Callahan agreed to speak to Mr. McCarthy individually with the town manger about any issues concerning this matter.

5. Melvin Owensby said he spoke with a lot of citizens who are in favor of splitting the Board of Adjustment and the Lake Structures Appeals Board into separate boards.

6. Kate Haskell asked about the status of the town adopting a tree ordinance. Ms. Haskell expressed her concerns about more trees being removed in Lake Lure.

Dick Washburn, Chairman of the Zoning and Planning Board said his board was still working on a draft tree ordinance.

7. Veryle Lynn Cox, President of the Lake Lure Artists, asked for a clarification on an agreement between the town and representatives of the HGTV Dream Home in Lake Lure with regards to the suspension of the town's peddling ordinance in order that items may be sold in the HGTV tent on town property. Mrs. Cox asked council members to suspend the town's peddling ordinance in order that the Lake Lure Artists may sell their items at their booth inside the HGTV tent.

Town Manager Place explained that the representatives of the HGTV Dream Home have already obtained permission from town council suspending the town's peddling ordinance to allow items to be sold inside the tent with permission from representatives of the HGTV. Mr. Place informed Mrs. Cox that their group would be covered under this approval.

8. Paul Laque expressed his concerns about the safety of the width and condition of Boys Camp Road. Mr. Laque reported that there was a traffic problem on this road caused by new construction.

Town Manager Place reported on the status of improvements on this road. Mr. Place stated that some of the improvements would need to be budgeted in the capital improvements program this year. He said there was insufficient funding for all of the improvements needed on this road.

Commissioner Noble requested that the needed improvements on Boys Camp Road be considered a high priority on the list of things the town needs to complete.

9. John Moore, a member of the board of directors for Camp Lurecrest, asked town council members to reconsider adopting today the proposed Ordinance No.06-01-10 amending the zoning regulations relating to standards and requirements for camps as a conditional use in the R-3 Zoning District. Mr. Moore said by tabling the adoption of this ordinance until a later date would create a huge burden on the camp in that they would have to delay needed improvements to their camp. Mr. Moore said the camp has no plans of selling their property at this time.

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10. Steve Onxley, Architect of Camp Lurecrest, gave a brief overview of Camp Lurecrest's objectives for having helped draft the language for the proposed Ordinance No. 06-01-10 amending the zoning regulations relating to standards and requirements for camps as a conditional use in the R-3 Zoning District. Mr. Onxley asked town council members to not delay the adoption of this ordinance.
11. Gary McCall asked for a clarification in regards to what board would make certain decisions if the Board of Adjustment and the Lake Structures Appeals Board are split into separate boards.
12. Margie Ann Jones said she supports what Camp Lurecrest is doing and would like for them to be able to continue their project without delay from the town if there was some way possible.

Town Manager Place said he did not see any problem with town council adopting the proposed Ordinance No. 06-01-10 as presented tonight and then direct the zoning and planning board as part of their planning effort to look into another classification for camps if they determine that is the appropriate thing to do and bring back their recommendations to town council.

13. Mary Lou Kaloupek requested on behalf of The Hickory Nut Gorge Community Church Outreach, Inc., dba Shepherd's Care, to waive the rental fee for use of the Community Hall in the Lake Lure Municipal Center for the purpose of holding a Chili Supper as a fund-raiser on Friday, February 24, 2006.

Town Council agreed to have Ms. Kaloupek's request put on the agenda for consideration at the next regular town council meeting being held on Tuesday, February 14, 2006.

14. Kate Haskell questioned whether the Camp Lurecrest would incur more expense in their project should town council table the proposed Ordinance No. 06-01-10.
15. Dick Washburn, Chairman of the Zoning and Planning Board, asked the town manager for a clarification on a new state law that went into effect on January 1, 2006 concerning zoning changes.
16. George Pressley requested that town council find a way to accommodate Camp Lurecrest and not hold up their project.

