

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, AUGUST 14, 2007, 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 Watins made a motion to approve the agenda as presented. Commissioner Noble seconded the motion and the vote of approval was unanimous.

Public Hearing - Consider Proposed Ordinance No. 07-08-14 Amending the Lake Structures Regulations, Title IX, Chapter 94 of the Code of Ordinances for the Town of Lake Lure Relating to the Administration and Enforcement of the Lake Structures Regulations; The Regulation of Commercial and Multi Dwelling Lake Structures, The Regulation of Temporary/Permanent Mooring, and the Regulation of Lighting Fixtures on Lake Structures

Mayor Proctor opened the public hearing regarding proposed Ordinance No. 07-08-14.

Lake Advisory Committee member Wiley Bourne read into the record a memorandum from the Lake Advisory Committee regarding the proposed amendments to the Lake Structures Regulations. (Attached is a copy of the memorandum from the Lake Advisory Committee).

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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 Noble seconded the motion and the vote of approval was unanimous.

Adopt Ordinance No. 07-08-14 Amending the Lake Structures Regulations, Title IX, Chapter 94 of the Code of Ordinances for the Town of Lake Lure Relating to the Administration and Enforcement of the Lake Structures Regulations; The Regulation of Commercial and Multi Dwelling Lake Structures, The Regulation of Temporary/Permanent Mooring, and the Regulation of Lighting Fixtures on Lake Structures

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

After discussion, Commissioner McCallum made a motion to adopt Ordinance No. 07-08-14 as amended. Commissioner Pitts seconded the motion and the vote of approval was unanimous. (Copy of Ordinance No. 07-08-14 is attached.)

PUBLIC FORUM

Mayor Proctor invited the audience to speak on any non-agenda item and Wally Gilbert requested to speak about regulating lights being used around the lake shore. Mr. Gilbert said he would like for mercury lights to be used around the lake shore instead of sodium lights.

STAFF REPORTS

Town Manager Place read his report into the record dated August 14, 2007, 2007. (Copy of the town manager's report is attached).

A motion was made by Commissioner McCallum to authorize McGill Associates to prepare an grant application for submission to the Clean Water Trust Fund for the first phase of the improvements to the wastewater collection system recommended in the inflow and infiltration study, including the expanded joint wrapping project as recommended by the town manager. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

Commissioner McCallum made a motion to authorize McGill Associates to prepare an application for submission to the Rural and Economic Development Center as recommended by the town manager. Commissioner Pitts seconded the motion and the vote of approval was unanimous.

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After discussion, town council members agreed by consensus to authorize McGill Associates to review three proposals for continuing maintenance contract for Island Creek water tank and make recommendation by the next town meeting as recommended by the town manager.

A motion was made by Commissioner Noble to schedule a special meeting to be held on Tuesday, September 11, 2007, 6:30 p.m., at the "Remembrance Walkway" in Morse Park for a dedication of a brick in memory of former Commissioner Alex Karr. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

COUNCIL LIAISON REPORTS & COMMENTS

Council members held a brief discussion regarding the new lake management position and responsibilities. Council members expressed their desire to fill this position as soon as possible.

The mayor called for a break at 7:50 p.m. and reconvened the meeting at 8:00 p.m.

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

Commissioner McCallum reported on the activities of the Zoning/Planning Board.

Commissioner Noble reported on the activities of the Golf Course Committee and the Parks and Recreation 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 McCallum moved, seconded by Commissioner Noble, to approve the consent agenda items as presented. Therefore, the consent agenda, incorporating the following items were unanimously approved and adopted:

- a. minutes of the July 10, 2007 (regular meeting and closed session), July 5, 2007 (special workshop meeting), July 24, 2007 (special workshop meeting) and July 30, 2007 (special workshop meeting);
- b. a budget amendment of \$3,582 regarding a sign as presented by the finance director and the town manager (Attached are copies of a memorandum dated August 7, 2007 from Town Manager H. M. Place III and a memorandum dated August 7, 2007 from Finance Director

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Sam Karr); and

- c. a request from LaSondra Terry to suspend the town's peddling ordinance for the Vintage Tin Street Rod Association to hold their annual car show on Saturday, October 6, 2007 from 8:00 a.m. until 3:00 p.m.

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 Mike Harris and Dave Matthews Regarding Silt Removal in Laurel Landing Cove and Erosion Problems

Heard a request from Mike Harris and Dave Matthews regarding silt removal and erosion problems in Laurel Landing Cove. Mr. Harris presented a slide show presentation including numerous pictures of erosion problems.

After discussion, Commissioner Pitts made a motion to direct town manager to solicit bids for silt removal in Laurel Landings Cove and establish means of responsibility to stabilize the road and swale above that cove. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

b. Consider a Request from James Cain on Behalf of the Fairfield Mountains Property Owners Association, Inc. to Amend the Town's Sign Ordinance to Allow Certain Exceptions for those Properties Zoned R-3 (Resort Residential)

Heard a request from James Cain on behalf of the Fairfield Mountains Property Owners Association, Inc. to amend the town's sign ordinance to allow certain exceptions for those properties zoned R-3 (resort residential).

