

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL  
HELD TUESDAY, JUNE 14, 2011, 7:00 P.M. AT THE LAKE LURE MUNICIPAL  
CENTER**

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

**PLEDGE OF ALLEGIANCE**

In observance of Flag Day, Mayor Keith asked the audience and staff to stand for the pledge of allegiance.

**APPROVE THE AGENDA**

Commissioner Turner made a motion to approve the agenda as presented. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

**PRESENTATION OF THE TOWN BUDGET AND BUDGET MESSAGE FOR FISCAL  
YEAR 2011-2012**

Town Manager Chris Braund gave a brief overview of the proposed budget for fiscal year 2011-2012 and read excerpts from his budget message. (Copy of the budget message for fiscal year 2011-2012 is attached)

**PUBLIC HEARING - PROPOSED ORDINANCE NO. 11-06-14 REGARDING THE TOWN BUDGET FOR FISCAL YEAR 2011-2012**

Mayor Keith opened the public hearing regarding proposed Ordinance No. 11-06-14 pertaining to the town budget for fiscal year 2011-2012 and invited citizens to speak during the public hearing.

Bill Ashman asked what the operating loss for the Municipal Golf Course was before the course was leased out. Town Manager Braund estimated the annual operating loss for the last years prior to the course being leased at around \$130,000 to \$200,000.

Mr. Ashman also asked when the lake would be lowered and how far it would be lowered if the proposed marina project was approved. Town Manager Braund explained that the Lake Advisory Board would discuss the project and make recommendations to Town Council concerning the lowering of the lake after the project's approval.

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. 11-06-14 REGARDING THE TOWN BUDGET FOR FISCAL YEAR 2011-2012**

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. 11-06-14 as presented. Commissioner Silvey seconded the motion and the vote of approval was unanimous.

**ORDINANCE NO: 11-06-14**

**AN ORDINANCE ADOPTING THE FISCAL YEAR 2011-2012 BUDGET FOR THE TOWN OF LAKE LURE, NORTH CAROLINA**

**SECTION 1.** In accordance with G.S. 159-13 (a), the Town Council of the Town of Lake Lure adopts this ordinance entitled Town of Lake Lure 2011-2012 Budget.

**SECTION 2.** This ordinance includes revenues and expenditures in the General Fund, Water/Sewer Fund and Electric Fund. Revenues and expenditures in those funds are as follows:

Page 3- Minutes of the June 14, 2011 Regular Council Meeting

**REVENUES**

**I. GENERAL FUND**

Ad Valorem and Vehicle Taxes	\$2,110,030
State Shared Revenues	\$1,166,450
Miscellaneous Revenues	\$201,180
Land Use Fees	\$20,175
Golf Course	\$0
Lake	\$276,800
Beach	\$48,000
Marina	\$78,630
Admin. Charge from Water/Sewer Fund	\$25,000
Admin. Charge from Electric Fund	\$25,000
Appropriated Fund Balance	\$0
<b>TOTAL GENERAL</b>	<b>\$3,951,265</b>

**II. WATER/SEWER FUND**

Water and Sewer	\$669,150
Transfer from General Fund	\$0
Transfer from Hydroelectric Fund	\$0
<b>TOTAL WATER/SEWER</b>	<b>\$669,150</b>

**III. ELECTRIC FUND**

Electric Receipts	\$276,356
Appropriated from Fund Balance	\$0
<b>TOTAL ELECTRIC</b>	<b>\$276,356</b>

**GRAND TOTAL – ALL FUNDS** **\$4,896,771**

**EXPENDITURES**

**I. GENERAL FUND**

Governing Board	\$32,396
Administration	\$683,518
Police	\$735,030
Fire Department	\$625,517
Public Works	\$277,772
Sanitation	\$187,400
Golf Course	\$6,000
Lake	\$172,974
Parks & Recreation	\$76,263
Beach & Marina	\$12,000
Community Center	\$0
Community Development	\$245,631
Information Technology	\$47,200
Insurance/Bonds	\$135,540
Capital Outlay & Projects	\$340,025
Debt Service	\$176,837
Contingency Reserve	\$87,162
Transfer to Water/Sewer	\$0
Transfer to Fund Equity	\$0
Transfer to Bridge Capital Reserve	\$110,000
<b>TOTAL GENERAL</b>	<b>\$3,951,265</b>

**II. WATER/SEWER FUND**

Sewer	\$265,295
Water	\$227,274
Capital Outlay	\$101,286
Debt Service	\$75,295
Transfer to Equity	\$0
<b>TOTAL WATER/SEWER</b>	<b>\$669,150</b>

**III. ELECTRIC FUND**

Operations	\$166,356
Capital Outlay	\$110,000
Debt Service	\$0
Transfer to Equity	\$0
<b>TOTAL ELECTRIC</b>	<b>\$276,356</b>

**GRAND TOTAL - ALL FUNDS** **\$4,896,771**

**SECTION 3.** To achieve this budget program, the Town Council of the Town of Lake Lure, in accordance with G.S. 159-13 (c), the tax rate shall remain \$0.21 per \$100.00 of property valuation.