Town Manager Place stated that after discussion with the Community Development Director Shannon Baldwin, he determined that there would not be a problem with adopting the proposed ordinance tonight. Mr. Place said he would like to withdraw his original recommendation to town council regarding tabling Ordinance No. 06-01-10.

After discussion, Commissioner Watkins made a motion to amend the agenda to go back to Item #5 to reconsider the adoption of Ordinance No. 06-01-10 amending the zoning regulations relating to standards and requirements for camps as a conditional use in the R-3 Zoning District. Commissioner Pitts seconded the motion and the vote of approval was unanimous.

A motion was made by Commissioner McCallum to adopt Ordinance No. 06-01-10 as presented. Commissioner Noble seconded the motion and the vote of approval was unanimous.

**ORDINANCE NUMBER 06-01-10**

**AN AMENDMENT TO TITLE IX, CHAPTER 92, THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE, RELATING TO STANDARDS AND REQUIREMENTS FOR CAMPS AS A CONDITIONAL USE IN THE R-3 ZONING DISTRICT.**

**WHEREAS**, the Town of Lake Lure Zoning and Planning Board, upon the request of Camp Lurecrest, has recommended modifications to said regulations to create standards for camps as conditional uses.

**WHEREAS**, the Lake Lure Town Council, after due notice, conducted a public hearing on the 11<sup>th</sup> day of January 2006, 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 section to read “Section 92.050 CONDITIONAL USE STANDARDS AND REQUIREMENTS FOR CAMPS”

**SECTION TWO** Add the following language under Section 92.050 specified herein above.

“The following regulations shall apply to camps in addition to other applicable sections of this chapter for conditional uses.

- (1) Membership. All camps shall be active members in the American Camp Association (ACA) or similar accrediting organization.
- (2) Health. The camp shall comply with all relevant regulations enforced by Rutherford County Health Department. Inspection reports from the Rutherford County Health Department shall be submitted to the town on an annual basis to ensure the camp is complying with minimum standards established for dining facilities, sleeping quarters, and other uses.
- (3) Building Footprint Coverage Area. No single building shall have a building footprint larger than 10,000 square feet. The sum total of all building footprints shall not exceed 6% of the total land area.
- (4) Tall Buildings. Camps shall be permitted tall buildings not to exceed 45 feet, as measured from the average finish grade at the building foundation line to the highest point of the roof ridgeline. The tall building to land area ratio shall not exceed one tall building per 20 acres of land area.
- (5) Building Separation. Buildings may be clustered together, provided no building may be closer than 20 feet to another building.
- (6) Setbacks. All buildings shall be setback at least 100 feet from the centerline of any abutting primary or secondary street, and at least 100 feet of any adjoining property line. Except however, in relation to the lake shoreline, buildings may be closer than 100 feet but shall no closer than 35 feet to the lake shoreline in any case.

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- (7) Architecture. The exterior architecture design of any building or other structure shall compliment the existing character of buildings located on adjacent properties. Further, any structure visible from the Lake shall compliment the natural setting in which it is located.
- (8) Ingress and Egress. A maximum of two driveways shall be permitted, provided both are no wider than 25 feet and not located closer than 200 feet from one another as measured from entrance to entrance. Each driveway shall be located to minimize disruption of normal traffic flow on public streets.
- (9) Parking. One parking space per four seats in the dining hall or one space per four beds, whichever is greater. Parking areas shall be discreetly located and screened from view from adjoining properties, public streets, and lake. Parking areas may either be constructed of gravel, concrete, asphalt, or a semi-pervious surface. In any case, the parking spaces shall be clearly delineated and designed in accordance with town standards.
- (10) Signs. Signs shall comply with the residential standards set forth for R-3 residential zoning district.
- (11) Landscaping/buffer strips. Landscaping and buffer strips shall be provided to maintain visual compatibility with the neighborhood and surrounding uses. Landscaping and buffer strips shall mostly consist of plant and tree species native to the Southern Mountains.
- (12) Noise. Public announcement systems shall be permitted for general non-emergency, but shall be used for non-emergency purposes only from 7:00 am to 9:00 pm so as to not disrupt the tranquility of the neighborhood. However, a one-time, lights-out announcement, no later than 10:00 pm, shall be permitted while camp is in session.
- (13) Lighting. Lighting shall be permitted throughout the camp to ensure a safe environment for campers. Light fixtures shall cast the light emitted downward and be of a residential size and type. The coverage area of the light emitted shall not spillover onto adjoining properties in any manner.
- (14) Lake Use. The Town of Lake Lure lake use regulations shall apply at all times. A certified lifeguard shall be on duty when campers are engaged in water sports such as swimming or other types of water activities.”