A motion was made by Commissioner McCallum to direct the zoning and planning board to work with James Cain to initiate amendments to the sign section of the zoning regulations at request of Rumbling Bald Resort. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

c. Consider Resolution No. 07-08-14 Accepting the Scope of Work for the Study of the Use of Single Family Dwellings as Vacation Rentals and Establishing a Steering Committee; Committee Appointments

After discussion, Commissioner Pitts made a motion to adopt Resolution No. 07-08-14 accepting the scope of work for the study of the use of single family dwellings as vacation rentals and establishing a stakeholders steering committee as amended. Commissioner Watkins seconded the motion and the vote of approval was unanimous. (Copy of Resolution No. 07-08-14 is attached.)

Town Council members voted by ballot to appoint 19 members to serve on the stakeholders steering committee and the town manager announced the following results: **Owner SFD/VR:** Jocelle Allen and Tom Cox; **Adjoiner:** Lynn Pitts and Anita Mihniak; **Realtor:** Charlene Efirid; **Property Manager:** Carole Mc Kay; **Hotel/Motel:** Anthony Simmons; **Restaurant:** Werner Maringer; **Retail:** Tyrone Phillips; **LAC:** Blaine Cox; **HNGCC:** Martin Watts; **Z&P Board:** Tony Brodfuhrer; **Area 1:** Jane Phillips; **Area 2:** Karen Van Sickler; **Area 3:** Nancy McNary; **Area 4:** George Pressley; **At Large:** Bill Beason, Mary Karr, and James Cain.

The mayor recessed the meeting at 9:15 p.m. for a break and reconvened the meeting at 9:20 p.m.

NEW BUSINESS:

d. Consider Resolution No. 07-08-14A Requesting the Services of the North Carolina Department of Commerce, Division of Community Assistance, Western Regional Office for Facilitation Services for the Single Family Dwelling/Vacation Rental Steering Committee

After discussion, Commissioner Noble made a motion to adopt Resolution No. 07-08-14A requesting the services of the North Carolina Department of Commerce, Division of Community Assistance, Western Regional Office for facilitation services for the single family dwelling/vacation rental steering committee as presented by Planner Amos Gilliam. Commissioner McCallum seconded the motion and the vote of approval was unanimous. (Copy of Resolution No. 07-08-14A is attached.)

NEW BUSINESS:

e. Consider Resolution No. 07-08-14B Directing the Creation of Design Guidelines for New Commercial Construction to Ensure Growth and Development that Respect the Historic Nature of the Town and its Community Character while Remaining Sensitive to the Environment

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After discussion, Commissioner Watkins made a motion to adopt Resolution No. 07-08-14B directing the creation of design guidelines for new commercial construction to ensure growth and development that respect the historic nature of the town and its community character while remaining sensitive to the environment as presented by Community Development Director Shannon Baldwin. Commissioner McCallum seconded the motion and the vote of approval was unanimous. (Copy of Resolution No. 07-08-14B is attached.)

NEW BUSINESS:

f. Discussion Regarding a Development Agreement with Ed Kale for Bald Mountain Development

After discussion regarding a development agreement with Ed Kale for Bald Mountain Development, Commissioner Pitts made a motion to direct the development review committee, Town Attorney Mike Egan and Commissioner McCallum to review the development agreement with Ed Kale. Commissioner Noble seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

g. Consider Adopting Resolution No. 07-08-14C Directing the Town Clerk to Investigate the Petition Received from Raymond Collins Requesting an Area Contiguous to the Town of Lake Lure be Annexed Voluntarily in accordance Under G. S. 160A-31; Authorize the Town Attorney to Assist the Town Clerk with Determining Legal Ownership of the Property and Required Notifications Pertaining to this Annexation

After discussion, Commissioner Watkins made a motion to adopt Resolution No. 07-08-14C directing the town clerk to investigate the petition received from Raymond Collins requesting an area contiguous to the Town of Lake Lure to be annexed voluntarily in accordance Under G. S. 160A-31 as presented and authorize the town attorney to assist the town clerk with determining legal ownership of the property and required notifications pertaining to this annexation. Commissioner McCallum seconded the motion and the vote of approval was unanimous. (Copy of Resolution No. 07-08-14C is attached.)

NEW BUSINESS:

h. Board Appointment - Parks & Recreation Board

After discussion, Commissioner Noble made a motion to appoint William McNary to fill Carole McKay's position as a alternate member on the parks and recreation board with a term

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expiring on December 31, 2007. Commissioner Pitts seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

i. Discussion Pertaining to Municipal Development Projects (Town Hall, Community Center, and Marina Building)

Carroll Huges, President of SpacePlan /Architecture, Interiors and Planning, P.A. presented a report dated June 8, 2007 regarding the municipal development projects. (Copy of report dated June 8, 2007 is attached.)

After discussion town council members agreed to proceed with architectural studies for town hall, community center and marina building.

NEW BUSINESS:

j. Appoint Representatives to the North Carolina Municipal League 2007 Annual Business Meeting as a Voting Delegate and Alternate Voting Delegate

After discussion, Commissioner Watkins made a motion to appoint Mayor Jim Proctor as the voting delegate, Commissioner Russ Pitts as alternate voting delegate, and Town Manager H. M. Place as alternate voting delegate in the absence of Commissioner Russ Pitts. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

ADJOURN THE MEETING

With no further items of discussion, Commissioner McCallum made a motion to adjourn the meeting at 10:10 p.m. Commissioner Noble seconded the motion and the vote of approval was unanimous.

ATTEST:



Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor