

LAKE LURE TOWN COUNCIL REGULAR MEETING PACKET

Tuesday, April 12, 2011



Mayor Bob Keith

Commissioner Wayne Hyatt

Commissioner Mary Ann Silvey

Commissioner John Moore

Commissioner Linda Turner

Agenda Items: 4 & 5

Public Notice

The public will take notice that the Town Council of the Town of Lake Lure will hold a public hearing on Tuesday, April 12, 2011 at 7:00 p.m. or thereafter, in the Council Meeting Room of the Lake Lure Municipal Center, for the purpose of receiving comments on proposed Ordinance No. 11-04-12, amending Section 94.05 Design and Construction Standards, 94.15 Prohibited Uses, 94.17 Compliance, and 94.99 Penalties and Creation of 94.18 Inspections and Investigations of the Lake Structure Regulations of the Town of Lake Lure.

A copy of the proposed amendments to the Lake Structure Regulations are available for public inspection at the office of Administration, Lake Lure Town Hall, 8:00 a.m. to 5:00 p.m., Monday through Fridays, holidays excepted.

Agenda Item: 9b



Incorporated 1927

Town of Lake Lure

P. O. Box 255 • Lake Lure, NC 28746-0255 • 828/625-9983 • FAX 828/625-8371

MEMORANDUM

To: Town Manager, Mayor & Town Council
From: Sam A. Karr, Finance Director *SAK*
Subject: Budget Amendment-McGill & Brentwood Settlement Money
Date: March 29, 2011

After a failed vacuum system, the Town negotiated a settlement with McGill rather than proceed to trial. At last, we have worked out all payments made to the Town and a budget amendment is order.

As per settlement, the Town received \$65,000 from Brentwood, of which, \$24,872.50 was given back to McGill for past due. This left us with a balance of \$40,127.50 that was wired into the Town's account last month. Finally, last week, we received \$150,000 from the McGill Settlement.

It was the Town's intention to pay back the General Fund for the legal expenses that were suffered. Because of the legal services incurred, we need a **motion to transfer \$35,200 from total settlement proceeds of \$190,127.50 to the General Fund for Legal expenses (#10-413000.180). The remaining balance of \$154,927.50 will be transferred to the Water/Sewer Fund for reimbursements.**

If you have any questions, please contact me at your convenience.

XC: Chris Braund, Town Manager

Agenda Item: 9c




Incorporated 1927

Town of Lake Lure

P. O. Box 255 • Lake Lure, NC 28746-0255 • 828/625-9983 • FAX 828/625-8371

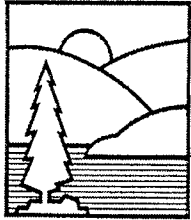
MEMORANDUM

To: Mayor & Town Council
From: Sam A. Karr, Finance Director 
Date: April 7, 2011
Subject: Budget Amendment-Early Retirement Incentive Plan (ERIP)

The Town has developed a one-time an early retirement incentive program (ERIP) in an effort to achieve cost savings for the town and provide eligible employees an opportunity and incentive to voluntarily retire and receive a lump sum payment in the amount of \$10,000.

Of the seven eligible employees, three have elected to participate. In order to fund the ERIP, we need a budget amendment to transfer money into the appropriate salary expense. If this is acceptable, **a motion to transfer \$20,000 from Contingency (#970) to Administration (\$10,000) Salaries (#100) and Public Works (\$10,000) Salaries (#100) would be required.** Note: Vicki's last day is May 31st and we will pay her incentive on July 1st, which will be under a new budget year.

If you have any questions, please feel free to contact me at your convenience.



Incorporated 1927

TOWN OF LAKE LURE
Office of the Town Manager

TO: All Early Retirement Incentive Program Eligible Employees
FROM: Chris Braund
DATE: February 25, 2011

RE: Early Retirement Incentive Program

To address the challenges of rising costs and keep municipal budgets balanced, many states and municipalities are implementing incentives to those employees that have qualified for retirement benefits. The State of North Carolina recently announced a program and Lake Lure's Town Council is offering a similar incentive program. Participation in this program is totally voluntary.

Between now and May 1st, any employee that is eligible for retirement and elects to retire before July 1st, 2011, will receive a \$10,000 bonus payment.

Interested employees can get more details from Anita Taylor, Human Resources Director.

Thank you



EARLY RETIREMENT INCENTIVE PROGRAM

The Town of Lake Lure has developed an early retirement incentive program (ERIP) in an effort to achieve cost savings for the town and provide eligible employees an opportunity and incentive to voluntarily retire and receive a lump sum payment in the amount of \$10,000. The program will assist the Town to continue to meet its aims and values, for example, in the need to provide services which are responsive, efficient, reliable and effective with a more cohesive, smaller workforce. The Town will consider all requests for early retirement from employees who meet the qualifications for reduced and unreduced retirement under the North Carolina Local Government Employees' Retirement System (NCLGERS). **This is a voluntary Program.**

The Town may allow early retirement in cases that would meet any of the following criteria:

- i. Ensure the most efficient use of human resources.
- ii. Assist in the regulation of numbers employed.
- iii. Assist the retention of employees and the maintenance of a balanced workforce.
- iv. Assist in the provision of improved services.
- v. Where the employee wants to retire and there is no advantage to the Town allowing it.

Eligibility Requirements:

To be eligible for the Retirement Incentive Program, participants must:

- Meet the qualifications for retirement under the North Carolina Local Government Employees' Retirement System (NCLGERS).
- Elect to retire with an effective date of May 1, 2011 through July 1, 2011.
- Execute the Retirement Incentive Program Election and Release Form ("Release") and submit the executed Release to the Human Resources Department by May 1, 2011.
- Choose not to revoke their signed "election and Release" submitted to Human Resources.
- Comply with all of the requirements set forth, including the timely submission of all required forms.

Eligibility Requirements Under NCLGERS:

You may retire with an unreduced service retirement benefit after:

- You reach age 65 and complete five years of creditable service,
- You reach age 60 and complete 25 years of creditable service, or
- You complete 30 years of creditable service, at any age.

You may retire early with a reduced retirement benefit after:

- You reach age 50 and complete 20 years of creditable service, or
- You reach age 60 (age 55 if you are a fireman) and complete five years of creditable service.

Sworn Police Officers may retire with an unreduced service retirement benefit after:

- You reach age 55 and complete five years of creditable service as an officer, or
- You complete 30 years of creditable service, at any age.

Sworn Police Officers may retire with a reduced benefit after:

- You reach 50 and complete 15 years of creditable service as an officer.

Time Limits Applicable to the Program:

- **March 8, 2011** -- Program approved by the Town of Lake Lure Council
- **March 9, 2011** -- Information regarding the Program distributed to all employees. Additional information and forms distributed to Town-identified employees as Program-eligible.
- **May 1, 2011** -- Deadline for eligible employees who voluntarily elect to participate in the Program to execute and submit the Retirement Incentive Program Election and Release Form to the Human Resources Director.
- **May 9, 2011** – **The final deadline for** any eligible employees to revoke their Release and as a result will not be eligible for the Program. **However, the revocation shall be effective only if submitted within seven days following submission of the Release Form.**

- **July 1, 2011** – The last effective date to retire under the Program. The Town Manager has the authority to delay an employee's effective retirement date up to January 1, 2012 for business purposes. However, the employee must have met the eligibility requirement by July 1, 2011 and must have submitted all required elections and forms by the end of the Election Period (May 1, 2011).
- The North Carolina Local Governmental Employees' Retirement System recommends that employees submit applications for retirement at least ninety (90) to one hundred twenty (120) days before the retirement effective date in order to timely receive initial retirement benefits. Applications cannot be submitted more than 120 days prior to the retirement effective date.

Benefits Available Under the Program:

- The lump-sum payment will be made within thirty (30) days following the effective date of retirement and will be subject to normal statutory deductions.
- All eligible employees shall be paid for vacation leave accrued to the date of separation/retirement not to exceed a maximum of 240 hours as outlined in the personnel policy Article VII – Leaves of Absence, Section 3. Vacation Leave (f) Terminal Pay of Vacation Leave.
- Eligible employees shall be paid for any accrued compensatory time.
- Eligible employees who retire under this Program will be eligible for all normal post-retirement benefits according to applicable town policy. If you were "first hired" prior to October 1, 2006, and you retire with five or more years of membership service with the Town, the State will pay all of your cost for your individual health coverage under the Preferred Provider Organization (PPO) 70/30 Plan or the PPO 80/20 Plan as a retiree. The condition described above is based upon current law. Dental, life and vision coverage through the Municipal Insurance Trust of NC will be continued for retired employees per town policy.
- In accordance with the rules and regulations of the North Carolina Local Governmental Employees Retirement System, retirement credit for accumulated sick leave, one (1) month of retirement credit is allowed for each twenty (20) days accrued in an employee's sick account at time of retirement to employees who are members of the retirement system.
- In accordance with Town of Lake Lure Personnel Policy Article XI, Section 7, Separation Allowance, the town shall provide a special separation allowance which is defined Under NCGS 143-166.41(a) to qualified officers who retire on a basic service retirement under provisions of NCGS 135-5(a) or 143-166(y) and meet all the qualifications listed within the policy.

Re-Employment:

An employee electing to participate in the Program shall not be eligible for reemployment with the town as a regular full-time or permanent part-time employee contributing to the Local Government Retirement System. The retired employee may work as a consultant, under contract, or under 1,000 hours annually with the town at the discretion of the town manager. The Town Manager may approve an exception to this provision for temporary re-employment if circumstances exist to justify an exception to this provision.

Misconduct/Performance Failure

An employee's election to participate in the Program does not release the employee from the obligation to adhere to town and department policies and procedures, nor does the election excuse an employee from the application of the town's conduct rules, disciplinary policies and procedures. Any employee, who has elected to participate in the Program and who engages in conduct that result in a formal disciplinary action prior to his separation date will be disqualified from participating in the Program and his or her Release shall be null and void. In the event a grievance is filed and the suspension pending termination is not upheld, the employee shall receive any Program payment(s) that the employee is otherwise eligible to receive under the terms of the Program.

Retirement Application Process

Employees who elect to participate in the Retirement Incentive Program and meet all program requirements are encouraged to seek additional information from, and to submit an application for retirement to the North Carolina Local Governmental Employees' Retirement System as soon as possible. Eligible employees may also contact Anita Taylor, Human Resources Director, for additional information.

Agenda Item: 9d



Incorporated 1927

Town of Lake Lure

P. O. Box 255 • Lake Lure, NC 28746-0255 • 828/625-9983 • FAX 828/625-8371

MEMORANDUM

To: Mayor & Town Council
From: Sam A. Karr, Finance Director *Sak*
Subject: Budget Amendment-Phone Lease
Date: March 31, 2011

The phone lease is a capital lease with a bargain purchase option. The proper accounting would be just like a note payable. The property is to be capitalized and long-term debt setup with interest imputed. So, on the modified accrual basis, the treatment would be like an installment purchase.

We are not asking for more money, but need to recognize the expenditure and the "other" source of funding. If this is acceptable, a **motion to move \$2,151.16 from Administration (#691) into Debt Service account \$1,579.43 Phone (#620) and \$571.73 Interest (#720) would be required.**

If you have any questions, please feel free to contact me.

Enclosure

EXHIBIT "B"
Agreement # 1427262

PAYMENT AND AMORTIZATION TABLE:

Payment #	Principal	Interest	Total	Principal Balance
1	\$390.93	\$146.86	\$537.79	\$21637.98
2	\$393.54	\$144.25	\$537.79	\$21244.44
3	\$396.16	\$141.63	\$537.79	\$20848.28
4	\$398.80	\$138.99	\$537.79	\$20449.48
5	\$401.46	\$136.33	\$537.79	\$20048.02
6	\$404.14	\$133.65	\$537.79	\$19643.88
7	\$406.83	\$130.96	\$537.79	\$19237.05
8	\$409.54	\$128.25	\$537.79	\$18827.51
9	\$412.27	\$125.52	\$537.79	\$18415.24
10	\$415.02	\$122.77	\$537.79	\$18000.22
11	\$417.79	\$120.00	\$537.79	\$17582.43
12	\$420.57	\$117.22	\$537.79	\$17161.86
13	\$423.38	\$114.41	\$537.79	\$16738.48
14	\$426.20	\$111.59	\$537.79	\$16312.28
15	\$429.04	\$108.75	\$537.79	\$15883.24
16	\$431.90	\$105.89	\$537.79	\$15451.34
17	\$434.78	\$103.01	\$537.79	\$15016.56
18	\$437.68	\$100.11	\$537.79	\$14578.88
19	\$440.60	\$97.19	\$537.79	\$14138.28
20	\$443.53	\$94.26	\$537.79	\$13694.75
21	\$446.49	\$91.30	\$537.79	\$13248.26
22	\$449.47	\$88.32	\$537.79	\$12798.79
23	\$452.46	\$85.33	\$537.79	\$12346.33
24	\$455.48	\$82.31	\$537.79	\$11890.85
25	\$458.52	\$79.27	\$537.79	\$11432.33
26	\$461.57	\$76.22	\$537.79	\$10970.76
27	\$464.65	\$73.14	\$537.79	\$10506.11
28	\$467.75	\$70.04	\$537.79	\$10038.36
29	\$470.87	\$66.92	\$537.79	\$9567.49
30	\$474.01	\$63.78	\$537.79	\$9093.48
31	\$477.17	\$60.62	\$537.79	\$8616.31
32	\$480.35	\$57.44	\$537.79	\$8135.96
33	\$483.55	\$54.24	\$537.79	\$7652.41
34	\$486.77	\$51.02	\$537.79	\$7165.64
35	\$490.02	\$47.77	\$537.79	\$6675.62
36	\$493.29	\$44.50	\$537.79	\$6182.33
37	\$496.57	\$41.22	\$537.79	\$5685.76
38	\$499.88	\$37.91	\$537.79	\$5185.88
39	\$503.22	\$34.57	\$537.79	\$4682.66
40	\$506.57	\$31.22	\$537.79	\$4176.09
41	\$509.95	\$27.84	\$537.79	\$3666.14
42	\$513.35	\$24.44	\$537.79	\$3152.79
43	\$516.77	\$21.02	\$537.79	\$2636.02
44	\$520.22	\$17.57	\$537.79	\$2115.80
45	\$523.68	\$14.11	\$537.79	\$1592.12
46	\$527.18	\$10.61	\$537.79	\$1064.94
47	\$530.69	\$7.10	\$537.79	\$534.25
48	\$534.25	\$3.54	\$537.79	\$0

Agenda Item: 9e



Incorporated 1927

Town of Lake Lure

P. O. Box 255 • Lake Lure, NC 28746-0255 • 828/625-9983 • FAX 828/625-8371

MEMORANDUM

To: Mayor & Town Council
From: Sam A. Karr, Finance Director *SAK*
Subject: Budget Adjustment-Christmas Décor
Date: March 30, 2011

As you all are aware, the Town is trying to upgrade our Christmas decorations. Tony Hennessee has contacted a supplier that the Village of Chimney Rock uses to piggyback on a price discount. Tony has priced out 20 pole-mounted fixtures at \$239/each, which will be approximately \$5,000 total. If this is acceptable, a motion **to transfer \$5,000 from contingency (#970) into the Public Works Department (#351) M & R Grounds** would be required. If you have any questions, please contact me at your convenience.

Xc: Chris Braund, Town Manager
Tony Hennessee, Public Works Director

Sam Karr

From: Lake Lure Town Manager
Sent: Wednesday, March 30, 2011 10:04 AM
To: 'Sam Karr'
Cc: 'Public Works'
Subject: FW: Christmas Decorations

Go ahead and prepare a budget adjustment memo from Contingency to public works for Tony's Christmas lighting purchase.

Thanks-

From:
Sent: Wednesday, March 30, 2011 9:30 AM
To: Lake Lure Town Manager; Bob Keith; Linda Turner; Mary Ann Dotson; Wayne Hyatt
Cc: Sam Karr
Subject: Re: Christmas Decorations

Sounds good to me. John

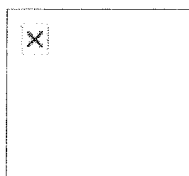
From: "Lake Lure Town Manager"
Date: Tue, 29 Mar 2011 19:33:11 -0400
To: Bob Keith ; John W. Moore >; Linda
Turner Mary Ann Dotson Wayne
Hyatt
Cc: 'Sam Karr'
Subject: Christmas Decorations

After last Christmas, I received several comments about the sad state of the Town's Christmas decorations. Some of the lights were out...the hanging balls blew away...and people liked Chimney Rock Village's better. I asked Tony to get together with Barbara Meliski to develop a plan for improvement.

Chimney Rock is placing an order with their supplier for some additional decorations and taking advantage of a significant sale discount. They've extended the timeframe of the sale for us. Tony has priced out 20 pole-mounted fixtures at \$239 each, which is about \$5,000. We haven't used any of our contingency funds this year and I think it's a good idea to use them for this purpose. The designs will match Chimney Rock's, but will be the more durable and lower-energy L.E.D. lights rather than incandescent bulbs. The designs are snowflakes by day and stars by night.

