

# MINUTES OF A MEETING OF THE LAKE LURE TOWN COUNCIL

March 22, 1988

The regular meeting of the Lake Lure Town Council was called to order at 7:30 p.m. in the Community Center on March 22, 1988.

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

Commissioner Wildman moved, seconded by Commissioner Moirano to accept the minutes of the following meetings: October 27th, November 24th, December 22nd, 1987, and January 5th, January 26th, and February 23rd, 1988. The motion carried with a unanimous vote.

A Public Hearing on the Annexation of the J.S. Proctor property and the re-zoning of the property to be annexed was held. After discussion Commissioner Wildman moved, seconded by Commissioner Karr to end the public hearing and begin the regular session of the town meeting. The motion was adopted with a unanimous vote.

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

## 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 22nd day of March 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 of the Town to enact certain amendments considered at such hearing;

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 22nd day of March, 1988, and described in the Annexation Ordinance of that date, and by designating said territory as being within the R-1D Residential District. Said territory is more particularly described as follows:

TRACT ONE: Situate, lying and being in Chimney Rock Township, Rutherford County, North Carolina, being a tract of 289.98 acres, more or less, carved out of the western portion of that 672.64 acre tract as described in deed from Robert H. Morrison et als to J. S. Proctor Company Employee's Profit Sharing Trust and Pension Plan, dated January 25, 1988, and of record in Deed Book 515 at page 109, Rutherford County Registry, said 289.98 acre tract being herein described by courses and distances as follows:

BEGINNING at an existing two inch iron pipe in concrete, northwest of an old road bed, being the beginning point of the 672.64 acre tract as described in Deed Book 515 at page 109, hereinabove referred to, and running thence South 83 deg. 44 min. 50 sec. East 75.20 feet to a point in line of the original 672.64 acre tract where the Town Limits of Lake Lure crosses said line; thence a new line (with line of the Lake Lure Town Limits) South 20 deg. West 2812.48 feet to a point where the south line of said 672.64 acre tract is crossed by the Town Limits line; thence with lines of the original 672.64 acre tract as follows: North 58 deg. 01 min. 29 sec. West 5296.25 feet to an iron pin; thence North 59 deg. 45 min. 26 sec. East 457.29 feet to an iron pin in a rock pile on an old road bed; thence South 66 deg. 49 min. 25 sec. East 831.58 feet to a rock corner above cliff; thence North 23 deg. 39 min. 22 sec. East 1675.82 feet to a 24 inch blackgum tree with existing marks; thence North 00 deg. 15 min. 42 sec. East 745.59 feet to an iron pin at a rock pile on the north side of a branch; thence North 88 deg. 51 min. 18 sec. East 1155.72 feet to an iron pin at a rock pile; thence South 26 deg. 37 min. 06 sec. East 1161.63 feet to a point on a rock; thence South 54 deg. 43 min. 28 sec. East 2288.81 feet back to the point and place of Beginning.

TRACT TWO: Situate, lying and being in Chimney Rock Township, Rutherford County, North Carolina, being a tract of 116.59 acres, more or less, carved out of the eastern portion of that 672.64 acre tract as described in deed from Robert H. Morrison et als to J. S. Proctor Company Employee's Profit Sharing Trust and Pension Plan, dated January 25, 1988, and of record in Deed Book 515 at page 109, Rutherford County Registry, said 116.59 acre tract being herein described by courses and distances as follows:

BEGINNING at an iron pin at a blackgum and dogwood, the easternmost corner of the original 672.64 acre tract hereinabove referred to, and runs thence with lines of the original 672.64 acre tract South 84 deg. 08 min. 04 sec. West 1463.32 feet to an iron pin at the head of the hollow beside a large rock; thence South 41 deg. 06 min. 41 sec. West 1476.81 feet to an iron pin at base of 8 inch walnut on the south of a spring; thence North 77 deg. 19 min. 52 sec. West 110.45 feet to an iron pin 20 feet South of a small cove; thence South 58 deg. 39 min. 03 sec. West 625.12 feet to an iron pin; thence North 49 deg. 49 min. 29 sec. West 296.11 feet to an iron pin Northwest of gap; thence South 27 deg. 10 min. 06 sec. West 573.31 feet to an iron pin; thence North 58 deg. 01 min. 29 sec. West 1180.11 feet to a point in line of the original 672.64 acre tract where the Town Limits of Lake Lure crosses said line; thence four new lines (with lines of the Lake Lure Town Limits) as follows: North 69 deg. East 1718.82 feet, North 22 deg. East 1620 feet, North 46 deg. East 512 feet, and North 19 deg. East 455.70

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Section 2. Upon and after the 22nd day of March, 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.

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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 March 22, 1988, the effective date of the Annexation Ordinance.

The motion carried with a unanimous vote.

Commissioner Moirano moved, seconded by Commissioner Queen to approve the expenditure of approximately \$2,000 for the purchase of equipment and repairs to the hydro-electric facility. The motion was approved with a unanimous vote.

Commissioner Karr moved, seconded by Commissioner Wildman to approve the lease/purchase of cash registers for the Beach, Golf Course and Marina. The motion was adopted with a unanimous vote.

Commissioner Moirano moved, seconded by Commissioner Karr to approve an agreement between the Town and Fairfield Mountains allowing Fairfield Mountains to hold cruises on the lake for a fee of 6%. The motion passed with a unanimous vote.

Commissioner Wildman moved, seconded by Commissioner Karr to appoint the following as authorized boat and fishing permit dealers for the Town:

Fairfield Mountains  
Bob's Marina  
Town Office  
The Town Marina  
Broadriver Hardware

The motion was adopted with a unanimous vote.

Commissioner Moirano moved, seconded by Commissioner Queen to deny a request by Roger Ogle to hold dinner cruises on the lake. The motion carried with a unanimous vote.

Commissioner Moirano moved, seconded by Commissioner Wildman to issue permission to Fairfield Mountains to build 13 boat slips in Quail Cove provided Fairfield Mountains agrees not to advertise additional boat slips available in the future. The motion carried with a unanimous vote.

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

Motion was made, seconded and approved to re-join regular session and then recess until March 24, 1988 at 10:00 a.m. in the Town Hall.

L.C. (Gene) Michelin  
Mayor Gene Michelin

ATTEST:

Bonnie Nelson  
Asst. Town Clerk

March 22, 1988

Memo to: Town Commissioners

From : Bettina Wolff

Subject: Disposition Authorization

At the town meeting tonight (or Thursday) the Commissioners should take action to authorize the town manager (or any other officials) to dispose of property valued at less than \$500 more or less as follows.

In accordance with North Carolina Municipal Corporation Statute 160A-265(c) the town manager of Lake Lure is hereby authorized to declare surplus and dispose of unwanted town property valued at less than \$500. In disposing of such property the manager may seek three bids or use other appropriate means to see that the town gets fair value for any usable property. A record of property so disposed of shall be presented to the Council in writing twice a year, on Feb 1st for dispositions from July 1 - Dec 31 of the previous year, and on Aug 1st for dispositions from January 1 - June 30 of that year.

Legal Counsel may have precise wording but the Commissioners should read the statute (attached to my inventory report of 1/22/88) to see what is requisite and what is discretionary. For example, consideration should be given to whether the Council wants to designate procedures to be followed or to give maximum flexibility to the town manager.

(Also see Sec 160A-267 which proscribes the method for disposing of property valued from \$500 to \$5000 and ignore what I suggested in that respect.)