Adopted this 10<sup>th</sup> day of January 2006.

Council members agreed to direct the town manager and the zoning and planning board to look into another classification for camps and bring back their recommendations to town council.

<b>CONSENT AGENDA</b>
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Mayor Proctor presented the consent agenda and asked if any item should be removed before calling for action. Commissioner McCallum moved, seconded by Commissioner Pitts, to approve the consent agenda items as presented. Therefore, the consent agenda, incorporating the following items was unanimously approved:

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- a. minutes of December 13, 2005 (regular meeting);
- b. amended contract between the Town of Lake Lure and the town auditor for fiscal year beginning July 1, 2004 and ending June 30, 2005 as presented;
- c. a budget amendment of \$6,842.00 to cover the cost of signage along Boys Camp Road as submitted by the finance director; (Attached copy of memorandum dated January 3, 2006);
- d. a budget amendment of \$10,300 to cover the cost of computer repairs as submitted by the finance director; (Attached copy of memorandum dated January 4, 2006); and
- e. a budget amendment of \$13,000 for a Lake Study (Phase I) Contract as requested by the Marine Commission.

**End of Consent Agenda**

**UNFINISHED BUSINESS:**

There was no unfinished business for discussion.

**NEW BUSINESS:**

**a. Consider an Offer from Paul Everhart and David Ray to Purchase Certain Town Property Located on the North Side of Charlotte Drive Between Pleasant Circle and Sandalwood Drive**

Town Manager Place read into the record his memorandum dated January 3, 2006 regarding a revised offer of \$60,000 from Paul Everhart and David Ray to purchase certain town property located on the north side of Charlotte Drive between Pleasant Circle and Sandalwood Drive. (Copy of memorandum date January 3, 2006 is attached).

After discussion, Commissioner McCallum made a motion to authorize the advertisement of an offer of \$60,000 for upset bids to purchase certain town property referenced as Tax Map 504, Block 1, Lot 165; a 1.15 acre parcel of land located on the north side of Charlotte Drive between Pleasant Circle and Sandalwood Drive, across from the municipal golf course. Commissioner Noble seconded the motion and the vote of approval was unanimous.

**NEW BUSINESS:**

**b. Consider an Offer from Rudy and Susan Esposito to Purchase Certain Town Property Adjacent to Memorial Highway (US 64/74A)**

Town Manager Place read into the record his memorandum dated January 4, 2006 regarding an offer of \$6,000 from Rudy Esposito to purchase certain town property located adjacent to Memorial Highway (US 64/74A). (Copy of memorandum dated January 4, 2006 is attached).