If no one objects, I'll have Sam prepare a budget adjustment for the next council meeting.

Thanks-



Chris Braund
Town Manager
(828) 625-9983 x101

3/30/2011

Agenda Item: 9f

DAVID E. DAHLE

RECEIVED
MAR 24 2011

LAKE LURE, NORTH CAROLINA 28746

March 23, 2011

Dear Town Council Members,

The LLLOR has reserved the Town Hall for July 2 and request that you waive the fees except for the \$50 Clean up fees as you did last year.

We also ask for you to suspend the alcohol ordinance for beer and wine inside the Town Hall for the same date as you did last year.

We appreciate your consideration on these 2 requests and Thank you for all you do to make this such a wonderful place to live and visit.

Sincerely,
David Dahle

COUNCIL LIAISON REPORTS & COMMENTS

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

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

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

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

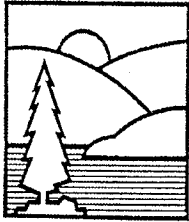
CONSENT AGENDA

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

Commissioner Turner moved, seconded by Commissioner Hyatt, 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 February 9, 2010 (regular meeting), and February 11-12, 2010 (retreat meetings);
- b. ratify approval of a request from Paula Jordan to waive the rental fee for use of the Community Hall in the Lake Lure Municipal Center on March 9, 2010 for a Leadership Rutherford Class;
- c. a budget amendment pertaining to the landfill assessment for new school site as outlined in a memorandum from the finance director dated February 26, 2010; (Attached is a copy of the memorandum from Finance Director Sam Karr dated February 26, 2010);
- d. recommendations for the Community Hall rentals as outlined in a memorandum dated March 3, 2010 from the town manager; (Attached is a copy of the memorandum from Town Manager Chris Braund dated March 3, 2010);
- e. a request from Betty Ross on behalf of the Lakefront Owners Association to suspend the town's alcohol ordinance in order to serve beer and wine during their annual meeting being held inside the Community Hall of the Lake Lure Municipal Center on June 26, 2010, from 5:00 p.m. until 9:00 p.m.; also, waive the rental fee for use of the Community Hall for this event;


Agenda Item: 9g



Incorporated 1927

TOWN OF LAKE LURE

Community Development Department

TO: Town Council
FROM: Suzy Smoyer 
DATE: April 12, 2011
RE: Conditional Zoning

Conditional zoning is a land use tool that became available to local governments in North Carolina on January 1, 2006. Conditional zoning provides an alternative to the traditional rezoning process because it allows increased flexibility and communication early in the process. With conditional zoning, the Town Council can communicate with the applicant about the specifics of their proposal. Furthermore, site plans and individualized development conditions can be imposed. The conditions agreed to by the petitioning landowner(s) are then legally binding on both the landowner(s) and local government, providing stability for the landowners' investment interests. In addition, conditional zoning allows local governmental units to limit the uses that would ordinarily apply if up-zoned to a general use zoning district. A property owner, rather than the Town Council must initiate or request the conditional zoning because it is strictly a volunteer matter. In other words, property may not be assigned a conditional district classification without the consent of all the owners of the property. The local government has broad discretion in deciding whether to approve a specific development proposal. If, at the end of the process, the governing body is not convinced of the merit of the proposal, it can simply choose not to rezone the property.

Advantages

In North Carolina, the conditional zoning process is legislative and not quasi-judicial in nature. The Zoning and Planning Board makes a recommendation and the final decision comes from the Town Council (not the Board of Adjustment). Furthermore, the decision has to be a majority vote rather than a minimum of 4/5 vote (as required with the Board of Adjustment). Ex-parte communication is allowed with conditional zoning. In other words, the applicant can contact neighbors, ZPB members and Town Council. Conditions can be placed by the property owner; additional "fair and reasonable" conditions can be imposed by the local government. Conditional zoning sets up a one stop process for review because the rezoning can also suffice for the conditional use permit, where a conditional use permit is otherwise required. Furthermore, findings of fact are not required for a conditional zoning. The most significant advantage of conditional zoning is that it alleviates concerns about the final outcome because the approval is tied to a site plan and conditions.

Disadvantages

Each conditional zoning district is unique and specific to a property. The conditional zoning district runs with the land, not the property owner. Therefore, conditional zoning requires efficient record keeping. A system would have to be put in place to track conditional zoning district and associated exhibits (site plans, conditions, etc.).

A paper prepared by NC Coastal Resources Law, Planning and Policy Center explains how this unique tool may present challenges to local decision-makers above and beyond traditional zoning, "Traditional zoning decisions qualify as legislative decisions, and as such, review of those decisions is given high deference. To overturn a legislative decision, a court would have to find the legislative body's decision to be arbitrary and capricious. In practice, this is a high standard for challengers to successfully meet, so the

decision usually survives challenge. But because conditional zoning in essence contemplates a rezoning that affects only a small number of landowners, N.C. courts recognize a more individualized, quasi-judicial aspect to the decision. Therefore, upon review, N.C. courts do not view a conditional zoning decision to be presumptively valid as they would traditional rezoning decisions. Instead, the local governmental body bears the burden of proving its action is reasonable.” Therefore, the Town Council needs to ensure that each action they take on a conditional zoning district is **consistent with the Comprehensive Plan and its fair and reasonable**.

Process/ Implementation

A conditional zoning district is tied to one of the existing general use district and becomes a “companion” zoning district. When an application is made to rezone property to a conditional zoning district, the applicant may propose to limit the uses which would be permitted in the companion zoning district.

Conditional zoning can provide for modifications to the development and design standards allowed in the companion zoning district, ONLY if it is specified in the regulations. Staff recommends that the regulations specifically spell out which standards can be modified and to what degree/ percent. The enabling statute limits the types of conditions that may be imposed on the new zone to (1) those that address the conformance of the development and use of the site to city or county ordinances and officially adopted plans, and (2) those that address the impacts reasonably expected to be generated from the development or use of the site.

Finally, to comply with N.C. statutory provisions, the local planning board must state in writing how the rezoning to a conditional zoning district complies with the municipality’s comprehensive plan, and the deciding body must state its reasons for voting to rezone to a conditional zoning district.

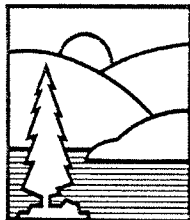
The practice of conditional zoning must follow these specific statutory procedures and safeguards so that a local government does not inadvertently engage in *illegal contract zoning* or *illegal spot zoning*. If a local government is found to have engaged in either of those illegal practices, the entire rezoning may be void.

Contract zoning is illegal in North Carolina. In the classic (illegal) setting, a landowner and government will enter into a written agreement by which both parties make promises to each other.

Spot zoning is not per se illegal in North Carolina, as is contract zoning. Spot zoning occurs when a small tract of land is rezoned differently than the surrounding areas. Many petitions for conditional zoning also count as instances of spot zoning. The N.C. Supreme Court and N.C. General Statutes allow this practice so long as the rezoning is supported by a reasonable basis. To establish reasonable basis, the local decision-maker must balance several factors, including the size of the tract, the compatibility of them rezoning with an existing comprehensive plan, the benefits and detriments resulting from the rezoning to the landowner, neighbors, and surrounding community, and the relationship between the uses envisioned under the new zoning and the uses currently allowed in adjacent tracts.

The Community Development Department believes that conditional zoning could be a very useful tool for planning in Lake Lure. If the Town Council agrees, staff would like to discuss a possible amendment with the Zoning and Planning Board.


Agenda Item: 9h



Incorporated 1927

TOWN OF LAKE LURE *Community Development Department*

MEMORANDUM

TO: Zoning and Planning Board
FROM: Suzy Smoyer, Planner 
DATE: April 12, 2011
RE: Amendment to the Subdivision Regulations

The Community Development Department requests that Town Council direct the Zoning and Planning Board to review and make a recommendation on a proposed amendment to the Subdivision Regulations to address a gap in the definition of major and minor subdivisions. The regulations have clearly defined review procedures for a major subdivision and a minor subdivision. Any division of land that falls into the definition of subdivision should be either major or minor. However, as you will see from our current definitions for major and minor subdivisions, there are several characteristics that exclude a subdivision from either definition. This appears to be an oversight in the original drafting of these definitions:

Major Subdivision: Any subdivision of a tract of land greater than five acres in area into more than five lots, or any subdivision requiring the extension of public utilities and/or development or dedication of new streets. **(Amended 11-13-01)**

Minor Subdivision: Any subdivision of a tract of land of five acres or less in area into five or fewer lots and involving no new public or private streets or roads, right-of-way dedication, easements, or utility extensions. **(Amended 11-13-01)**

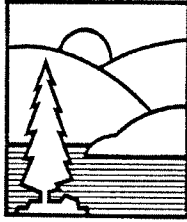
Note that the following subdivisions will not fit into either definition:

1. Subdivisions of land greater than five acres resulting in less than five lots (with or without new infrastructure)
2. Subdivision of land less than five acres into five or more lots (no new infrastructure)

Staff thinks that a possible solution would be to amend the definition of major and minor to remove the reference to the lot size. Based on the review process for a major versus a minor subdivision and the purpose of our subdivision regulations as outlined in Section 91.03, the most significant difference in minor and major subdivisions appears to be the extension of infrastructure and number of resultant lots. It seems like the size of the parent tract is the least significant component and almost irrelevant.

If directed by Town Council, staff can bring this issue to the Zoning and Planning Board for a more thorough review and discussion.

Agenda Item: 9i



Incorporated 1927

TOWN OF LAKE LURE *Lake Operations Department*

MEMORANDUM

To: Chris Braund, Town Manager
From: Clint Calhoun, Environmental Management Officer
Subject: Tree Services Provider Licensing
Date: April 6, 2011

On February 8, 2011, Town Council voted to enact the submitted revisions to the tree protection portions of the Zoning Regulations and add a new section to the Town Code regarding licensure of tree services providers. These regulations came into effect on April 1, 2011 per the request of the Environmental Management Officer and voted on by Council. The reason for delaying was to allow for time to get all the materials into place in time for the new laws to take effect.

All necessary materials have now been published and can be picked up upon request by anyone wishing to be licensed. However, we have not established a licensing fee which will be necessary in order to pay for processing the licensing application and pay for printing of materials such as the *Tree Management Handbook*, exam materials, pamphlets etc. Right now, I am issuing provisional licenses in order to allow Town Council time to establish an appropriate fee, but I believe that the fee needs to be determined relatively quickly so that we can make the provisional licenses permanent. My recommendation is that the fee be set at \$10 which should adequately cover all costs.

As far as other details, the examination has been created as an open-book exam of 50 questions that have been derived from the *Tree Management Handbook*. A minimum of 70 is required to pass the exam. Letters have been sent out to alert as many known tree services providers who work regularly in Lake Lure, informing them of the changes and the need to be licensed as a tree services provider if work is conducted in the Town.

If anyone has any questions, please let me know.

Thanks.

Town Clerk

From: Lake Lure Town Manager

Sent: Wednesday, April 06, 2011 4:34 PM

To:

Cc: 'Clint Calhoun'

Subject: FW: Memo on Tree Regulations

Please include this memo in the consent agenda, "Consideration of \$10 registration fee for tree service providers in Lake Lure"

Thanks-

4/7/2011

Agenda Item: 9j



TOWN OF LAKE LURE DEPARTMENT OF LAKE OPERATIONS

MEMO

To: Chris Braund

From: Dean Givens

Date: 03/31/2011

Re: Sponsorship of NCLMS Spring Workshop

The North Carolina Lake Management Society (NCLMS) is in the process of planning a spring workshop here in Lake Lure on May 12th, 2011. As you are aware, NCLMS is a non-profit organization and any donations are greatly appreciated.

As Lake Operations Director of Lake Lure and President of NCLMS, I am requesting that the Town sponsor this event by waiving any and all fees for rental of town property/equipment and provide snacks for breaks as well as lunch and prizes for all attending the workshop.

Benefits of sponsorship and membership can include numerous contacts of professional in lake management such as environmental, ecological, fisheries, dredging and many more.

We estimate between 20-50 attendees and figure the cost to the town at around \$20.00 per person for snacks and lunch and the cost for attending LAB members would put the cost around \$1400.00 total. There are sufficient funds in the Lake Operations budget to cover this expense.

I believe this is a worthy cause, the training that NCLMS helps provide to me, Lake Lure and many other lakes around North Carolina is invaluable.

-Dean

Town Clerk

From: Dean Givens
Sent: Thursday, March 31, 2011 3:37 PM
To: 'Town of Lake Lure Receptionist';
Cc: 'Lake Lure Town Manager'
Subject: NCLMS MEMO

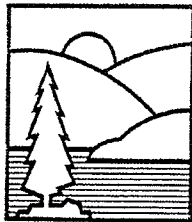
Mary and Andi,

Could you please put this Memo on the Town Council agenda for me...

I am requesting Council to sponsor this event by waiving any and all fees for rental of town property/equipment and provide snacks for breaks as well as lunch and prizes for all attending the workshop.



Dean Givens
Lake Operations Director
(828) 625-9318



Incorporated 1927

TOWN OF LAKE LURE

Office of the Town Manager

TO: All Town Employees
Mayor and Commissioners
FROM: Chris Braund
DATE: March 22, 2011
RE: Elimination of Paid Lunch Hour Benefit

I understand the disappointment expressed and questions raised since the announcement of a change in employment policy affecting work schedules and benefits. While I've had a chance to have conversations with several individuals and to work on accommodating their personal needs, I also recognize that not everyone has had a chance to be heard. An important management ethic that I strive to follow is to have open communication and to respond compassionately to all concerns.

In my absence, I appreciate the time invested by several of you to outline your perspectives in letters. Since I don't know who wrote which letters, I will provide my responses to everyone. Taken together, there were 6 main points made in the letters.

1) Why is the paid lunch benefit being taken away? It feels punitive and unnecessary.

Fundamentally, this change is not about cost savings or about punishing anyone. It's about bringing fairness and equity to local government jobs. For decades, jobs in the public sector and private sector had different pay scales, benefits packages, and incentives. In certain industries or areas of government, benefits evolved in ways that were quite attractive to employees and unsustainable.

Over the past few years, there has been a slow but steady re-alignment of jobs, responsibilities, compensation and benefits. This has resulted in improvements for some sectors...and reductions in others. In local government, the bottom line is the public's perception of how we utilize their tax dollars. As nice as it has been that the Town provided a paid lunch period and only required 35 hours of work per week, this is no longer sustainable in today's competitive environment with so much transparency and scrutiny over public expenditures. The vast majority of America works 40 hours and gets paid for 40 hours. We can no longer defend the paid lunch benefit program when virtually no other employers provide it.

Instead, what we should aim to provide is a total compensation package that is competitive with the marketplace and a work environment that is superior (in terms of challenge,

opportunity, camaraderie, recognition and reward, loyalty). The comments in your letters confirm that we have a superior work environment and that we can continue to make it better. To do so requires absorbing the bumps in the road and embracing change.

2) Merit pay raises have been suspended and this is a further erosion of benefits that I was promised when hired.

This is a good point and an area where we can improve. There are a number of problems with merit programs that increase base pay simply for doing good work. They tend to be arbitrary, unfair and, over time, pay rates can inflate beyond what can be sustained. Ultimately, jobs have to be eliminated just to keep up. Instead, the Town Council and I support these kinds of pay increases and bonus programs:

- *Significant merit bonus payments earned when agreed upon measures of job quality and performance are reached.*
- *Incentive bonuses for the achievement of job-related training and certifications*
- *Increases in base pay that coincide with inflation of the cost of living.*
- *Increases in base pay that accompany increases in job responsibility for those that pursue and achieve promotions and expansion of job duties.*

Each department head is working to craft individual performance goals and to assign dollar incentives to them. We still have a ways to go, but we're going to consult with Town Council about getting some outside assistance to help us build this incentive bonus program. Nonetheless, we intend to pay some merit bonuses this year for individuals and teams that have reduced costs or increased revenues.

3) There's not a satisfactory place to eat in Town Hall away from the demands of the office. Without a fast food restaurant in town, I'm not inclined to go out very much.

On most days, the Community Hall is empty and available during lunch and is convenient to the kitchen. I and others frequently have a quiet lunch there, free of the distractions of our desk and phone. There's even cable TV. For those days where the Hall is occupied, we will have the former break room available (vacated by Suzy and Sheila). If we grow again, we may have to revisit this, but for now this will provide a good space for a quiet lunch.

4) If I'm eating out in town on my personal time, how should I handle it when citizens want to talk with me about town business?

On the one hand, it's a fact of life for public officials and employees in a small town that citizens may think that the walls of Town Hall extend to include every restaurant and grocery store. Usually this is a friendly and well-intentioned oversight. While it may seem inconsiderate at times, this is part of the charm and warmth of small town life and why most of us choose to live and work in this part of the world. Having said that, you have every right to your personal time and should never feel obligated to conduct Town business outside of

your work hours. You can politely remind people that you're on your lunch break and will be happy to talk with them at length back at the office or on the phone. If you choose to spend 5 or 10 minutes addressing town business, then just take a bit longer lunch. While we do have timecards, we don't punch the clock and everyone is empowered and entrusted to manage their schedule as needed.

5) Do I have to take an hour lunch break?

No. Each department manager works with their staff to determine weekly schedules. For positions that work 40 hours per week, there is flexibility in when those hours occur. A lunch break is strongly encouraged for all, even if just to clear your head or get some exercise. There are no requirements for how long or short it need be.

6) I feel we're moving toward a less personal, more automated and corporate work environment.

I hear you...and am sorry that we're giving this impression. Undeniably, we are continuing to change and evolve to provide better customer service, to make better use of taxpayer dollars and to personally grow in each of our jobs. I do not believe that this is inconsistent with a friendly and trusting atmosphere. Where are the workplaces that are the most recognized and revered as great places to work? They're corporate. They're also good role models for any progressive organization, public or private. One of the common characteristics of them is flexibility: working with individuals to accommodate their personal and family needs. Need to work a different schedule? Come in earlier or later? Work around commitments? No problem. That's how we aim to work here as well. In Lake Lure, we don't have all the resources and opportunities that exist in larger cities, but we'll certainly work creatively with what we have.

Now, some of our growth and change may be difficult, but it all depends upon how you perceive it.


- *We will continue to use technology to enable us to be more efficient (more work) and effective (better work) in the same amount of time*
- *We will continue to seek ways to improve our work and our customer service...not doing things the same way because that's always the way we've done them*
- *We will recognize and reward those that are excellent at what they do and who strive to get better and handle more responsibility*
- *We will focus on making each job and career rewarding*

In summary, I hope that everyone will understand the rationale behind the change in the lunch benefit and be able to focus on the positive aspects of employment with the Town. We have other benefits that are not just comparable--but superior to other employers, including other municipalities. These are the result of good policy decisions by current and prior town councils...and occasionally some good luck along the way. There's no way that I can say that these benefits will always be in place, because as the world, the economy and the job market continues to change, employers and employees must adapt. But, for the time being, I will continue to advocate for the best possible compensation and benefits that are possible for the conditions in Lake Lure.

- We have membership in the state employee's Blue Cross health plan, an attractive option not available to most local government employees. Amazingly, there is no cost to the employee.
- We have membership in the state employee's pension plan, which remains a fairly healthy plan in NC. Pension plans are extinct in the corporate world. Many other state plans are underfunded or broke, due in large measure to many years of unsustainably generous benefits. Fortunately, our state has been conservative in their management of the investments and in the required contribution rates and retirement benefits.
- We have dental and vision coverage and basic life insurance at no cost to the employee (gone from most benefits packages).
- We have a 401(k) program in which the employer contributes 5%...regardless of whether you contribute. Most corporate programs will only match an employee's contribution, and it's usually capped at 2-3%.
- The Town contributes toward your retirement health insurance. For those hired prior to 10/1/2006 (most of our staff), you have an incredible benefit in that you will have no premiums to pay during your retirement. Realistically, this benefit may get reduced by the state, but it will still be vastly superior to the millions of retirees that are paying dearly for health insurance until they're eligible for Medicare.
- In certain jobs, the Town provides a vehicle and gas to get to and from work.
- All in all, we work in a community that is very supportive and appreciative of their local government employees and we work for Town Councils that have remained largely free of the kinds of politics that can undermine and threaten individual jobs.

Thanks...and please feel free to see me at any time on any issue of concern. New ideas are always welcome, too!

Thanks-

Chris 

Agenda Item: 11a

April 12, 2011

Agenda Item 11a.

Packet Note:

John Ganus will furnish handouts at the meeting on bids received to demolish and remove the dilapidated dwelling at 147 Sidney Lanier Drive. See attached Bid Summary.

2PM

BID SUMMARY

DATE: 03-30-11

CASE # HC-11-01

PROPERTY ADDRESS: 147 Sidney Lawler Drive

COMPANY NAME

BID AMOUNT

* W & W GRADING

8,849.⁰⁰

Isabell Const.

11,900.⁰⁰

Nelson & Co.

10,600.⁰⁰

* MARATHON Builders

7,500.⁰⁰

* Attended OPENING

ORDINANCE NO. 11-03-08 DIRECTING THE CODE ADMINISTRATOR TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED

File No. HC-11-01

WHEREAS, the Town Council of the Town of Lake Lure finds that the structure described herein is unfit for human habitation under the Town Abandoned Structures Code and that all of the procedures of the Abandoned Structures Code have been complied with; and

WHEREAS, this dwelling should be removed or demolished as directed by the Code Administrator and should be placarded by placing thereon a notice prohibiting use for human habitation; and

WHEREAS, the owner of this structure has been given a reasonable opportunity to bring the structure up to the standards of the Abandoned Structures Code in accordance with NCGS 160A-443(5) pursuant to an order issued by the Town Manager on December 15, 2009 and the owner has failed to comply with the Order.

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

Section 1. The owner of such building(s), dwelling(s) and premises is hereby ordered to vacate any occupants and/or personal property therein on or before April 1, 2011.

Section 2. The Code Administrator is hereby authorized and directed to place placards containing the legend:

"This building is unfit for human habitation. The use or occupation of this building for human habitation is prohibited and unlawful."

on the building located at the following address:

147 Sidney Lanier Drive (Rutherford County Tax ID #: 226293, 226289 and 226292)

Section 3. The Code Administrator is hereby authorized and directed to proceed to remove or demolish the above described structure in accordance with the order to the owner thereof dated the 15th day of December 2009, and in accordance with the Abandoned Structures Code and NCGS 160A-443.

Section 4. (a) The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the County Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of N.C.G.S. Chapter 160A.

Ordinance No. 11-03-08

March 8, 2011

Page 2

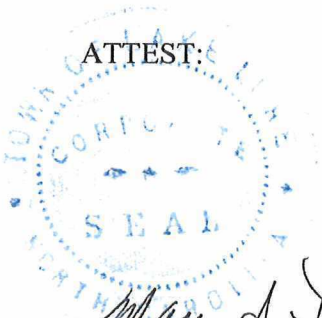
- (b) Upon completion of the required removal or demolition, the Code Administrator shall sell the materials of the dwelling and credit the proceeds against the cost of removal or demolition. The Code Administrator shall certify the remaining balance to the Tax Collector. If a surplus remains after the sale of the materials and satisfaction of the cost of removal or demolition, the Code Administrator shall deposit the surplus in the Superior Court where it shall be secured and disbursed in the manner provided by N.C.G.S. 160A-443(6).


Section 5. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

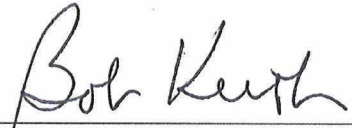
Section 6. This Ordinance shall become effective upon its adoption.

ADOPTED this 8th day of March, 2011.

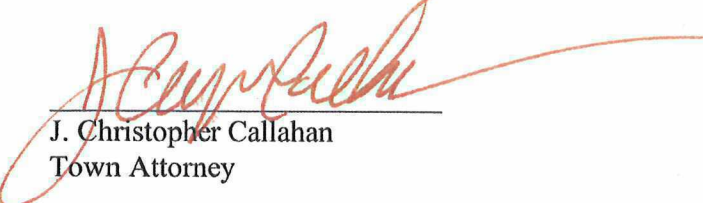
ATTEST:




Mary A. Flack, MMC
Town Clerk


Bob Keith
Mayor

Approved as to content and form:


J. Christopher Callahan
Town Attorney

Agenda Item: 11b

BOARD OF ADJUSTMENT/LAKE STRUCTURES APPEALS BOARD

Revised List 4-8-11

List of candidates to be considered for appointment to fill Robert Gibbons alternate position with a term expiring December 31, 2012.

1. Debbie Ann Frandberg
2. Lance Johnson
3. Melvin Owensby
4. Terry Wojcik

Town Clerk

From: Sheila Spicer
Sent: Thursday, March 10, 2011 3:25 PM
To: 'Town Clerk'
Subject: Robert Gibbons' resignation

Mary,

Robert Gibbons came in today and officially resigned from the Board of Adjustment. He stated he is moving to Florida fulltime and will be unable to complete his term on the Board.

Sheila Spicer
Zoning Administrator
Town of Lake Lure
(828)625-9983 ext. 117

3/21/2011



VOLUNTEER APPLICATION FORM

Name: LANCE Johnson
Address: _____ Lake Lure Resident for 9 years
Home Phone: _____ Cell Phone: _____
Employer: Self Address: SAA

PLEASE CHECK THE APPROPRIATE BOX AND INDICATE A PREFERENCE IF CHECKING MORE THAN ONE



Board of Adjustment
& Lake Structure
Appeals Board

Zoning & Planning Board

Lake Advisory Board

Parks & Recreation Board

ABC Board

Rationale and qualifications for serving: I am a licensed contractor
in North and South Carolina and have been in construction
for 35 years. I have been a resident for nine years and have a good feel-
ing for the community

Other volunteer activities in which you are currently involved, including other Boards or Committees:

I have been and continue to be a volunteer with The Dragon Boat
Festival and The Olympiad. I am also founder of The Rutheford Co.
FARMERS AND Hunters Feeding The Hungry
program/
chapter

Other information you feel might be pertinent, including current or prior occupation:

Willingness to serve our community with regard
to loyalty, commitment, integrity and just plain
common sense-

Signature: Lance Johnson Date: 2/18/11

Please see other side for a description of Town Boards

**Application for Appointment to Boards and Committees Appointed by the
Lake Lure Town Council**

Request for Appointment to:

RECEIVED

JUN 19 2009

- ☒ Board of Adjustment & Lake Structures Appeals Board
☐ Lake Lure Zoning and Planning Board
☐ Lake Advisory Committee
☐ Golf Course Advisory Committee
☐ ABC Board
☐ Parks & Recreation Board

Name: Debbie Ann Flander

Address:

Home Phone #: 625 5579 Business Phone #:

e-mail Address:

How long have you been a resident of Lake Lure? 15 yrs

Employer: George Powell Employer Address:

Professional Activities: _____

Volunteer Activities: _____

Qualifications for Serving on Requested Appointment: want to get involve
want to learn, make a difference

List any other Board of Committees in which you have an Interest: _____

ABC, Lake Advisory

List any other Boards or Committees on which you Currently Serve: _____

Please attach a résumé or any additional information you feel is pertinent, especially current and prior occupation.

Date: 6-19-09 Signature: Debbie Flander

**Application for Appointment to Boards and Committees Appointed by the
Lake Lure Town Council**

RECEIVED
DEC - 1 1999

Request for Appointment to:

- ☒ Board of Adjustment & Lake Structures Appeals Board
☐ Lake Lure Zoning and Planning Board
☐ Lake Advisory Committee
☐ Golf Course Advisory Committee
☐ ABC Board
☐ Parks & Recreation Board

Name: Melvin Owensby

Address: 1404 Memorial Hwy Lake Lure

Home Phone #:

e-mail Address: _____

How long have you been a resident of Lake Lure? 49 years

Employer: Self Employer Address: Memorial Hwy

Professional Activities: Real Estate, Timber Cruising

Volunteer Activities: Ball Coach Helped Dean Diwens
Fix Fish Habitat

Qualifications for Serving on Requested Appointment: Common Sense
Native of Lake Lure 49 years

List any other Board of Committees in which you have an Interest: Lake Advisory

List any other Boards or Committees on which you Currently Serve: Golf Course

Please attach a résumé or any additional information you feel is pertinent, especially current and prior occupation.

Date: 12-3-09 Signature: Melvin Owensby