**SECTION 4.** Pursuant to the authority set forth in Article 20, Chapter 160A of the North Carolina General Statutes, the Town of Lake Lure and Rutherford County have entered into a contractual agreement to provide for centralized and systemized billing and collection of property taxes in Rutherford County. Under this agreement the County will perform for itself and the Town all of the tax collection functions prescribed in Subchapter 50 of Chapter 105 of the North Carolina General Statutes (often referred to as the Machinery Act). This joint tax collection system shall commence with the tax levy for the fiscal year beginning July 1, 2011. In accordance with section V. of this agreement, the Town of Lake Lure hereby adopts the same tax discount schedule as the County for the Town's tax levy for the fiscal year commencing July 1, 2011.

Adopted the 14th day of June, 2011.

**PUBLIC HEARING ORDINANCE NO. 11-06-14A AMENDING SECTIONS 92.031, 92.031A , 92.031B, AND 92.031C OF THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE ALLOWING CHILD CARE CENTERS AS PERMITTED USE IN CERTAIN COMMERCIAL ZONING DISTRICTS; AMENDING SECTION 92.005 DEFINITIONS TO DEFINE CHILD CARE CENTERS**

Zoning Administrator Sheila Spicer gave a brief overview and answered questions pertaining to Ordinance No. 11-06-14A amending Sections 92.031, 92.031A, 92.031B, 92.031C, and 92.005 of the Zoning Regulations of the Town of Lake Lure concerning child care centers.

**Page 6- Minutes of the June 14, 2011 Regular Council Meeting**

Mayor Keith opened the public hearing regarding proposed Ordinance No. 11-06-14A and invited citizens to speak during the public hearing; no one requested to speak.

After discussion, Commissioner Moore 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. 11-06-14A AMENDING SECTIONS 92.031, 92.031A, 92.031B, AND 92.031C OF THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE ALLOWING CHILD CARE CENTERS AS PERMITTED USE IN CERTAIN COMMERCIAL ZONING DISTRICTS; AMENDING SECTION 92.005 DEFINITIONS TO DEFINE CHILD CARE CENTERS**

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. 11-06-14A amending Sections 92.031, 92.031A, 92.031B, and 92.031C of the Zoning Regulations of the Town of Lake Lure regarding nonconforming signs; amending Sections 92.005 definitions to define Child Care Centers. Commissioner Silvey seconded the motion and the vote of approval was unanimous.

**ORDINANCE NUMBER 11-06-14A**

**AN ORDINANCE AMENDING §92.031, §92.031A, §92.031B, AND §92.031C, OF THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE; ALLOWING CHILD CARE CENTERS AS A PERMITTED USE IN CERTAIN COMMERCIAL ZONING DISTRICTS; AMENDING §92.005 DEFINITIONS TO DEFINE CHILD CARE CENTERS**

**WHEREAS**, the Zoning and Planning Board has recommended modifications to 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 will facilitate community services that support young families similar to the Lake Lure Classical Academy and is consistent with the Town of Lake Lure 2007-2027 Comprehensive Plan; and

**WHEREAS**, the Town Council of the Town of Lake Lure finds that this ordinance furthers the public welfare by providing increased flexibility in locating day nurseries and private kindergartens (child care centers) in certain commercial zoning districts; and

**WHEREAS**, the Lake Lure Town Council, after due notice, conducted a public hearing on the 14<sup>th</sup> day of June, 2011, upon the question of amending the Zoning Regulations in this respect.

**Page 7- Minutes of the June 14, 2011 Regular Council Meeting**

**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.** This ordinance is enacted pursuant to authority granted by N.C.G.S. 160A-381, et seq. Throughout this ordinance additions to text are designated by underlining; whereas, deletions are designated by the use of strike-through.

**SECTION TWO.** Section 92.005 of the Zoning Regulations, entitled “Definitions”, is hereby amended as follows:

~~Day Nursery and Private Kindergarten: A use of land and buildings to provide group care for children.~~

Child Care Center: A use of land and buildings to provide group care for children as defined and regulated by the North Carolina Department of Health and Human Services (NCDHHS). A family child care home as defined and regulated by the NCDHHS is not included in this definition.

[additions to text are underlined; deletions are struck through.]

**SECTION THREE.** Chapter 92 of the Code of the Town of Lake Lure, entitled “Zoning Regulations of the Town of Lake Lure, North Carolina”, is hereby amended to read as follows:

**§92.029 R-2 General Residential District**

(C) Conditional Use Permit. The following uses require a conditional use permit subject to a finding by the Board of Adjustment that all applicable provisions of §92.045 through 92.059 have been met:

(5) Day nurseries and kindergartens with an outdoor play area of at least 200 square feet for each child. Child Care Centers

[additions to text are underlined; deletions are struck through.]

**§92.031 C-1 GENERAL COMMERCIAL DISTRICT**

(B) Permitted Uses. Within the C-1 General Commercial District a building or land shall be used for the following purposes:

(10) Child Care Centers

**§92.031A CN COMMERCIAL NEIGHBORHOOD DISTRICT**

**Page 8- Minutes of the June 14, 2011 Regular Council Meeting**

(B) Permitted Uses. Within the CN Commercial Neighborhood District a building or land shall be used for the following purposes:

(8) Child Care Centers

**§92.031B CTC COMMERCIAL TOWN CENTER DISTRICT**

(B) Permitted Uses. Within the CTC Commercial Town Center District a building or land shall be used for the following purposes:

(12) Child Care Centers

**§92.031C CG COMMERCIAL GENERAL DISTRICT**

(B) Permitted Uses. Within the CG Commercial General District a building or land shall be used for the following purposes:

(10) Child Care Centers

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

**SECTION FOUR.** Section 92.103 of the Zoning Regulations, entitled “Off-Street Parking Required”, is hereby amended as follows:

<u>Uses</u>	<u>Required Parking</u>
<u>Child Care Centers</u>	<u>One space for each employee plus one space per ten children but no less than four spaces beyond those provided for employees</u>

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

**SECTION FIVE.** Any person violating the provisions of this ordinance shall be subject to the penalties and remedies set forth in §92.999 of the Zoning Regulations.

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

**SECTION SEVEN.** 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.



**Page 9- Minutes of the June 14, 2011 Regular Council Meeting**

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

Adopted this 14<sup>th</sup> day of June, 2011.

**PUBLIC FORUM**

Mayor Keith invited the audience to speak on any non-agenda item and/or consent agenda topics.

Bill Bush requested to speak. Mr. Bush suggest that a brochure with contact information for all the town's elected and appointed officials as well as town staff be produced and made available to the public.

Town Manager Braund agreed to look into the matter.

**STAFF REPORTS**

Town Manager Christopher Braund presented the town manager's report dated June 14, 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. During his report, Commissioner Hyatt pointed out a recent variance request (ZV-2011006) that brought to light a section of the Zoning Regulations that may cause difficulty for owners of property subject to the Mountain & Hillside Development provision regarding a final report from a geotechnical engineer declaring that all work was done in substantial accordance with the recommendations contained in the geotechnical analysis and report as approved. Commissioner Hyatt informed the other members of Town Council that during the hearing for the variance request, the Board of Adjustment voted to request that Town Council review the draft minutes of their May 24, 2011 meeting to consider a potential

**Page 10- Minutes of the June 14, 2011 Regular Council Meeting**

amendment to a provision in Section 92.204(D) of the Zoning Regulations of the Town of Lake Lure.

Commissioner Moore made a motion to direct the Zoning and Planning Board to study Section 92.204(D) of the Zoning Regulations of the Town of Lake Lure and make recommendations as to a possible amendment to the Zoning Regulations to allow property owners greater flexibility in meeting the requirements of this provision. Commissioner Turner seconded the motion and the vote of approval was unanimous.

<b>CONSENT AGENDA</b>
-----------------------

Mayor Keith presented the consent agenda and asked if any items 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:

- a. minutes of the May 10, 2011 (Special Meeting), May 10, 2011 (Regular Meeting), and May 24, 2011 (Special Meeting);
- b. a budget amendment regarding the water/sewer fund as submitted by Finance Director Sam Karr to move \$10,000 to each department (water and sewer) to cover any budget excess for a total of \$20,000 from water/sewer fund balance-equity as outlined in memorandum dated June 8, 2011 from Finance Director Sam Karr (Copy of the memorandum is attached);
- c. a budget amendment regarding the hydro-electric fund as submitted by Finance Director Sam Karr to increase hydro-electric revenues by \$50,000 and increase expenditures by \$50,000 to balance the budget in the hydro-electric fund; also, transfer \$50,000 from the hydro-electric fund-silt removal (account #697) into the Town's silt reserve fund as outlined in memorandum dated June 8, 2011 from Finance Director Sam Karr (Copy of the memorandum is attached);
- d. a budget adjustment regarding general fund over-runs for the public works department and the beach department as submitted by Finance Director Sam Karr to transfer \$10,000 from contingency (account #970) to the public works department (account #351) m & r equipment and transfer \$3,000 from contingency (account #970) to the beach department (account #214) as outlined in memorandum dated June 8, 2011 from Finance Director Sam Karr (Copy of the memorandum is attached); and
- e. a fabric structure permit submitted by Jerry Harvey on behalf of the Pediatric Brain Tumor Foundation for the Ride for Kids event being held on August 27, 2011.

**End of Consent Agenda.**

**UNFINISHED BUSINESS:**

**a. BOARD APPOINTMENT – ZONING & PLANNING BOARD**

Council members voted by nomination. Commissioners Hyatt, Silvey, Moore, and Turner unanimously nominated Ric Thurlby to fill Dick Washburn's position on the Zoning and Planning Board with a term expiring December 31, 2011.

The mayor announced the following results: appointed Ric Thurlby to fill Dick Washburn's position on the Zoning and Planning Board with a term expiring December 31, 2011.

**UNFINISHED BUSINESS:**

**b. OTHER UNFINISHED BUSINESS**

There was no other unfinished business.

**NEW BUSINESS:**

**a. BOARD APPOINTMENT – ZONING & PLANNING BOARD**

After discussion, Council members voted by nominations. Commissioner Hyatt and Commissioner Moore nominated Bruce Barrett to fill the remainder of Chris Corr's position on the Zoning and Planning Board with a term expiring December 31, 2012. Commissioner Silvey and Commissioner Turner nominated Vic Knight. Mayor Keith voted to appoint Bruce Barrett.

The mayor announced the following results: with a vote of 3 to 2, appointed Bruce Barrett to fill Chris Corr's position on the Zoning and Planning Board with a term expiring December 31, 2012.

**NEW BUSINESS:**

**b. CONSIDER APPROVAL OF THE TOWN FEE SCHEDULE FOR FISCAL YEAR  
2011-2012**

Town Manager Braund suggested that the gazebo rate increase be postponed to later in the year to allow time for individuals and organizations that have already booked the gazebo to secure their dates and plan future events taking the new rate into consideration.

**Page 12- Minutes of the June 14, 2011 Regular Council Meeting**

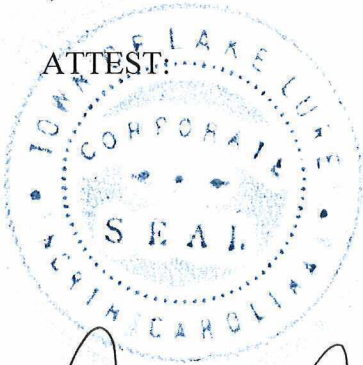
After discussion, Commissioner Turner made a motion to adopt the fee schedule as presented effective July 1, 2011, with the exception of the increased rental fee for the town's gazebo, which will be discussed at a later meeting and become effective later in the year; also, the new boat permit rates will become effective for calendar year 2012. (Copy of the approved fee schedule is attached)

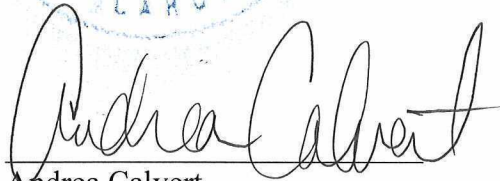
Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

**ADJOURN THE MEETING**

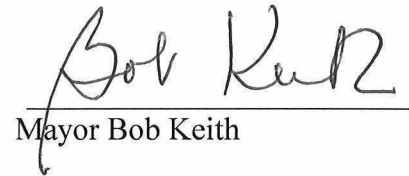
With no further items of discussion, Commissioner Turner made a motion to adjourn this meeting at 8:20 p.m. Commissioner Moore seconded the motion and the vote of approval was unanimous.

ATTEST:





Andrea Calvert  
Town Clerk



Mayor Bob Keith