

MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL

February 23, 1988

The regular meeting of the Lake Lure Town Council was called to order at 7:30 p.m. in the Community Center on February 23, 1988.

Those present were: Mayor Gene Michelon, Commissioners Alex Karr, William Wildman, Frances Queen and Hugo Moirano and Town Attorney Chris Callahan.

The meeting opened with a public hearing on the voluntary annexation of Fairfield Mountains.

Commissioner Wildman moved, seconded by Commissioner Karr to close the public hearing and enter into regular session. The motion carried with a unanimous vote.

Commissioner Wildman moved, seconded by Commissioner Karr to adopt the following:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF LAKE LURE, NORTH CAROLINA

WHEREAS, the Town Council of the Town of Lake Lure has been petitioned under G.S. 160A-31, as amended, to annex the area described herein; and

WHEREAS, the Town Council of the Town of Lake Lure has by resolution directed the Assistant Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Assistant Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at the Community Building in the Town of Lake Lure at 7:30 o'clock P.M. on the 23rd day of February, 1988, after due notice by publication on the 4th and 11th day of February, 1988; and

WHEREAS, the Town Council of the Town of Lake Lure does hereby find as a fact that said petition meets the requirements of G.S. 160A-31, as amended;

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

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the following described territory, is hereby annexed and made part of the Town of Lake Lure as of the 23rd day of February, 1988.

Being the same and identical property designated as Tract Two in deed from Mountain Village, Inc. to Fairfield Communities, Inc. dated July 23, 1986, and of record in Deed Book 490 at page 57, Rutherford County Registry, and described in said deed as follows:

Lying and being in Chimney Rock Township, Rutherford County, North Carolina, on the south side of North Carolina State Secondary Road 1306 (Buffalo Road), and Beginning at an iron pin on the north side of State Road 1306 (Buffalo Road) corner of the Logan Estate property with property now or formerly owned by Frank Wilson, said beginning point also being situated North 54 deg. 58 min. 10 sec. West 957.08 feet from a nail in the center of said Buffalo Road over a culvert, which pin is located North 23 deg. 37 min. 30 sec. East 21 feet from an iron pin on the south side of said Buffalo Road; thence, along and with the common boundaries with properties now or formerly owned by Wilson and Pearson North 74 deg. 56 min. West 280.60 feet and North 86 deg. 20 min. West 1,327.14 feet to an existing rock corner marking a common corner with properties now or formerly owned by Pearson and Powers; thence, along the common boundary with Powers South 22 deg. 34 min. 10 sec. West 578.38 feet to a rock corner, South 53 deg. 34 min. 50 sec. West 390.92 feet to a rock corner, South 29 deg. 50 min. West 447.61 feet to a rock corner, South 59 deg. 57 min. 40 sec. West 332.99 feet to a rock corner; South 44 deg. 06 min. 20 sec. West 343.91 feet to a rock corner, South 4 deg. 12 min. 50 sec. West 1,535.80 feet to a rock corner; thence South 56 deg. 00 min. East 1,320.51 feet to an iron pin; thence North 88 deg. 15 min. East 659.37 feet to an iron pin; thence along and with the common boundary with Gonzales North 33 deg. 03 min. East 1,127.35 feet to an iron pin, North 7 deg. 09 min. 10 sec. East 214.62 feet to an iron pin, South 66 deg. 31 min. 20 sec. East 241.04 feet to an iron pin, South 73 deg. 03 min. 20 sec. East 221.43 feet to an iron pin, North 89 deg. 50 min. East 246.60 feet and North 81 deg. 50 min. 50 sec. East 328.48 feet to an iron pin in the common boundary with properties now or formerly owned by Acoola; thence, along and with the common boundary with Acoola, North 5 deg. 23 min. 40 sec. West 983.30 feet to an iron pin; thence, along and with property retained by the Logan heirs North 18 deg. 07 min. West 1,230.86 feet to an iron pin, North 24 deg. 40 min. 20 sec. East 275.00 feet to an iron pin and South 87 deg. 19 min. 40 sec. East 286.48 feet to a point in the northern margin of State Road 1306 (Buffalo Road); thence North 54 deg. 58 min. 10 sec. West 399.16 feet to the point and place of Beginning, containing 209.36 acres, more or less.

Section 2. Upon and after the 23rd day of February, 1988, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Lake Lure and shall be entitled to the same privileges and benefits as other parts of the Town of Lake Lure. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Lake Lure shall cause to be recorded in the Office of the Register of Deeds of Rutherford County, and in the Office of the Secretary of State at Raleigh, North Carolina, and with the Board of Elections of Rutherford County, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

The motion passed with a unanimous vote.

Commissioner Wildman moved, seconded by Commissioner Queen to adopt the following ordinance with the understanding that Fairfield Mountains will put restrictive covenants on plat notes allowing no apartments and no duplexes.

AN ORDINANCE AMENDING THE ZONING
ORDINANCE AND MAP OF THE TOWN OF LAKE LURE

Whereas, the Town Council of the Town of Lake Lure, after due notice, conducted a public hearing on the 23rd day of February, 1988, upon the question of amending the Zoning Ordinance and Map in certain respects; and

Whereas, the Town Council deems it in the best interest to enact certain amendments considered at such hearing; and

Whereas, the Town of Lake Lure understands that Fairfield Communities, Inc. will cause to be placed on either the recorded plat of the subsequent subdivision of the land hereinafter described or by Supplemental Declarations of Covenants and Restrictions recorded contemporaneously with the subdivision plat, restrictions on said subdivision which prohibit the construction of duplexes and garage apartments, and furthermore said lots will require a minimum width at the building site of 90 feet rather than the current minimum building site width of 60 feet permitted by R-1C Residential; and whereas said restrictions are similar to the other single-family residential subdivision restrictions and plan of development of Fairfield Communities, Inc.;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE:

SECTION 1: The Zoning Ordinance and Zoning Map of the Town of Lake Lure is hereby amended by extending the Town Zoning boundary and jurisdiction to include the territory hereinafter described annexed on the 23rd day of February, 1988, and described in the Annexation Ordinance of that date, and by designating said territory as being within the R-1C Residential District. Said territory is more particularly described as follows:

Being the same and identical property designated as Tract Two in deed from Mountain Village, Inc. to Fairfield Communities, Inc. dated July 23, 1986, and of record in Deed Book 490 at page 57, Rutherford County Registry, and described in said deed as follows:

Lying and being in Chimney Rock Township, Rutherford County, North Carolina, on the south side of North Carolina State Secondary Road 1306 (Buffalo Road), and Beginning at an iron pin on the north side of State Road 1306 (Buffalo Road) corner of the Logan Estate property with property now or formerly owned by Frank Wilson, said beginning point also being situated North 54 deg. 58 min. 10 sec. West 957.08 feet from a nail in the center of said Buffalo Road over a culvert, which pin is located North 23 deg. 37 min. 30 sec. East 21 feet from an

iron pin on the south side of said Buffalo Road; thence, along and with the common boundaries with properties now or formerly owned by Wilson and Pearson North 74 deg. 56 min. West 280.60 feet and North 86 deg. 20 min. West 1,327.14 feet to an existing rock corner marking a common corner with properties now or formerly owned by Pearson and Powers; thence, along the common boundary with Powers South 22 deg. 34 min. 10 sec. West 578.38 feet to a rock corner, South 53 deg. 34 min. 50 sec. West 390.92 feet to a rock corner, South 29 deg. 50 min. West 447.61 feet to a rock corner, South 59 deg. 57 min. 40 sec. West 332.99 feet to a rock corner; South 44 deg. 06 min. 20 sec. West 343.91 feet to a rock corner, South 4 deg. 12 min. 50 sec. West 1,535.80 feet to a rock corner; thence South 56 deg. 00 min. East 1,320.51 feet to an iron pin; thence North 88 deg. 15 min. East 659.37 feet to an iron pin; thence along and with the common boundary with Gonzales North 33 deg. 03 min. East 1,127.35 feet to an iron pin, North 7 deg. 09 min. 10 sec. East 214.62 feet to an iron pin, South 66 deg. 31 min. 20 sec. East 241.04 feet to an iron pin, South 73 deg. 03 min. 20 sec. East 221.43 feet to an iron pin, North 89 deg. 50 min. East 246.60 feet and North 81 deg. 50 min. 50 sec. East 328.48 feet to an iron pin in the common boundary with properties now or formerly owned by Acoola; thence, along and with the common boundary with Acoola, North 5 deg. 23 min. 40 sec. West 983.30 feet to an iron pin; thence, along and with property retained by the Logan heirs North 18 deg. 07 min. West 1,230.86 feet to an iron pin, North 24 deg. 40 min. 20 sec. East 275.00 feet to an iron pin and South 87 deg. 19 min. 40 sec. East 286.48 feet to a point in the northern margin of State Road 1306 (Buffalo Road); thence North 54 deg. 58 min. 10 sec. West 399.16 feet to the point and place of Beginning, containing 209.36 acres, more or less.

SECTION 2: The Zoning Administrator shall make the necessary corrections and additions to the Zoning Ordinance and Map so as to implement the provisions of this Ordinance, and shall henceforth enforce the Zoning Ordinance and Map as hereby amended.

SECTION 3: This Ordinance shall be applicable upon its adoption, but shall take effect on February 23, 1988, the effective date of the Annexation Ordinance.

The motion carried with a unanimous vote.

Commissioner Karr moved, seconded by Commissioner Wildman to adopt the following:

1. Resolution Calling For a Public Hearing on the Question of Amending the Town of Lake Lure Zoning Ordinance and Map
2. Resolution Fixing the Date of the Public Hearing on the Question of Annexation pursuant to G.S. 160A-31

and to authorize the Mayor to write a letter to the Zoning and Planning Board requesting it's review and recommendations to the Town Council concerning the zoning of the proposed new territory. The motion carried with a unanimous vote.

The bids for the Wastewater Treatment Plant improvements were opened at 2:00 P.M. in the Town Hall on February 3, 1988. They were as follows:

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|---------------------------------------|-----------|
| Industrial Maintenance Overflow Corp. | \$166,472 |
| Mountain Shore Construction Corp. | 177,000 |
| R. T. Construction Co. | 200,500 |
| Bildon, Inc. | 203,330 |
| Dellinger, Inc. | 210,000 |
| Crowder Construcion co. | 215,000 |
| Wheeler Construction Co. | 217,400 |
| Hobson Construction co. | 217,770 |
| Evans Eller and associates | 220,960 |

Commissioner Wildman moved, seconded by Commissioner Karr to adopt a Resolution Approving Tentative Award of Contract For Wastewater Treatment Plant Improvements-EPA Project # C-370489-02 to Industrial Maintenance Overflow Corporation. The motion carried with a unanimous vote.

Commissioner Alex Karr nominated Ed Finan to the Board of Adjustments to replace Jimmie Martin, who resigned due to ill health. The Council was unanimously in favor of his appointment.

Commissioner Wildman moved, seconded by Commissioner Queen to appropriate the following:

1. \$15,000 for renovation of the Town Hall (104200.72)
2. \$18,000 for addition toilet facilities to the beach bathhouse (106220.72)
3. \$ 9,600 for additional computer equipment (104200.74)

The funds are to be appropriated from the unappropriated fund balance. (\$42,600). The motion carried with a unanimous vote.

A request was made of Council for permission to go out for bids for a special utility vehicle for the water and sewer department. Commissioner Queen moved, seconded by Commissioner Karr to approve the purchase of a special utility truck. The motion passed with a unanimous vote.

Motion was made, seconded and unanimously approved to enter into executive session to discuss a particular personnel.

Motion was made, seconded and unanimously approved to re-enter regular session and then adjourn.

L. C. (Gene Michelin)
Mayor Gene Michelin

ATTEST:

Dorothy Nelson
Asst. Town Clerk