

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, JULY 11, 2006, 7:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER**

PRESENT: Mayor Jim Proctor
Commissioner Dick McCallum
Commissioner Jeanine Noble
Commissioner Russ Pitts
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

Attorney Callahan gave the invocation.

APPROVE THE AGENDA

After discussion, Commissioner McCallum made a motion to approve the agenda as amended by removing item 9 b (Resolution No. 06-06-13 Adopting Standard Specifications and Details for the Design and Construction of Projects Regulated by the Town of Lake Lure) off the agenda under unfinished business and defer this item to another meeting to be reconsidered. Add an item 8c to the consent agenda for a request from Eva Sullivan Conlon to suspend the town's alcohol ordinance to serve beer and wine during a family reunion inside the community hall of the Lake Lure Municipal Center on Sunday, July 23, 2006, from 5:00 p.m. until 9:00 p.m. Add an item to the agenda as 10f under new business to consider a request from the Lake Advisory Committee for additional funding regarding an agreement for professional services with Wiggins Environmental Services, LLC (WES) and its subcontractor ENSR for the Lake Lure boating capacity management plan for Phase III and IV. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

PUBLIC HEARING - CONSIDER PROPOSED ORDINANCE NO. 06-07-11 AMENDING CHAPTER 94 (THE LAKE STRUCTURES REGULATIONS) OF THE CODE OF ORDINANCES FOR THE TOWN OF LAKE LURE RELATING TO STANDARDS AND REQUIREMENTS FOR LAKE STRUCTURES

Mayor Proctor opened the public hearing regarding proposed Ordinance No. 06-07-11 amending the amending Chapter 94 (The Lake Structures Regulations) of the Code of Ordinances for the Town of Lake Lure relating to standards and requirements for lake structures.

Mayor Proctor invited citizens to speak during the public hearing and no one requested to speak.

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

ADOPT ORDINANCE NO. 06-07-11 AMENDING CHAPTER 94 (THE LAKE STRUCTURES REGULATIONS) OF THE CODE OF ORDINANCES FOR THE TOWN OF LAKE LURE RELATING TO STANDARDS AND REQUIREMENTS FOR LAKE STRUCTURES

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

After discussion, Commissioner Pitts made a motion adopt Ordinance No. 06-07-11 as presented. Commissioner McCallum seconded the motion and the vote of approval was unanimous. (Copy of Ordinance No. 06-07-11 attached).

PUBLIC FORUM

Mayor Proctor invited the audience to speak on any non-agenda item and no one requested to speak.

COUNCIL LIAISON REPORTS

Commissioner Noble reported on the activities of the Golf Course Committee and the Parks and Recreation Board. Commissioner Noble mentioned that the Shelby Star News paper published an article on April 27, 2006 by John Derrick about the Lake Lure Municipal golf course being a “beautiful 9-holer with blooming trees, great scenery and a big turtle in a pond ... and it being designed by the great golf architect Donald Ross.” Commissioner Noble reported that the parks and recreation board members were working on the Kiwanis Park at U.S. Highway 64/74A and NC Highway 9.

Page 3 - Minutes of the July 11, 2006 Regular Council Meeting

Commissioner Watkins reported on the activities of the Board of Adjustment/Lake Structures Appeals Board. Commissioner Watkins read into the record Beth Rose's letter dated June 26, 2006 resigning her position on the Board of Adjustment/Lake Structures Appeals Board. (Copy of letter attached). Commissioner Watkins recognized Beth Rose for all of the years she has served as board member and chairperson on this board.

Commissioner McCallum reported on the activities of the Zoning/Planning Board. Commissioner McCallum commented on the status of the proposed tree ordinance and announced that there will be a second public meeting held regarding the comprehensive plan on July 12, 2006, 6:00 p.m., at the Lake Lure Municipal Center. Commissioner McCallum mentioned that he had received a request from a citizen for council to consider moving the staff reports up on the agenda.

Commissioner Pitts reported on the activities of the Lake Advisory Committee. He said the town's new police boat will be delivered on July 12, 2006. Commissioner Pitts thanked volunteers and staff members for all of their efforts cleaning up lake debris after the recent flood. He stated that a press release by the Town of Lake Lure was submitted to the local newspapers regarding the lake cleanup. Also, a press release will be published in the town's newsletter. Commissioner Pitts said the Lake Advisory Committee recommended that the town allocate \$1,000 for an additional net to catch lake debris and funds necessary to purchase a 200 plus HP outboard for a town work boat.

After discussion, Commissioner Pitts made a motion to approve a budget amendment of \$1,000 out of the lake fund (account #10618000-214 - supplies) to cover the cost of a net to be used to catch debris in the lake. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

Council members directed the town manager to get cost estimates for a new higher horse powered outboard for a 26' tritoon and rebuilding a 24' tritoon to accept a 90 HP motor.

Lake Advisory Committee Chairman Bob Washburn announced that there will be a meeting held by lake management consultants to answer questions pertaining to the lake use study on July 22, 2006, 2:00 p.m. at Fire Station 1 and 4:00 p.m. at Fire Station 2. Mr. Washburn said the public is invited to make comments.

CONSENT AGENDA

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

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

Page 4 - Minutes of the July 11, 2006 Regular Council Meeting

- a. minutes of June 13, 2006 (regular meeting and closed session), and June 8, 2006 (special meeting);
- b. Resolution No. 06-07-11 proclaiming the first week of August of each year to be zoning officials week; and

**TOWN OF LAKE LURE
RESOLUTION NO. 06-07-11**

**PROCLAIMING THE FIRST WEEK OF AUGUST
OF EACH YEAR TO BE ZONING OFFICIALS WEEK**

WHEREAS, the North Carolina Association of Zoning Officials was established on January 16, 1981; and

WHEREAS, the mission of the North Carolina Association of Zoning Officials is to encourage and promote the technical and legal quality of administration to all of those engaged and interested in the field of zoning administration and zoning enforcement in the State of North Carolina; to aid in furthering public understanding and awareness in zoning; to speak as a representative of zoning administration and zoning enforcement in the State of North Carolina; and to see that the private citizens and officials are more accurately informed as to reputable practices and interpretations of zoning problems involving the administration and enforcement of local zoning ordinances; and

WHEREAS, the 25th anniversary of the North Carolina Association of Zoning Officials will be celebrated in 2006 during the association's annual conference in Asheville, North Carolina; and

WHEREAS, the North Carolina Association of Zoning Officials has worked diligently for the past 25 years to expand resources, and to sponsor and develop a comprehensive system of quality zoning education for zoning officials across the State of North Carolina; and

WHEREAS, the Board of Directors of the North Carolina Association of Zoning Officials, representing the membership of the association, respectfully requests that, in this year and future years, the first week of August be set aside so that zoning officials across the State of North Carolina may be publicly recognized for their participation and dedication and for their contributions of time and expertise toward the improvement of zoning administration and enforcement; and

WHEREAS, We recognize the many valuable contributions made by zoning officials and extend our heartfelt thanks for their continued commitment to public service;

NOW, THEREFORE, BE IT RESOLVED THAT, the Town Council of the Town of Lake Lure does hereby proclaim that in this year and in future years, the first week in August is hereby designated as **ZONING OFFICIALS WEEK**.

Adopted this 11th day of July, 2006

Page 5 - Minutes of the July 11, 2006 Regular Council Meeting

ATTEST:

Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor

- c. a request from Eva Sullivan Conlon to suspend the town's alcohol ordinance to serve beer and wine during a family reunion inside the community hall of the Lake Lure Municipal Center on Sunday, July 23, 2006, from 5:00 p.m. until 9:00 p.m.

End of Consent Agenda

UNFINISHED BUSINESS:

- a. Consider a Request from G. Elton Todd to Place White Sand on the Upland Beach Area in Front of his Boat House Located at 517 Holmes Road**

Town Manager Place answered questions pertaining to G. Elton Todd's request to place white sand on the upland beach area in front of his boat house located at 517 Holmes Road. Mr. Place informed council members that Mr. Todd does not plan to put sand in the water.

After discussion, Council members agreed that no action was required by the town council for G. Elton Todd to place white sand upland (not in the water) on the beach area in front of his boat house located at 517 Holmes Road.

UNFINISHED BUSINESS:

- b. Other Unfinished Business**

There was no other unfinished business for discussion.

NEW BUSINESS:

- a. Consider a Request from Timothy Padgett on Behalf of David Doyle to have the Town Quit-Claim Certain Property Formed by Accretion/Dredging Along the Shoreline Accessed Off of Sheridan Lane**

Attorney Timothy Padgett presented a quit-claim deed prepared by him and answered questions on behalf of David Doyle to have the town quit-claim certain property formed by accretion and dredging along the shoreline accessed off of Sheridan Lane. Attorney Padgett furnished a copy of a survey done prior to the dredging and one completed recently, showing the area of accretion. Also, he submitted copies of several photographs showing the dredging operation. He said the

Page 6 - Minutes of the July 11, 2006 Regular Council Meeting

owner will pay for the bearing cost of the preparation of the quit-claim deed and for any other fees, including the survey and recording fees. (Copies attached are letter dated June 15, 2006 addressed to Attorney Christopher Callahan, surveys, and photos furnished by Attorney Padgett).

After discussion, Commissioner McCallum made a motion to approve the request from Timothy Padgett on behalf of David Doyle to have the town quit-claim deed certain property formed by accretion/dredging along the shoreline accessed off of Sheridan Lane as presented by Attorney Timothy Padgett and authorize the mayor and town clerk to sign this deed. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

The mayor recessed the meeting at 8:40 p.m. for a break and reconvened the meeting at 8:50 p.m.

NEW BUSINESS:

b. Consider a Request from Bo Williams on Behalf of the Lake Lure Tours, Inc. to Amend their Concession Agreement with the Town of Lake Lure to Allow the use of Town Dock Space to Moor Four Tour Boats and Permission to Build New Handicap Accessible Piers to Replace the Existing Structure Being used to Dock Tour Boats

Bo Williams, General Manager of Lake Lure Tours, Inc. answered questions pertaining to his request to amend the concession agreement with the Town of Lake Lure to allow the use of town dock space to moor four tour boats and permission to build new handicap accessible piers to replace the existing structure being used to dock tour boats. Mr. Williams said the construction of the new piers would take place this fall and bring the dock space in line with the number of boats that Lake Lure Tours, Inc. are allowed to operate. He said this change would allow the tour boats to be more safely and efficiently boarded by all passengers. Mr. Williams said they are currently having to lift passengers in wheel chairs on their boats. (Copy attached is a letter dated July 5, 2006 addressed to town council from Bo Williams).

After discussion, Commissioner Pitts made a motion to approve the request from Bo Williams on behalf of the Lake Lure Tour, Inc. to amend their concession agreement with the town to allow the use of town dock space to moor four tour boats and permission to build new handicap accessible piers to replace the existing structure being used to dock tour boats and authorize the town manager to make the changes in their contract. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

c. Consider Resolution No. 06-07-11A Amending the Parks and Recreation Board Membership to Consist of Five Regular Members and One Alternate Member

Town Manager Place reviewed proposed Resolution No. 06-07-11A amending the parks and recreation board membership to consist of five regular members and one alternate member.

Page 7 - Minutes of the July 11, 2006 Regular Council Meeting

After discussion, Commissioner Watkins made a motion to adopt Resolution No. 06-07-11A amending the parks and recreation board membership to consist of five regular members and one alternate member as presented by the town manager. Commissioner Noble seconded the motion and the vote of approval was unanimous.

RESOLUTION NO. 06-07-11A

A RESOLUTION TO AMEND RESOLUTION NO. 00-01-11 ESTABLISHING A PARKS AND RECREATION BOARD; DEFINING MEMBERSHIP, TERMS AND VACANCIES.

WHEREAS, the aforesaid Resolution No. 00-01-11 was duly adopted by the Town Council of Lake Lure, North Carolina on January 11, 2000 in order to establish a Parks and Recreation Board and set forth its duties and responsibilities; and

WHEREAS, Town Council has reviewed and considered the number of members to be appointed to this committee under the provisions of Resolution No. 00-01-11 and found it desirable to modify the membership of this Parks and Recreation Board from its current structure;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA:

SECTION 1. That Section 1 of Resolution No. 00-01-11 is hereby amended as follows:

The Parks and Recreation Board shall consist of five regular members and one alternate member appointed by Town Council. ~~Initially, two members shall be appointed for three years, two for two years and one for one year. Commencing in the second year after establishment, all successive~~ Appointments shall be for a term of three years, expiring on December 31 of the third year, and terms shall be staggered. Not more than two member's terms shall expire in any one year. Any vacancy shall be filled for the unexpired term in the same manner as the initial appointment.

SECTION 2. That Section 1 of Resolution No. 00-01-11 is hereby amended to add a new subsection (C) as follows:

(C) Alternate members may attend all meetings and participate in all discussions, but shall have no vote unless a regular member is absent. In that instance, the alternate member shall have the right to vote.

SECTION 3. Effective date.

This resolution shall be effective upon its adoption.

Adopted this 11th day of July, 2006.

Page 8 - Minutes of the July 11, 2006 Regular Council Meeting

ATTEST:

Mary A. Flack, MMC
Town Clerk

Jim Proctor
Mayor

NEW BUSINESS:

d. Board Appointment - Parks & Recreation Board

After discussion, Commissioner Pitts made a motion to appoint James Dunn to serve on the parks and recreation board as an alternate member with a term expiring on December 31, 2007. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

e. Board Appointment - Board of Adjustment/Lake Structures Appeals Board

Council members voted by ballot and appointed Harvey Jacques to fill Beth Rose's regular position on the board of adjustment/lake structures appeals board with a term expiring on December 31, 2007. Linda Swift was appointed to fill Harvey Jacques's position as alternate member on the board of adjustment/lake structures appeals board with a term expiring on December 31, 2006.

NEW BUSINESS:

f. Consider a Request from the Lake Advisory Committee for Additional Funding Regarding an Agreement for Professional Services with Wiggins Environmental Services, LLC (WES) and its Subcontractor ENSR for the Lake Lure Boating Capacity Management Plan for Phase III and IV

Lake Advisory Committee Chairman Bob Washburn asked council members to approve and authorize the funding for the agreement for professional services with Wiggins Environmental Services, LLC (WES) and its subcontractor ENSR for the Lake Lure boating capacity management plan for Phase III and IV. (Copy of agreement is attached).

After discussion Commissioner McCallum made a motion to: (1) approve an agreement for professional services with Wiggins Environmental Services, LLC (WES) and its subcontractor ENSR for the Lake Lure boating capacity management plan for Phase III and IV, (2) approve a budget amendment not to exceed \$21,400 out of the lake fund (account #10618000-691 - contractual service) to cover the cost of professional services for this project, and (3) authorize the town manager and the mayor to sign this agreement on behalf of the town. Commissioner Pitts seconded the motion and the vote of approval was unanimous.

STAFF REPORTS

Page 9 - Minutes of the July 11, 2006 Regular Council Meeting

Town Manager Place read his report into the record dated July 11, 2006. (Copy of report is attached).

A motion was made by Commissioner McCallum to authorize the town manager to sign a contract with McGill Associates on behalf of the town to obtain a consultant to conduct a study of the inflow and infiltration of the sewer collection system for the town. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

A motion was made by Commissioner McCallum to approve the allocation of funds up to \$100,000, as soon as funds are available, for two additional public wells in conjunction with the Kellerman Cove Development. Commissioner Watkins seconded the motion. Commissioners Pitts, McCallum, Watkins voted in favor of the motion. Commissioner Noble voted against the motion. Therefore, the motion carried with a vote of 3 to 1.

Council members directed the town manager to obtain a proposal from McGill Associates to do a new utilities rate study.

COUNCIL COMMENTS

Commissioner Noble questioned the town's policy regarding restrictions of the use of alcohol for volunteer firemen on duty answering calls. Town Manager Place said the town did not create this policy. Mr. Place informed council members that Fire Coordinator Ron Morgan was asked to draft a policy for the fire departments by the board of directors of the three fire departments pertaining to the restricted use of alcohol. Council members held a brief discussion regarding this matter.

Commissioner McCallum mentioned that he had spoken with staff members of Congressman Charles Taylor and Congressman Patrick McHenry regarding a federal State and Tribal Assistance Grant (STAG) previously approved for the town regarding the wastewater system plan. Both Commissioner McCallum and Mayor Proctor plan to talk to a staff member of Congressman McHenry's office tomorrow concerning the significant increased cost of construction with regards to the original application submitted for this grant and plan to ask for more funds.

Mayor Proctor said he had spoken with a representative of Blue Heron Point today regarding concern of cluster moorings in this development. He was informed that there would not be cluster moorings in this development.

Commissioner Watkins requested that the town manager make the town manager's staff report available to the public. Town Manager Place agreed to distribute copies after he has made his oral report.

ADJOURNMENT

With no further items of discussion, Commissioner Watkins made a motion to adjourn the meeting. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor