

MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, FEBRUARY 8, 2011, 7:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER

PRESENT: Mayor Bob Keith
Commissioner Wayne Hyatt
Commissioner John W. Moore
Commissioner Mary Ann Dotson Silvey
Commissioner Linda Turner

Christopher Braund, Town Manager
J. Christopher Callahan, Town Attorney

ABSENT: N/A

CALL TO ORDER

Mayor Keith called the meeting to order at 7:00 p.m.

INVOCATION

Attorney Callahan gave the invocation.

APPROVE THE AGENDA

After discussion, Commissioner Turner made a motion to approve the agenda as amended. Adding items on the consent agenda as 15d to consider adoption of Resolution No. 11-02-08 granting the applicant permission to apply for a grant from the Appalachian Regional Commission and 15e to consider adoption of Resolution No. 11-02-8A authorizing Town Council to enter into a phone lease agreement. Commissioner Silvey seconded the motion and the vote of approval was unanimous.

PRESENT AWARD OF APPRECIATION TO BILL BUSH

Mayor Keith presented an award of appreciation to Bill Bush for notable contribution to the Town of Lake Lure and the Zoning and Planning Board from January, 1998 until December, 2010. Dick Washburn, Chairman of the Zoning Planning Board, commended Bill Bush on behalf of the Zoning Planning Board for Mr. Bush's contributions.

PUBLIC HEARING – PROPOSED ORDINANCE NO. 11-02-08 REZONING APPROXIMATELY 2.5 ACRES FROM THE R-1A RESIDENTIAL ZONING DISTRICT TO THE GU-GOVERNMENT USE ZONING DISTRICT AS REQUESTED BY THE TOWN OF LAKE LURE IN PETITION NO. RZ2011001

Suzy Smoyer, Planner/Subdivision Administrator, reviewed and answered questions pertaining to proposed Ordinance No. 11-02-08.

Mayor Keith opened the public hearing regarding proposed Ordinance No. 11-02-08 and invited citizens to speak during the public hearing. No one requested to speak during this hearing.

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

CONSIDER ADOPTION OF ORDINANCE NO. 11-02-08 REZONING APPROXIMATELY 2.5 ACRES FROM THE R-1A RESIDENTIAL ZONING DISTRICT TO THE GU-GOVERNMENT USE ZONING DISTRICT AS REQUESTED BY THE TOWN OF LAKE LURE IN PETITION NO. RZ2011001

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

After discussion, Commissioner Hyatt made a motion to adopt Ordinance No. 11-02-08 (attached) rezoning approximately 2.5 acres from the R-1A Residential Zoning District to the GU-Government Use Zoning District as requested by the Town of Lake Lure in Petition No. RZ2011001. Commissioner Turner seconded the motion and the vote of approval was unanimous.

PUBLIC HEARING – PROPOSED ORDINANCE NO. 11-02-08A AMENDING THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE PERTAINING TO FOUNDATION SURVEYS, SPECIFICALLY TO REQUIRE FOUNDATION SURVEYS TO BE PERFORMED AFTER THE CONSTRUCTION OF THE FOUNDATION

Community Development Director Shannon Baldwin and Zoning Administrator Sheila Spicer reviewed and answered questions pertaining to proposed Ordinance No. 11-02-08A.

Mayor Keith opened the public hearing regarding proposed Ordinance No. 11-02-08A and invited citizens to speak during the public hearing. No one requested to speak during this hearing.

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

CONSIDER ADOPTION OF ORDINANCE NO. 11-02-08A AMENDING THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE PERTAINING TO FOUNDATION SURVEYS, SPECIFICALLY TO REQUIRE FOUNDATION SURVEYS TO BE PERFORMED AFTER THE CONSTRUCTION OF THE FOUNDATION

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. 11-02-08A (attached) amending the Zoning Regulations of the Town of Lake Lure pertaining to foundation surveys, specifically to require foundation surveys to be performed after the construction of the foundation. Commissioner Silvey seconded the motion and the vote of approval was unanimous.

PUBLIC HEARING – PROPOSED ORDINANCE NO. 11-02-08B AMENDING THE ZONING AND SUBDIVISION REGULATIONS OF THE TOWN OF LAKE LURE PERTAINING TO LOT STANDARDS AND DIMENSIONAL REQUIREMENTS FOR CONSERVATION DESIGN SUBDIVISIONS

Community Development Director Shannon Baldwin reviewed and answered questions pertaining to proposed Ordinance No. 11-02-08B.

Mayor Keith opened the public hearing regarding proposed Ordinance No. 11-02-08B and invited citizens to speak during the public hearing. No one requested to speak during this hearing.

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

CONSIDER ADOPTION OF ORDINANCE NO. 11-02-08B AMENDING THE ZONING AND SUBDIVISION REGULATIONS OF THE TOWN OF LAKE LURE PERTAINING TO LOT STANDARDS AND DIMENSIONAL REQUIREMENTS FOR CONSERVATION DESIGN SUBDIVISIONS

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

After discussion, Commissioner Silvey made a motion to adopt Ordinance No. 11-02-08B (attached) amending the Zoning and Subdivision Regulations of the Town of Lake Lure pertaining to lot standards and dimensional requirements for conservation

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

PUBLIC HEARING – PROPOSED ORDINANCE NO. 11-02-08C CONCERNING TREE PROTECTION; CREATING CHAPTER 65 OF TITLE VI OF THE CODE OF ORDINANCES REGULATING TREE SERVICES FOR COMPENSATION; AMENDING CHAPTER 91 (SUBDIVISION REGULATIONS) OF TITLE IX OF THE CODE OF ORDINANCES TO REPLACE THE DEFINITION FOR CLEAR CUTTING WITH A DEFINITION FOR THE EXCESSIVE REMOVAL OF TREES; AMENDING THE REGULATIONS IN SECTION 92.120 PERTAINING TO LAND CLEARING AND GRADING NOT ASSOCIATED WITH AN APPLICATION FOR DEVELOPMENT AUTHORIZATION

Community Development Director Shannon Baldwin and Clint Calhoun reviewed and answered questions pertaining to proposed Ordinance No. 11-02-08C.

Mayor Keith opened the public hearing regarding proposed Ordinance No. 11-02-08C and invited citizens to speak during the public hearing. Nancy Wait, a resident of Lake Lure, mentioned the problem of too many beavers in Lake Lure.

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

CONSIDER ADOPTION ORDINANCE NO. 11-02-08C CONCERNING TREE PROTECTION; CREATING CHAPTER 65 OF TITLE VI OF THE CODE OF ORDINANCES REGULATING TREE SERVICES FOR COMPENSATION; AMENDING CHAPTER 91 (SUBDIVISION REGULATIONS) OF TITLE IX OF THE CODE OF ORDINANCES TO REPLACE THE DEFINITION FOR CLEAR CUTTING WITH A DEFINITION FOR THE EXCESSIVE REMOVAL OF TREES; AMENDING THE REGULATIONS IN SECTION 92.120 PERTAINING TO LAND CLEARING AND GRADING NOT ASSOCIATED WITH AN APPLICATION FOR DEVELOPMENT AUTHORIZATION

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

After discussion, Commissioner Moore made a motion to adopt Ordinance No. 11-02-08C (attached) concerning tree protection; creating Chapter 65 of Title VI of the Code of Ordinances regulating tree services for compensation; amending Chapter 91 (Subdivision Regulations) of Title IX of the Code of Ordinances to replace the definition for clear cutting with a definition for the excessive removal of trees; amending the regulations in Section 92.120 pertaining to land clearing and grading not associated with an application for development authorization. This ordinance is to become effective April 1, 2011. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

PUBLIC FORUM

Mayor Keith invited the audience to speak on any non-agenda item and/or consent agenda topics. Bill Bush, a former commissioner and Z/P board member, mentioned that former Mayor Max Lehner and his wife were present in the audience. Mr. Lehner said he was attending this meeting mainly because of Mr. Bush being recognized for his contributions to the town.

STAFF REPORTS

Town Manager Christopher Braund read into the record the town manager's report dated February 8, 2011. (Copy of the town manager's report is attached).

COUNCIL LIAISON REPORTS & COMMENTS

Commissioner Turner reported on the activities of the Parks and Recreation Board.

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

Commissioner Silvey reported on the activities of the Lake Advisory Board and the Lake Lure ABC Board.

Commissioner Hyatt reported on the activities of the Lake Lure Board of Adjustment/Lake Structures Appeal Board.

CONSENT AGENDA

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

Commissioner Turner moved, seconded by Commissioner Silvey, to approve the consent agenda items as presented. Therefore, the consent agenda, incorporating the following items were unanimously approved and adopted:

- minutes of the January 18, 2011 (regular meeting & closed session), January 20, 2011 (special meeting & closed session), and January 31, 2011 (special meeting & closed session);
- a request as submitted by Mary Ann Ransom, 2011 Arts and Crafts Festival Committee Chair, regarding a Memorial Days Festival being held on May 28-30, 2011 and an Autumn Day Festival being held on October 15-16, 2011;

- a budget amendment regarding a landfill assessment grant as outlined in a memorandum (attached) dated February 1, 2011 submitted by Finance Director Sam Karr; budget \$38,439.23 in revenues-landfill assessment and \$38,439.23 as a line item expense-landfill assessment (#601) in Community Development;
- Resolution No. 11-02-08 granting the applicant permission to apply for a grant from the Appalachian Regional Commission; and

RESOLUTION NO. 11-02-08

**TOWN OF LAKE LURE
RESOLUTION GRANTING THE APPLICANT PERMISSION TO APPLY FOR
A
GRANT FROM THE APPALCHIAN REGIONAL COMMISSION**

WHEREAS, at its regular meeting on the 8th day of February, 2011, the Town Council of the Town of Lake Lure stated their intent to apply for grants from the Appalachian Regional Commission to assist with the development of the Lake Lure Regional Center by constructing a road to access the property; and

WHEREAS, if the Appalachian Regional Commission approves funding of the project described in this grant application, the fund will provide for eighty percent (80%) of the total project cost; and

WHEREAS, the Town of Lake Lure will be required to contribute the remainder of the cost of the project described in this grant application; and

WHEREAS, the Town of Lake Lure has officially adopted the following vision statement:

“Lake Lure, the gem of the Carolinas, is a mountain lake community that has a Harmonious balance of interests of our citizens, businesses and visitors, achieved Through open communication and managed growth that emphasizes fiscal responsibility and stewardship of our natural beauty and environment.”

WHEREAS, it is the goal of the Town of Lake Lure 2027 Comprehensive Plan to attract a “special use school” as stated in Policy ED-1-2.1; and

WHEREAS, the mission of the Appalachian Regional Commission Appalachian Highway Development Program was designed to generate economic development in previously isolated areas, supplement the interstate system, connect within the Region as well as to markets in the rest of the nation.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Lake Lure that the applicant has authority to apply for grants and funding sources from the Appalachian Regional Commission.

ADOPTED: This 8th day of February, 2011.

- e. Resolution No. 11-02-8A authorizing Town Council to enter into a phone lease agreement;

RESOLUTION NO. 11-02-08A

**AUTHORIZING TOWN COUNCIL TO ENTER INTO
A PHONE LEASE AGREEMENT**

WHEREAS, the Town's current phone system is over 15 years old, the town would like to improve technology, be connected with all town buildings and lessen the overall town's cost.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Lake Lure that:

- Authorizes and approves the execution of the lease agreement #1427262 with US Bancorp Manifest Funding Services.
- The Town Manager is authorized to sign municipal lease agreement with Star2star communications. The Town Clerk and Mayor are authorized to sign the opinion of Council.

ADOPTED: This 8th day February, 2011.

End of Consent Agenda.

UNFINISHED AND NEW BUSINESS:

A. OTHER UNFINISHED AND NEW BUSINESS

There were no other unfinished and new business.

ADJOURN THE MEETING

With no further items of discussion, Commissioner Turner made a motion to adjourn this meeting at 8:20 p.m. Commissioner Silvey seconded the motion and the vote of approval was unanimous.