After discussion, Commissioner Watkins made a motion to authorize the advertisement of an offer of \$6,000 for upset bids to purchase certain town property referenced as Tax Map 516, Block 1, Lot 20; a .07 acre (3,009 sq. ft.) tract on Memorial Highway (US 64/74A) directly east of

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the Lake Lure Log Homes sale office at 2555 Memorial Highway. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

### STAFF REPORTS

Town Manager Place reported on the following:

1. Update on the status of the Duke Power Contract. Town Manager Place said he will be meeting with Andy Givens of Cardinal Energy and Steve Smith of Duke Power tomorrow to discuss aspects of the upcoming contract renewal including a discussion about the overage that Duke Power has been paying for over four years. Mr. Place said he reported last month, that Duke Power installed a new automated accounting equipment in 2001 that was programed incorrectly. He explained that instead of paying the town the six-hour peak rate for a six-hour peak period, they may have been paying the six-hour rate over a 16 hour period each day. Mr. Place said he doesn't know the total amount over paid to the town, but expects it to be very substantial. Mr. Place said he will find out more tomorrow and will report back to town council as soon as he knows more.

Mr. Place stated that the town may be eligible for capacity credits that could substantially increase the income above these rates by as much as \$80,000 to 100,000 per year. He said these credits will have to be approved by the North Carolina Utilities Commission and Andy Givens recommends that the town hire an attorney skilled in dealing with the commission. Mr. Place said Mr. Givens spoke to Daniel Higgins of Burns, Day & Presnell, P.A. in Raleigh who has contacted the town about a proposal. Mr. Place stated that according to Mr. Givens, Mr. Higgins has a wealth of experience in dealing with the commission. Mr. Place said considering the amount of revenue that approval of the credits could generate, he recommended that town council authorize him to accept the terms of the letter.

After discussion, Commissioner McCallum made a motion to authorize the town manager to enter into an agreement with Attorney Daniel Higgins of Burns, Day and Presnell, P.A. in Raleigh for legal services representing the town regarding the renegotiation of a contract with Duke Power; also authorize an expenditure not to exceed \$5,000 to cover Attorney Higgins's fees. Commissioner Pitts seconded the motion and the vote of approval was unanimous.

2. Update on revenue generated by the Hydro-Electric Plant. Mr. Place said the town has received a total of \$224,357 in hydro-electric income during the first six months of this fiscal year amounting to 93% of the budgeted income for the entire year (some of it may be subject to the overpayment). Mr. Place said the hydro-electric income will exceed the budget projection for 2005-2006.
3. Update on the status of the dredging project in the river. Mr. Place said Southeastern Underwater Services, Inc, of Greenville, South Carolina plans to begin the underwater work to locate the sewer line in the river in about two weeks. Mr. Place said this is critical for the river maintenance dredging project and once the line has been located, Lake Norman will be able to begin their project.
4. Update on surplus town property for sale at the golf course. Mr. Place mentioned that the 3.3 acre portion of the golf course that extends from the Camp Lurecrest access road to the lake is still generating a lot of interest. As of this date, there have been at least ten upset bids and the highest offer at this time being advertised for upset bids is \$237,000.



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5. Update on status of an erosion control matter with regards to a citizen who owns lakefront property in Lake Lure Golf and Beach Resort.
6. Update on activity of the Grey Rock/HGTV Dream Home tours. Mr. Place said the town received \$11,900 for rental fee of the Meadows.

**COUNCIL COMMENTS**

Commissioner McCallum reported that the visitor's center had over 300 visitors the over past weekend and numerous tickets have been sold for the HGTV Dream House tour.

Commissioner Pitts thanked Lake Advisory Chairman Bob Washburn and the Lake Advisory Committee for collecting the lake debris with the town's new debris collection net.

Commissioner Noble asked for something in writing detailing the duties of town council liaisons. Town Attorney Callahan said there is no procedural manual available at this time and he gave a brief overview of what a liaison does.

Mayor Proctor mentioned that the Clean Water Trust Fund met recently at the Lake Lure Inn.

**ADJOURNMENT**

With no further items of discussion, Commissioner Noble made a motion to adjourn the meeting at 9:30 p.m. Commissioner Pitts seconded the motion and the vote of approval was unanimous.

ATTEST:

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Anita H. Taylor, MMC  
Deputy Town Clerk

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Mayor Jim Proctor