

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, DECEMBER 8, 2009, 7:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

PRESENT: Mayor Jim Proctor
Commissioner Bill Beason
Commissioner Wayne Hyatt
Commissioner Russ Pitts
Commissioner Linda Turner

Newly elected Mayor Bob Keith
Newly elected Commissioner Mary Ann Dotson
Newly elected Commissioner John W. Moore

Christopher Braund, 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 Pitts made a motion to approve the agenda as amended adding an item 10f under the consent agenda to consider approval of the 2010 boat permit and boat slip fee schedule. Commissioner Beason seconded the motion and the vote of approval was unanimous.

**PUBLIC HEARING - PROPOSED ORDINANCE NO. 09-12-08 AMENDING THE TOWN
OF LAKE LURE ZONING REGULATIONS, TITLE IX, CHAPTER 92, REVISING
APPENDIX B, THE FOREST COVERAGE TABLE – SIGNIFICANT TREE DENSITY AND
CANOPY COVERAGE**

Zoning and Planning Board Member Paula Jordan gave a brief overview and answered questions pertaining to proposed Ordinance No. 09-12-08 amending the Lake Lure Zoning Regulations.

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Mayor Proctor opened the public hearing regarding proposed Ordinance No. 09-12-08 amending the amending the Lake Lure Zoning Regulations. He invited citizens to speak during the public hearing and no one requested to speak.

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

CONSIDER ADOPTION OF ORDINANCE NO. 09-12-08 AMENDING THE TOWN OF LAKE LURE ZONING REGULATIONS, TITLE IX, CHAPTER 92, REVISING APPENDIX B, THE FOREST COVERAGE TABLE – SIGNIFICANT TREE DENSITY AND CANOPY COVERAGE

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

After discussion, Commissioner Turner made a motion to adopt Ordinance No. 09-12-08 as presented. Commissioner Beason seconded the motion and the vote of approval was unanimous.

ORDINANCE NUMBER 09-12-08

AN ORDINANCE TO AMEND THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE AMENDING APPENDIX B, THE FOREST COVERAGE TABLE – SIGNIFICANT TREE DENSITY AND CANOPY COVERAGE

WHEREAS, the Zoning and Planning Board has recommended modifications to the Zoning Regulations of the Town of Lake Lure as noted in the title of this ordinance; and

WHEREAS, the Zoning and Planning Board finds that the proposed ordinance is consistent with the 2007-2027 Town of Lake Lure Comprehensive Plan, particularly with regard to the guidance to “improve all developments by promoting environmental conservation in the development process” contained in Natural Environment & Open Space Policy NE-1-1.3; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the 8th day of December, 2009, upon the 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 A MAJORITY OF THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE:

SECTION ONE. Appendix B of the Zoning Regulations of the Town of Lake Lure, entitled “The Forest Coverage Table – Significant Tree Density and Canopy Coverage”, is hereby amended as follows:

Appendix B
The Forest Coverage Table —
Significant Tree Density and Canopy Coverage

Forest coverage can be estimated in several ways depending on the size and topography of the property, the number of trees on the property, and the availability of suitable aerial photographs. The table below shall be used to determine the minimum forest coverage that must be retained during land clearing land disturbance, and/or development or achieved through replanting with trees and shrubs recommended in The *Lake Lure Tree Management Handbook*. Copies of all materials used to arrive at tree density or canopy coverage estimates must be presented with the site plan.

- (a) *The Ground Survey – significant tree density:* A small property or one with relatively few trees could be evaluated by a ground survey. With this method, a qualified licensed arborist or forester professional shall visit the area on foot (at the owner's expense), count or (if necessary) estimate the number of significant trees present before clearing, and report the significant tree density. Significant trees, and/or forest areas, shall be marked on the site plan for protection or removal as described in § 92.119. Post-development Estimates of significant tree densities estimates that will remain after land clearing, land disturbance, and/or development shall be produced based on the number of significant trees to be removed. Where this density falls below that required on the Forest Coverage Table, the tree protection officer shall direct the replanting of trees to make up the deficit.
- (b) *The Aerial Survey – canopy coverage:* A larger property, particularly one with steep topography, or a property with significant forest coverage, might best be managed by a canopy coverage estimate involving analysis of existing aerial photographs. This analysis shall be carried out by a qualified licensed arborist or forester professional, at the owner's expense, by the method described under **Aerial Survey – Canopy Coverage Method** at the end of this Appendix
- (c) *The combined Ground and Aerial Survey:* When a large area to be evaluated by aerial survey also includes pockets of forest that are to be left for greenspace or common areas, or small undisturbed forest areas (less than 1 acre and less than 50% canopy coverage) that will be disconnected from larger undisturbed forest areas, these isolated areas shall be evaluated by a ground survey, with the Significant Tree Density figure to be shown on the plat or site plan for each such isolated area. This method will improve accuracy in calculating overall forest coverage, particularly where common areas and greenspace are so designated. The Significant Tree Density method shall also be used when planning tree thinning on a portion of the property or for other special purposes needing particular accuracy.
- (d) *Other methods:* Property owners wishing to compute the pre-land clearing/land disturbance/development forest coverage estimate by their own methods shall provide their

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calculations to the Tree Protection Officer with sufficient clarity and accuracy that the tree protection officer can duplicate and validate their results.

- (e) *The Forest Coverage Table:* This table computes the minimum Significant Tree Density or Canopy Coverage that shall remain on a property after land clearing, land disturbance and/or development, based on the pre-development Significant Tree Density or Canopy Coverage on the property prior to land clearing, land disturbance and/or development. Where the post-land clearing, land disturbance and/or development values fall below those required on the Forest Coverage Table, the tree protection officer shall direct the replanting of trees to make up the deficit.

Significant Tree Density/Canopy Coverage Table

Pre-<u>Land Clearing/Land Disturbance/Development</u> Significant Tree Density (significant trees per acre)	Pre- <u>Land Clearing/Land Disturbance/Development</u> Canopy Coverage (percentage of total property area)	Post- <u>Land Clearing/Land Disturbance/Development</u> Significant Tree Density or Canopy Coverage
0 to 10	0% to 10%	1.0 x initial value
11 to 20	11% to 20%	.90 x initial value
21 to 50	21% to 50%	.80 x initial value
50 or more	50% or more	.70 x initial value

Examples

Tree Density Example 1: For a 2 acre lot with an average initial significant tree density of 25 significant trees per acre, the final significant tree density shall average 20 significant trees per acre (.80 x 25).

Tree Density Example 2: For a 1-acre lot with an initial significant tree density of 15 per acre, a minimum of 13.5 significant trees must remain after construction (.90 x 15). If construction renders greater tree removal unavoidable, then a replanting plan shall be submitted as part of the site plan that will achieve the minimum final density.

Tree Density Example 3: For a 0.5-acre lot with just 10 significant trees (initial significant tree density of 20), 9 of them shall remain (or be replaced) after construction.

Canopy Coverage Example 1: For a 2 acre lot with an initial canopy coverage of 25%, the minimum final canopy coverage shall be 20% of the 2 acre lot (.80 x .25).

Canopy Coverage Example 2: For a 1-acre lot with an initial canopy coverage of 80%, a minimum final coverage of 56% of the 1-acre lot must remain after construction (.70 x .80).

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If construction renders greater tree removal unavoidable, then a replanting plan shall be submitted as part of the site plan that will achieve the minimum final coverage.

Canopy Coverage Example 3: For a 0.5-acre lot with an initial canopy coverage of just 10%, all the trees shall remain (or be replaced) after construction (.10 x 1.)

Aerial Survey – Canopy Coverage Method

STEP 1: Using a clear, 2005 or later aerial photo of the property, draw a grid overlaying the property. The grid lines shall be spaced at ½ inch intervals. Count the total number of squares in the grid, then study the squares and estimate each square’s coverage level – the percentage (100%, 75%, 50%, 25%, or 0%) of each square that is covered by forest canopy.

- For squares with 100% canopy coverage a value of 1 shall be assigned.
- For squares with 75% canopy coverage a value of .75 shall be assigned.
- For squares with 50% canopy coverage a value of .5 shall be assigned.
- For squares with 25% canopy coverage a value of .25 shall be assigned.
- For squares with 0% canopy coverage a value of 0 shall be assigned.

~~Note: Clint Calhoun has developed and tested a computer program which may be used to assist with the following computations.~~

STEP 2 Count the number of squares with 100% coverage and multiply by 1. To calculate the percentage of the total property area that the 100% coverage squares represent, divide the number of 100% squares by the total number of squares in the grid. Use the following formula to do the division and convert the results into a percentage:

- x = total # of squares covering the whole property.
- a = total # of squares with a 100% canopy coverage level

$$\frac{(a \times 1)}{x} \times 100 = (?)\%$$

Then count the number of squares with 75% coverage and multiply by .75. Use the same formula to do the division and convert the results into percentages:

- x = total # of squares covering the whole property.
- b = total # of squares with a 75 % canopy coverage level

$$\frac{(b \times .75)}{x} \times 100 = (?)\%$$

Follow the same steps for the other levels of canopy coverage using the following values.

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For the 50% canopy coverage:

x = total # of squares covering the whole property.
c = total # of squares with a 50% canopy coverage level

$$\frac{(c \times .5)}{x} \times 100 = (?)\%$$

For the 25% canopy coverage:

x = total # of squares covering the whole property.
d = total # of squares with a 25% canopy coverage level

$$\frac{(d \times .25)}{x} \times 100 = (?)\%$$

For the 0% canopy coverage:

x = total # of squares covering the whole property.
e = total # of squares with a 0% canopy coverage level

$$\frac{(e \times 0)}{x} \times 100 = (?)\%$$

When the area percentage for each coverage level is known, add the percentages together for the total estimated canopy coverage as a percentage of the total property acreage.

Example Problem: A grid is laid over a 2 acre tract. The property has been previously disturbed and shows mixed patches of forest and cleared areas. The total number of squares covering the parcel is 140. 100 squares are completely vegetated; 10 squares are 75% vegetated; 15 squares are 50% vegetated; 10 squares are 25% vegetated; and 5 squares no longer contain any vegetation. Using the above equation, calculate the estimated canopy coverage for the site.

x = 140
a = 100
b = 10
c = 15
d = 10
e = 5

$$\frac{(a \times 1)}{x} \times 100 = (?)\% \quad \frac{(b \times .75)}{x} \times 100 = (?)\% \quad \frac{(c \times .5)}{x} \times 100 = (?)\%$$

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$\frac{(100 \times 1)}{140} \times 100 = (?)\%$	$\frac{(10 \times .75)}{140} \times 100 = (?)\%$	$\frac{(15 \times .5)}{140} \times 100 = (?)\%$
$\frac{100}{140} \times 100 = (?)\%$	$\frac{7.5}{140} \times 100 = (?)\%$	$\frac{7.5}{140} \times 100 = (?)\%$
<u>.71 x 100 = 71%</u>	<u>.053 x 100 = 5.3%</u>	<u>.053 x 100 = 5.3%</u>
$\frac{(d \times .25)}{x} \times 100 = (?)\%$	$\frac{(e \times 0)}{x} \times 100 = (?)\%$	71.0%
$\frac{(10 \times .25)}{140} \times 100 = (?)\%$	$\frac{(5 \times 0)}{140} \times 100 = (?)\%$	5.3%
		5.3%
		1.8%
		+ 0.0%
		83.4% Total Canopy
$\frac{2.5}{140} \times 100 = (?)\%$	$\frac{0}{140} \times 100 = (?)\%$	
<u>.0179 x 100 = 1.8%</u>	<u>0 x 100 = 0%</u>	

The estimated canopy coverage is 83.4%.

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~.]

SECTION TWO. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 92.999 of the Zoning Regulations.

SECTION THREE. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION FOUR. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION FIVE. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

SECTION SIX. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 8th day of December, 2009.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Jim Proctor
Mayor

Approved as to content and form:

J. Christopher Callahan
Town Attorney

PRESENT AN AWARD OF APPRECIATION TO DOUG LONG FOR NOTABLE CONTRIBUTIONS TO THE TOWN OF LAKE LURE FOR ORGANIZING THE SUCCESSFUL DRAGON BOAT AND OLYMPIAD EVENTS IN LAKE LURE

Mayor Jim Proctor and incoming Mayor Robert “Bob” Keith presented an award of appreciation to Doug Long for notable contributions to the Town of Lake Lure for organizing the successful Dragon Boat and Olympiad events in Lake Lure.

PUBLIC FORUM

Mayor Proctor invited the audience to speak on any non-agenda item and/or consent agenda topics and Tom Cox requested to speak. Mr. Cox complemented Mayor Proctor, Commissioner Beason, and Commissioner Pitts for their accomplishments on town council. Mr. Cox also requested that he be allowed to speak under new business before the incoming council members pertaining to the Town of Lake Lure Vacation Rental Ordinance No. 09-10-13C.

STAFF REPORTS

Town Manager Christopher Braund read into the record the town manager’s report dated December 8, 2009. (Copy of the town manager’s report is attached).

COUNCIL LIAISON REPORTS & COMMENTS

Commissioner Hyatt reported on the activities of the Board of Adjustment/Lake Structures Appeals Board and the Lake Lure ABC Board.

Commissioner Beason reported on the activities of the Golf Course Committee and Lake Advisory Board.

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Commissioner Pitts expressed his appreciation to the town for allowing him to serve with the Lake Advisory Board and the Zoning/Planning Board.

Commissioner Turner reported on the activities of the Parks and Recreation Board. She also reported on the activities of the Zoning/Planning Board.

Mayor Proctor expressed his appreciation to town staff and council members for their support during his terms as Mayor.

CONSENT AGENDA

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

Commissioner Pitts moved, seconded by Commissioner Beason, 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 November 10, 2009 (regular meeting, special meeting and closed session);
- b. town meeting schedule for 2010;

TOWN COUNCIL MEETING SCHEDULE FOR 2010

<u>DATE</u>	<u>LOCATION</u>	<u>TIME</u>	<u>TYPE</u>
January 12, 2010	Lake Lure Municipal Center	7:00 p.m.	Regular
February 9, 2010	Lake Lure Municipal Center	7:00 p.m.	Regular
March 9, 2010	Lake Lure Municipal Center	7:00 p.m.	Regular
April 13, 2010	Lake Lure Municipal Center	7:00 p.m.	Regular
May 11, 2010	Lake Lure Municipal Center	7:00 p.m.	Regular
June 8, 2010	Lake Lure Municipal Center	7:00 p.m.	Regular
July 13, 2010	Lake Lure Municipal Center	7:00 p.m.	Regular
August 10, 2010	Lake Lure Municipal Center	7:00 p.m.	Regular
September 14, 2010	Lake Lure Municipal Center	7:00 p.m.	Regular
October 12, 2010	Lake Lure Municipal Center	7:00 p.m.	Regular
November 09, 2010	Lake Lure Municipal Center	7:00 p.m.	Regular
December 14, 2010	Lake Lure Municipal Center	7:00 p.m.	Regular

* Regular Town Council meetings are held on the 2nd Tuesday of each month.

- c. Resolution No. 09-12-08 supporting the request that Rutherford County and specifically the

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Ruth School in Rutherfordton be included in the National Park Service's study list for the headquarters of the Overmountain Victory National Historic Trail;

RESOLUTION NO. 09-12-08

SUPPORTING RUTHERFORD COUNTY AND RUTH SCHOOL IN RUTHERFORDTON BE INCLUDED IN THE NATIONAL PARK SERVICE'S STUDY LIST FOR THE HEADQUARTERS OF THE OVERMOUNTAIN VICTORY NATIONAL HISTORIC TRAIL

WHEREAS, the National Park Service is studying a potential new headquarters and visitors center for the Overmountain Victory National Historic Trail; and

WHEREAS, significant events of the Overmountain Men's march such as the encampment of both patriot and British soldiers at Gilbert Town and the court martial and hanging of nine British Tory sympathizers at Biggerstaff's Old Fields occurred in Rutherford County; and

WHEREAS, Gilbert Town is on the National Register of Historic Places and has twice been awarded grants from the American Battlefield Protection Program, including funding of the recently completed preservation plan; and

WHEREAS, the Biggerstaff Hanging Tree site has been recently preserved and will be part of a range of publicly accessible Revolutionary War assets; and

WHEREAS, more than 4.5 miles of certified Overmountain Victory National Historic Trail exist in Rutherford County and trail plans exist to extend that throughout the county; and

WHEREAS, Rutherford County, the Town of Rutherfordton and others in Rutherford County have taken numerous steps in recent years to highlight and celebrate the Overmountain Men story; and

WHEREAS, a new chapter of the Overmountain Victory Trail Association was started in Rutherford County in 2009 and will serve the entire region; and

WHEREAS, the 2009 reenactment at Gilbert Town on October 2nd, 2009 had the largest single day turnout in the history of the Overmountain Victory Trail Association with over 800 students attending ; and

WHEREAS, Rutherford County owns the historic Ruth School that is located on the Overmountain Victory National Historic Trail commemorative driving route and sits a few hundred yards from the actual route the militia took; and

WHEREAS, the Ruth School is located near the intersection of two major highways (US

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221 and US 64); and a planned US 221 bypass will make the Ruth School a high profile and visible location and trailhead.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Lake Lure Board of Commissioners supports the request that Rutherford County and specifically the Ruth School in Rutherfordton be included in the National Park Service’s study list for the headquarters of the Overmountain Victory National Historic Trail.

Adopted this 8th day of December, 2009.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Jim Proctor
Mayor

- d. a request from the Hickory Nut Gorge Chamber of Commerce to suspend the peddling ordinance in order to sell concessions and miscellaneous items during the Polar Plunge event being held on January 1, 2010 on the Lake Lure beach;
- e. a request from William Grimes to suspend the town’s alcohol ordinance in order to serve beer and wine during a New Year’s Eve party being held inside the Community Hall of the Lake Lure Municipal Center on December 31, 2009; and
- f. 2010 boat permit and boat slip rental fee schedule. (A copy of the 2010 fee schedule is attached.)

End of Consent Agenda.

UNFINISHED BUSINESS
a. OTHER UNFINISHED BUSINESS

There was no other unfinished business.

NEW BUSINESS:
a. OATH OF OFFICE – MAYOR ROBERT “BOB” KEITH

Mayor Proctor introduced Honorable Senior Resident Superior Court Judge Laura J. Bridges. Then, Judge Bridges administered the oath of office to newly elected Mayor Robert “Bob” Keith.

NEW BUSINESS:

b. OATH OF OFFICE – COMMISSIONER MARY ANN DOTSON

Judge Laura J. Bridges administered the oath of office to newly elected Commissioner Mary Ann Dotson.

NEW BUSINESS:
c. OATH OF OFFICE – COMMISSIONER JOHN W. MOORE

Judge Laura J. Bridges administered the oath of office to newly elected Commissioner John W. Moore.

NEW BUSINESS:
d. PRESENT AWARDS OF APPRECIATION TO OUTGOING COUNCIL MEMBERS

Mayor Proctor presented outgoing Commissioner Bill Beason an award in recognition of his dedicated public service and outstanding contributions to the Town of Lake Lure (term May, 2009 to November, 2009). Mr. Beason filled the remaining term of former Commissioner Jeanine Noble.

Mayor Proctor presented outgoing Mayor Pro Tem and Commissioner Russ Pitts an award in recognition of his dedicated public service and outstanding contributions to the Town of Lake Lure (term 2005 to 2009).

Mayor Keith presented outgoing Mayor Jim Proctor an award in recognition of his dedicated public service and outstanding contributions to the Town of Lake Lure (term 1999 to 2009).

NEW BUSINESS:
e. RECEPTION HONORING INCOMING AND OUTGOING COUNCIL MEMBERS

Mayor Keith recessed the meeting for a reception honoring incoming council members and then reconvened the meeting.

NEW BUSINESS:
f. APPOINT A MAYOR PRO TEM

A motion was made by Commissioner Hyatt to appoint Commissioner Linda Turner as Mayor Pro Tem. Commissioner Moore seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

g. APPOINT COUNCIL MEMBERS TO SERVE AS LIAISON ON VARIOUS BOARDS AND/OR COMMITTEES INCLUDING: LAKE ADVISORY BOARD, BOARD OF ADJUSTMENT/STRUCTURES APPEALS BOARD, LAKE LURE ZONING/PLANNING BOARD, GOLF COURSE ADVISORY COMMITTEE, LAKE LURE ABC BOARD, & PARKS/RECREATION BOARD

After discussion, Commissioner Dotson made a motion to:

1. appoint Commissioner Mary Ann Dotson to serve as liaison on the Lake Advisory Board and Lake Lure ABC Board;
2. appoint Commissioner Wayne Hyatt to serve as liaison on the Board of Adjustment/Lake Structures Appeals Board;
3. appoint Commissioner John Moore to serve as liaison on the Zoning & Planning Board; and
4. appoint Commissioner Linda Turner to serve as liaison on the Golf Course Advisory Committee and Parks/Recreation Board.

Commissioner Turner seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

h. CONSIDER APPROVAL OF AN AMENDMENT TO THE AGREEMENT WITH FIREFLY COVE, INC. FOR PHASE 1-A RIDGE AT FIREFLY COVE SUBDIVISION

Community Development Director Shannon Baldwin introduced Suzy Smoyer, Planner/Subdivision Administrator as a new employee to the Community Development Department.

After discussion, Commissioner Moore made a motion to approve an amendment to the agreement with Firefly Cove, Inc. for Phase 1-A Ridge at Firefly Cove Subdivision as submitted by the planner/subdivision administrator and authorize the Mayor and Town Clerk to sign this agreement. Commissioner Dotson seconded the motion and the vote of approval was unanimous. (A copy of the Firefly Cove, Inc. amended agreement is attached.)

NEW BUSINESS:

i. CONSIDER APPROVAL OF BUDGET AMENDMENTS REGARDING TECHNOLOGY UPGRADES; APPROVAL OF A MEMORANDUM OF UNDERSTANDING AGREEMENT WITH PANGAEA INTERNET AND AUTHORIZE THE TOWN MANAGER TO SIGN THIS AGREEMENT ON BEHALF OF THE TOWN OF LAKE LURE

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Town Manager Braund reviewed a memorandum from Finance Director Sam Karr dated December 1, 2009 requesting a motion to move \$16,881 from the contingency fund to the administration department-computer upgrade line item #521 for technology upgrades. (A copy of the memorandum from Sam Karr is attached.) Mr. Braund also reviewed and answered questions pertaining to his memorandum dated November 23, 2009 pertaining to technology upgrades and budget amendment request. (A copy of the memorandum from Chris Braund is attached.)

Bill Price, a representative of Skycatcher Communications, Inc. and Stuart Davidson, a representative of PANGAEA Internet answered questions pertaining to technology upgrades and the proposed agreement with PANGAEA Internet.

After discussion, Commissioner Hyatt made a motion to:

1. approve the budget amendments as submitted by the finance director and town manager regarding technology upgrades; and
2. approve the Memorandum of Understanding Agreement with PANGAEA Internet as presented by the town manager and authorize the town manager to sign this agreement on behalf of the Town of Lake Lure.

Commissioners Dotson, Hyatt, and Moore voted in favor of the motion and Commissioner Turner abstained from voting (counts as a yes vote). Therefore, the motion carried unanimously.

NEW BUSINESS:

j. APPOINTMENTS: LAKE ADVISORY BOARD, BOARD OF ADJUSTMENT/STRUCTURES APPEALS BOARD, LAKE LURE ZONING/PLANNING BOARD, GOLF COURSE ADVISORY COMMITTEE, LAKE LURE ABC BOARD, & PARKS/RECREATION BOARD

Council members voted by ballot and the town manager announced the following results:

Wiley Bourn, Gary Hasenfus, Roberta “Robin” Proctor, and Bo Williams were reappointed to served on the Lake Advisory Board with terms expiring on December 31, 2012. Tom McKay was appointed to serve on this board filling the remainder of Robert M. Keith’s term expiring on December 31, 2010.

Paula Jordan was reappointed to serve on the Lake Lure Zoning and Planning Board with a term expiring on December 31, 2012. Rick Coley was appointed to serve on this board with a term expiring on December 31, 2012.

A motion was made Commissioner Turner to reappoint Richard Lamb, Carl Nelson, and Stuart Byers to serve on the Golf Course Advisory Committee with terms expiring on December 31, 2011. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

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William Keller was appointed to serve on the Lake Lure ABC Board with a term expiring on December 31, 2012.

Todd Dunnuck and Martyn Watts were reappointed to serve as regular members on the Parks and Recreation Board with terms expiring on December 31, 2012. Diane F. Barrett was appointed to serve on this board as a regular member filling the remainder of William McNary's term expiring on December 31, 2010. Valerie Hoffman was appointed to serve on this board as an alternate member filling the remainder of Diane Barrett's term as alternate member expiring on December 31, 2010.

Town Council members will vote on appointments and reappointments for the Board of Adjustment/Lake Structures Appeals Board at the recessed regular meeting being held on December 10, 2009, 2:00 p.m. at the Council meeting room of the Municipal Hall.

NEW BUSINESS:

K. CONSIDER A REQUEST FROM TOM COX PERTAINING TO THE TOWN OF LAKE LURE VACATION RENTAL ORDINANCE NO. 09-10-13C

Tom Cox reviewed a letter dated December 8, 2009 from Craig D. Justus with the Van Winkle Law Firm pertaining to the Town of Lake Lure vacation rental Ordinance No. 09-10-13C. Mr. Cox asked Town Council members to take one of the following two actions. (A copy the letter from Craig Justice is attached.)

1. Adopt a motion to rescind the Ordinance; or
2. Adopt a motion to authorize the town manager to sign a tolling agreement to suspend the running of the 60-day time period until a date certain and to suspend the effective date of the ordinance.

Council members agreed that they needed more time to consider Mr. Cox's and Justice's request.


RECESSED THE MEETING

With no further items of discussion, Commissioner Turner made a motion to recess this meeting at 9:35 p.m. until December 10, 2009 at 2:00 p.m. in the Council meeting room of the Municipal Hall. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.


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ATTEST:





Mary A. Flack, MMC
Town Clerk



Mayor Bob Keith