

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, JANUARY 9, 2007, 7:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

PRESENT: Mayor Jim Proctor
Commissioner Jeanine Noble
Commissioner Russ Pitts
Commissioner Chuck Watkins

H. M. Place III, Town Manager
J. Christopher Callahan, Town Attorney

ABSENT: Commissioner Dick McCallum

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 Watkins made a motion to approve the agenda as amended by adding an item as 10c under the consent agenda to approve a budget amendment as submitted by the finance director transferring funds allocated for fish stocking of the lake to be used for a fish eco-study. Commissioner Pitts seconded the motion and the vote of approval was unanimous.

**PUBLIC HEARING - CONSIDER PROPOSED ORDINANCE NO. 07-01-09 AMENDING
TITLE IX, CHAPTER 92, THE ZONING REGULATIONS OF THE TOWN OF LAKE
LURE, RELATING TO BOARD OF ADJUSTMENT ALTERNATE MEMBERS AND
CONDITIONAL USE PERMITS IN THE R-2 AND R-3 ZONING DISTRICTS**

Mayor Proctor opened the public hearing regarding proposed Ordinance No. 07-01-09.

Community Development Director Shannon Baldwin read into the record his memorandum dated January 4, 2007 addressed to town council members and answered questions relating to proposed Ordinance No. 07-01-09. (Copy of memorandum from Shannon Baldwin dated January 4, 2007 is attached).

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Commissioner Pitts requested contingent upon council members agreeing that Community Development Director Shannon Baldwin in the future change the format when preparing a summary statement of proposed amendments to the zoning regulations to be presented to town council. Commissioner Pitts stated that he would rather have the summary statement outlined in a break down of bullet points including columns detailing the reasons for the proposed changes instead of a single paragraph statement. Commissioner Pitts also requested that a reference be made on how the change relates to the comprehensive plan.

Mayor Proctor invited citizens to speak during the public hearing. Marilyn P. Moore furnished her letter dated January 6, 2007 for the record as a protest to all amendments and/or changes in the R-3 zoning ordinance. Mrs. Moore stated that the proposed changes would adversely affect the value of her 96 acre tract (parcel #16-03403) accessed via Sand Branch Road. (Copy of letter dated January 6, 2007 from Marilyn P. Moore is attached.) Mrs. Moore informed council members that her property has been zoned R-3 for almost 20 years. She said the typography of her property limits the ability for alternatives of development in a desirable manner. Mrs. Moore stated that it is very important to her that multiple family units be allowed as a permissible use.

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

ADOPT ORDINANCE NO. 07-01-09 AMENDING TITLE IX, CHAPTER 92, THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE, RELATING TO BOARD OF ADJUSTMENT ALTERNATE MEMBERS AND CONDITIONAL USE PERMITS IN THE R-2 AND R-3 ZONING DISTRICTS

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

After discussion, Commissioner Watkins made a motion to adopt Ordinance No. 07-01-09 (amending Title IX, Chapter 92, the zoning regulations of the Town of Lake Lure, relating to board of adjustment alternate members and conditional use permits in the R-2 and R-3 zoning districts) as presented. Commissioner Noble seconded the motion. Commissioners Watkins and Noble voted in favor of the motion. Commissioner Pitts voted against the motion. The motion carried with a vote of 2 to 1. (Copy of Ordinance No. 07-01-09 is attached.)

PUBLIC HEARING - CONSIDER PROPOSED ORDINANCE NO. 07-01-09A AMENDING TITLE IX, CHAPTER 91, THE SUBDIVISION REGULATIONS OF THE TOWN OF LAKE LURE, RELATING TO PRELIMINARY PLAT REVIEWS

Mayor Proctor opened the public hearing regarding proposed Ordinance No. 07-01-09A.

Community Development Director Shannon Baldwin read into the record his memorandum dated January 4, 2007 addressed to town council members and answered questions relating to proposed Ordinance No. 07-01-09A. (Copy of memorandum from Shannon Baldwin dated January

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4, 2007 is attached).

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

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

ADOPT ORDINANCE NO. 07-01-09A AMENDING TITLE IX, CHAPTER 91, THE SUBDIVISION REGULATIONS OF THE TOWN OF LAKE LURE, RELATING TO PRELIMINARY PLAT REVIEWS

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

After discussion, Commissioner Pitts made a motion to adopt Ordinance No. 07-01-09A (amending Title IX, Chapter 91, the subdivision regulations of the Town of Lake Lure, relating to preliminary plat reviews) as presented. Commissioner Noble seconded the motion and the vote of approval was unanimous. (Copy of Ordinance No. 07-01-09A is attached.)

PUBLIC FORUM

Mayor Proctor invited the audience to speak on any non-agenda item. Ivan Anderson expressed her appreciation to town council for the speed tables installed on Boys Camp Road.

COUNCIL LIAISON REPORTS

Commissioner Noble reported on the activities of the Golf Course Committee and the Parks and Recreation Board.

Commissioner Watkins reported on the activities of the Board of Adjustment/Lake Structures Appeals Board.

Commissioner Pitts reported on the activities of the Lake Advisory Committee.

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 Noble, to approve the consent

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agenda items as presented. Therefore, the consent agenda, incorporating the following items were unanimously approved and adopted:

- a. minutes of the December 12, 2006 (regular meeting), and December 15, 2006 (special meeting);
- b. a budget amendment as submitted by the finance director transferring \$35,000 from debt service (account #10-91000.700) and \$4,600 from the contingency line item to docks/boardwalk (account #10-62200-593) to cover the cost of repairs to the town's seawall and docks; (Copy of memorandum from finance director dated January 5, 2007 is attached); and
- c. a budget amendment as submitted by the finance director transferring funds up to \$10,000 allocated for fish stocking of the lake to be used for a fish eco-study. (Copy of memorandum from finance director dated January 9, 2007 is attached.)

End of Consent Agenda

UNFINISHED BUSINESS:

a. Other Unfinished Business

There was no other unfinished business for discussion.

NEW BUSINESS:

a. Consider a Request from Bob Washburn and Anne Hinton to Remove Silt from the Lake that has Accumulated at the West Point of Gray Logs Cove

Bob Washburn answered questions pertaining to his letter addressed to town council and the town manager received December 21, 2006 asking town council to grant approval to Anne Hinton and himself to remove silt from the lake that has accumulated at the west point of Gray Logs Cove. (Copy of letter from Bob Washburn and Anne Hinton is attached.)

After discussion, Commissioner Noble made a motion to approve a request from Bob Washburn and Anne Hinton to remove silt from the lake that has accumulated at the west point of Gray Logs Cove. Commissioner Pitts seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

b. Consider a Request from J. D. Harrison Investments, LLC to Accept a New Performance Guarantee for “Blue Heron Point” and Release the Existing Performance Guarantee

Community Development Director Shannon Baldwin reviewed his memorandum dated January 4, 2007 addressed to town council regarding a request from “Blue Heron Point Subdivision”. (Copy of memorandum from Shannon Baldwin is attached.)

After discussion, Commissioner Watkins made a motion to approve a request from J. D. Harrison Investments, LLC to accept a new performance guarantee for “Blue Heron Point” and release the existing performance guarantee. Commissioner Pitts seconded the motion and the vote of approval was unanimous. (Copy of new performance guarantee for “Blue Heron Point” is attached.)

NEW BUSINESS:

c. Consider a Proposal from Ryan Blau of Design Workshop Regarding Amendment to the Zoning Regulations to Allow Cluster Subdivisions

Community Development Director Shannon Baldwin answered questions relating to his memorandum dated January 4, 2007 pertaining to a cluster subdivision amendment proposal from Ryan Blau of Design Workshop. (Copy of memorandum from Shannon Baldwin including proposal are attached.)

After discussion, Commissioner Noble made a motion to refer the proposed ordinance amendment submitted by Ryan Blau of Design Workshop to the zoning and planning board for further study and recommendations. Commissioner Pitts seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

d. Consider Recommendations from the Zoning & Planning Board Regarding Short-term/Vacation Rentals in the R-1 Residential District

Community Development Director Shannon Baldwin read into the record a memorandum dated December 26, 2006 addressed to town council from Zoning and Planning Board Chairman Dick Washburn pertaining to short-term/vacation rentals in the R-1 District. Mr. Baldwin reviewed the Zoning and Planning Board recommended course of action regarding VTR’s. (Copy of memorandum dated December 26, 2006 from Dick Washburn is attached.)

Commissioner Pitts read into the record e-mails received from Lake Lure residents Bill McNary and Kate Haskell who could not be present during this council meeting. (Copy of e-mails

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are attached.)

Heard comments from Police Chief Eric Hester regarding complaints relating to vacation rentals. Chief Hester explained that most of Lake Lure calls are dispatched through Rutherford County E-911. Chief Hester stated that it would be a burden on his officers to require them to identify VTR complaints.

Mayor Proctor allowed citizens to speak regarding issues relating to short-term/vacation rentals in R-1 Residential District.

Mayor Proctor informed citizens about an appeal process to the board of adjustment as outlined in Section 92.086 of the zoning regulations which allows individuals to dispute the zoning administrator's interpretation of the town's regulations. He said the board of adjustment shall hear and decide all appeals from any decision or determination made by the zoning administrator.

Attorney J. Christopher Callahan stated that town council has the right to amend and clarify the town's regulations.

After discussion, Commissioner Noble made a motion to approve recommendations 1, 2, 3, and 5 for course of action regarding VTR's outlined in the memorandum dated December 26, 2006 from Dick Washburn except for number 4. Commissioner Watkins seconded the motion and the vote of approval was unanimous. (Copy of memorandum dated December 26, 2006 from Dick Washburn detailing recommendations is attached.)

NEW BUSINESS:

e. 2006 Year End Report on Community Development Department Activities

Community Development Director Shannon Baldwin read into the record his memorandum dated January 2, 2007 reporting on 2006 year end activities of the community development department. (Copy of memorandum dated January 2, 2007 from Shannon Baldwin is attached.)

NEW BUSINESS:

f. Discuss Town Planner/Subdivision Administrator Position

Community Development Director Shannon Baldwin gave a brief report on the status of a town planner/subdivision administrator position. Mr. Baldwin expressed the need for this position and distributed copies of a draft job description including estimated salary figures.

Mr. Baldwin agreed to present a revised permits and applications fees schedule in a resolution form for town council's consideration at their next regular meeting.

STAFF REPORTS

Town Manager Place read his report into the record dated January 9, 2007. (Copy of the town manager's report is attached).

A motion was made by Commissioner Pitts to approve a budget amendment of \$36,500 as requested by the town manager transferring funds from the hydro-electric to the account for silt removal from the lake. Commissioner Noble seconded the motion and the vote of approval was unanimous.

After discussion, Commissioner Watkins made a motion to: (1) reject the bid of \$422,382 received from L-J, Inc. for the town center walkway center project; and (2) authorize the town manager to work together with the town's engineer to negotiate with the lowest bidder a revised proposal for this project to be considered at a future meeting. Commissioner Noble seconded the motion and the vote of approval was unanimous.

A motion was made by Commissioner Noble to approve a budget amendment transferring \$62,000 from the general fund reserves to the golf course account as requested by the town manager to cover the cost for a pond and pump at the town's golf course. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

COUNCIL COMMENTS

After discussion, Commissioner Pitts made a motion to approve the expenditure of \$100 for his membership fee to North Carolina Resort Towns and Convention Cities Association. Commissioner Noble seconded the motion and the vote of approval was unanimous.

Mayor Proctor read into the record a letter dated January 3, 2007 from Michele Morton regarding speed tables installed on Boys Camp Road. Ms. Morton expressed her gratitude to town officials for their efforts to make Boys Camp Road safer. (Copy of letter dated January 3, 2007 from Michele Morton is attached.)

ADJOURNMENT

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

ATTEST:

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Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor