

TOWN OF LAKE LURE • P. O. BOX 255 • LAKE LURE, N.C. 28746  
704/625-9983 • 704/625-9396 • FAX 704/625-8371

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN  
COUNCIL HELD TUESDAY, DECEMBER 15, 1992 AT FAIRFIELD  
MOUNTAIN'S BALD MOUNTAIN CLUB AT 7:30 P.M.**

**PRESENT:** Mayor Priscilla Doyle  
Commissioner Bill Bush  
Commissioner Jack Donovan  
Commissioner Alex Karr  
Commissioner Max Lehner

Thomas M. Hord, Town Manager  
J. Christopher Callahan, Town Attorney

**ABSENT:** N/A

**CALL TO ORDER**

Mayor Doyle called the meeting to order at approximately 7:30 p.m.

**INVOCATION**

Mr. Hord gave the invocation.

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**APPROVAL OF MINUTES**

The minutes of the Tuesday, November 17, 1992 Recessed Council Meeting, the Tuesday, November 24, 1992 Regular Council Meeting, and the Wednesday, December 2, 1992 Recessed Council Meeting were presented to Council for approval.

Commissioner Bush moved, seconded by Commissioner Lehner, to approve the minutes as written and presented to Council. The vote of approval was unanimous.

**AUDIENCE OF CITIZENS**

Hugo Moirano recommended to Council that a fire hydrant ordinance be adopted by the Town of Lake Lure to ensure that all future property developments would include such a capability for fighting fires.

Commissioner Lehner announced that several businesses in downtown Lake Lure are collecting donations for the needy and poor in Rutherford County. The bins will remain in these businesses until the 20th of December, 1992.

**PUBLIC HEARING FOR COMMENTS CONCERNING  
PROPOSED ORDINANCE REGULATING CONSTRUCTION  
AND USE OF STRUCTURES ON LAKE LURE**

Commissioner Lehner moved, seconded by Commissioner Bush, to enter into the Public Hearing regarding adoption of the proposed Ordinance Regulating Construction and Use of Structures on Lake Lure.

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**CONSIDER FOR ADOPTION ORDINANCE  
REGULATING CONSTRUCTION AND USE OF STRUCTURES  
ON LAKE LURE**

After considerable discussion, Commissioner Lehner moved, seconded by Commissioner Karr, to come out of the Public Hearing. It was the consensus of Council that Section 5, Provisions for Construction, item (b) should state: No structure, with the exception of "sea walls", shall be closer than fifteen (15) feet to an adjoining lot line at the "shoreline".

Commissioner Bush moved, seconded by Commissioner Karr, to approve the proposed ordinance as written and presented to Council with the addition to Section 5 as amended above. Commissioners Bush, Karr, and Lehner voted yes, and Commissioner Donovan voted no. Commissioner Donovan expressed his concern that the deposit of compliance (\$500 for any structure or alteration costing more than \$1,000 and less than \$5,000 or \$1,000 for any structure or alteration costing more than \$5,000) was excessive. Commissioner Donovan also was concerned that too many slips could be permitted under the new ordinance.

**DESIGNATE MEMBERS OF BOARD OF ADJUSTMENT  
TO ALSO ACT AS LAKE STRUCTURE APPEAL BOARD**

Commissioner Lehner moved, seconded by Commissioner Karr, to designate the members of the Lake Lure Board of Adjustment to also act as the Lake Structures Appeals Board. The vote of approval was unanimous.

Mr. Hord recommended to Council that the permit fee for a Lake Structure Permit be the same as the Zoning Permit Fee, which is currently \$35. All owners of existing structures deemed in compliance of the ordinance will be issued a Lake Structure Certificate after the Zoning Administrator receives the Lake Structure Certificate fee and approves the property owner's Lake Structure

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Certificate Application. The certificate must be attached to the lake structure so it is visible from the water before May 1, 1994 and be renewed every three years at a cost of \$10.

Commissioner Lehner moved, seconded by Commissioner Bush, to set a fee of \$35 to obtain a Lake Structure Permit and to set a fee of \$10 for a Lake Structure Certificate which must be renewed every three years. The vote of approval was unanimous.

Commissioner Karr moved, seconded by Commissioner Bush, to lift the moratorium restricting construction or modification to structures on the lake. The vote of approval was unanimous.

<p><b>REQUEST RELATIVE TO SECTION 801</b></p>
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Donald Miller, representing Carolina Mountain Merchants, had requested permission to appear before Council with a request to lift the moratorium relative to Section 801 of the Zoning Ordinance so that Mr. Miller could add an additional business to the existing businesses at the property now housing Carolina Mountain Merchants and Logan Realty Group.

However, Mr. Miller did not appear before Council, but presented a letter to Council dated December 15, 1992. Mr. Hord read the letter aloud:

**Dear Lake Lure Town Council:**

**With the utmost respect for the difficult and far-reaching complexity of the decision that I am requesting you to make regarding my future business plans; I hereby withdraw my request to be considered again by the Town Council during the December 15, 1992 meeting (Agenda item 5D).**

**I appreciate being given the opportunity to attend and participate in the Zoning Committee's study, chaired by Mr. Dick Washburn. I have seen great progress in their plans, and I am in full agreement with the direction that they are going. I know that every attempt is being made to complete**

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the study as rapidly as possible.

It is sometimes difficult for me to see what is in the Town's best interest; when in fact it will result in a delay in my own personal business plans. However, I respect you, and I am well aware of the far-reaching complexity of the decisions that you must make. I look forward to working with you further in the near future.

**PRELIMINARY AND FINAL PLAT APPROVAL IN  
REGARD TO TRACT II-A-11 AND TRACT II-A-12  
AT FAIRFIELD MOUNTAINS**

Mr. Hord recommended that Council approve the preliminary and final plat of Tract II-A-11 and Tract II-A-12 of Fairfield Mountains as presented and approved by the Planning and Zoning Board.

Commissioner Bush moved, seconded by Commissioner Karr, to approve the preliminary and final plat as presented. The vote of approval was unanimous.

**RECOMMENDATION REGARDING ZEBRA MUSSEL  
COMMITTEE**

Jack Powell, Co-Chairman of the Zebra Mussel Committee, spoke on the results of the December 14, 1992 Zebra Mussel Committee Meeting. Mr. Powell stated that after extensive studying and testing, the Committee finds that the calcium level is extremely low in the lake and feels that the Zebra Mussel would not reproduce and thrive in Lake Lure. However, the Committee suggests that testing of the waters be performed each season.

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The Committee recommended that Council adopt and put into effect the following:

1. Lift the moratorium on sale of boat permits.
2. The Zebra Mussel Committee is to continue until it resolves unanswered questions as to the presence of native mussels and Asiatic Clams in Lake Lure.
3. The Town should establish a continuing monitoring program as deemed necessary to measure the presence of calcium in the lake.
4. The Town should provide a handout with the issuance of new boat permits regarding precautionary boat and motor inspection and cleaning procedures directed toward the Zebra and Quagga Mussels and Aquatic Weeds.
5. The Town should provide signs at all boat launch sites warning boaters to take precautions before launching to remove mussels, Aquatic Weeds, and other obvious contaminants, and dispose of them on land.

Commissioner Bush moved, seconded by Commissioner Donovan, to adopt and put into effect the recommendations as presented to Council by the Zebra Mussel Committee. The vote of approval was unanimous.

<p><b>ESTABLISH PRICE FOR BOAT PERMITS, FISHING PERMITS, AND MARINA SLIP RENTALS</b></p>
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Commissioner Karr moved, seconded by Commissioner Bush, to approve the 1993 boat permit fees as follows. The vote of approval was unanimous:

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**1993**  
**BOAT PERMIT FEES**

1. We will be selling annual, weekly, and daily boating permits.
2. All annual and weekly permits will be sold at either the Lake Lure Town Hall or the Town Marina. Agents will be allowed to sell daily permits, provided they pay for the permits up-front at \$350 per book. Agents will be reimbursed for permits unsold, provided the permits are returned to Town Hall in complete form.
3. Residents will have an annual permit ONLY. Power boats will be \$30 and non-powered boats will be \$10.
4. Non-residents will pay \$100 for annual permits on powered boats. The annual permit fee will be \$25 for non-powered boats.
5. Weekly permits will cost \$25 a week for power boats and non-powered boats.
6. Daily permits for power boats and non-powered boats will be \$8 per day.

Commissioner Lehner moved, seconded by Commissioner Bush, to approve the 1993 fishing permit fees as follows. The vote of approval was unanimous:

**1993**  
**FISHING PERMIT FEES**

1. Residents of Lake Lure will be issued complimentary Lake Lure fishing permits.
2. Annual Lake Lure fishing permits are \$5.
3. Daily Lake Lure fishing permits are \$2.

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4. Those persons 65 years of age or older, or those persons who are permanently disabled who possess a permanent state fishing license, shall not be required to secure a permit to fish in the waters of Lake Lure. They will be required to exhibit the aforementioned permanent state license to the officers of the Town in order to secure the benefits of this section.

Commissioner Bush moved, seconded by Commissioner Donovan, to approve the 1993 boat permit fees for local fire departments and Hickory Nut Gorge EMS as follows. The vote of approval was unanimous:

**1993**  
**BOAT PERMIT FEES**  
**FOR LOCAL FIRE DEPARTMENTS**  
**AND HICKORY NUT GORGE EMS**

Bill's Creek, Chimney Rock, Fairfield, and Lake Lure Volunteer Fire Department Firefighters, on the active roster, will receive one (1) free boat permit.

Bat Cave, Gerton, and Sunnyview Volunteer Fire Department Firefighters, on the active roster, will receive one (1) boat permit at \$30.

Hickory Nut Gorge EMS Members will receive one (1) free boat permit.

Commissioner Bush moved, seconded by Commissioner Donovan to approve the Marina slip rental fees as follows, and that Lake Lure residents shall be given the first opportunity to obtain a vacant slip. Only one name per boat can be entered into the slip drawings. The vote of approval was unanimous.



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**1993**  
**MARINA SLIP RENTAL FEES**

Uncovered slip rental fee:           \$350

Covered slip rental fee:           \$450

<b>TERMS OF BOARD MEMBERS</b>
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Commissioner Lehner moved, seconded by Commissioner Karr, to re-appoint Joe Doti, Jim Hinkle, and Meredith Terrell as members on the Planning and Zoning Board with a term of three years, expiring December, 1995. The vote of approval was unanimous.

<b>APPROVE CALENDAR OF FUTURE TOWN COUNCIL MEETINGS</b>
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Commissioner Lehner moved, seconded by Commissioner Donovan, to adopt the 1993 Town Council Meeting Schedule as presented. The vote of approval was unanimous.

Regular Town Meetings will be held every fourth Tuesday of each month at 7:30 p.m. at the Lake Lure Community Center, with the exception of March, June, September, and December when the Regular Council Meetings are scheduled to be held at Fairfield Mountain Bald Mountain Club. Regular Council Workshop Meetings will be held every second Tuesday of each month at 10:00 a.m. at the Lake Lure Community Center. (Schedule attached).

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**CONSIDER FOR APPROVAL A MUTUAL AID AGREEMENT  
BETWEEN TOWNS IN RUTHERFORD COUNTY AND THE  
COUNTY GOVERNMENT CONCERNING ASSISTANCE TO  
EACH OTHER DURING A DISASTER**

The Office of Emergency Management is working on the completion of a plan to address multiple hazards which threaten our county. Council was provided with a prototype plan provided by the State Division of Emergency Management which presents a basic plan which serves as a summary document to thirteen functional annexes. The annexes define who will do what and when in an emergency situation. Defining the roles of each response agency reduces the confusion, chaos, and conflict during an emergency; and significantly decreases vulnerability of the public and their property to hazardous threats.

During a disaster, normal resources will be exhausted. Through the implementation of a mutual aid agreement, all the municipalities and the County would agree to provide equipment, manpower, and other forms of assistance to each other. In order to include this in the plan, it must be approved by all parties involved. The Rutherford County Emergency Management Coordinator is required to have the Multi-Hazard Plan completed on or before March 1, 1993 and in order to meet this deadline requests a commitment by December 18, 1992.

Commissioner Lehner moved, seconded by Commissioner Karr, to approve the Mutual Aid Agreement as submitted by Roger Hollifield, Rutherford County Emergency Management Coordinator. The vote of approval was unanimous. (Copy of Agreement Attached).

**RESOLUTION IN SUPPORT OF PRESERVATION AND  
DEVELOPMENT OF THE BECHTLER MINT SITE**

John Condrey, Rutherford County Manager is working with the Department of Transportation to develop the Bechtler Mint Site in conjunction

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with the Department of Transportation. The County's hope is that DOT at the same time they are four-laning Highway 221 would help in the development of that site along with a rest area/visitors' center/welcome site. The County requests that Council consider a resolution that could be passed along to DOT to support this case.

Commissioner Karr moved, seconded by Commissioner Lehner, to approve the **Resolution in Support of Preservation and Development of the Bechtler Mint Site** the 15th day of December, 1992. The vote of approval was unanimous. The Resolution is as follows:

***RESOLUTION IN SUPPORT OF  
PRESERVATION AND DEVELOPMENT OF  
THE BECHTLER MINT SITE***

*WHEREAS, the Town of Lake Lure understands that Rutherford County has acquired the Bechtler Mint Site; and*

*WHEREAS, the Bechtler Mint Site is of historical significance to Rutherford County and the surrounding area; and*

*WHEREAS, the Town of Lake Lure understands that the North Carolina Department of Transportation may expand Highway 221 in Rutherford County to a four lane highway; and*

*WHEREAS, the Town of Lake Lure understands that Rutherford County and the Rutherford County Historical Society are interested in the North Carolina Department of Transportation in conjunction with its highway improvements to develop a welcome center, visitor center, or rest area at the Bechtler Mint Site.*

*NOW, THEREFORE, BE IT RESOLVED by the Commissioners for the Town of Lake Lure, that it is in support of the Rutherford County and Historical Society endeavor to have the North Carolina Department of Transportation to develop a welcome center, visitor center or rest area at the Bechtler Mint Site.*

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**APPROVE CONTRACT FOR ANNUAL AUDIT REPORT**

Commissioner Lehner moved, seconded by Commissioner Karr, to approve the contract allowing Bolick, Ruppe, and Associates, P.A. to audit Town statements and disclosures required by generally accepted accounting principles and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit for the Period beginning July 1, 1992 and ending June 30, 1993. The vote of approval was unanimous.

**TAX RELEASES**

Commissioner Bush moved, seconded by Commissioner Donovan, to approve the tax releases as presented by the Tax Collector in the amount of \$322.42. The vote of approval was unanimous. Only paperwork is involved in these releases. There are no refunds.

Charles Boesch	Out of Town	\$ 44.80
Beatrice Corace	Out of Town	\$ 16.52
Charles Cyphert	Out of Town	\$ 16.24
Cyrus Dowlatshahi	Out of Town	\$ 21.00
Duke Power	Error in Statement from NC Dept. of Revenue	\$126.00
Frank Fritts	Out of Town	\$ 13.19
Grace Hull	Out of Town	\$ 13.27
Alfred Mayo	Out of Town	<u>\$ 71.40</u>
		\$322.42

**STAFF REPORTS**

Mr. Hord reported on several items. The large generator at the Hydro-

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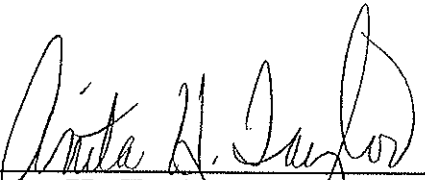
electric Plant is back in operation and appears to be doing better than anticipated.

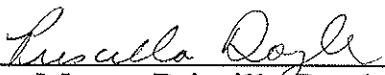
Approximately 11,000 bass fingerlings have been ordered for the lake. Also we have ordered the dredge from H & H Pump and Dredge. Construction will begin December 16, 1992 on the settling pond on Memorial Point.

The Town is presently under a sewer moratorium and no hook-ups or additional systems can be added until the sewer compliance is corrected.

With no further items of discussion, Commissioner Bush moved, seconded by Commissioner Donovan, to recess the meeting to Tuesday, January 5, 1993 at 10:00 a.m. at the Community Center. The vote of approval was unanimous.

ATTEST:

  
Anita H. Taylor, Town Clerk

  
Mayor Priscilla Doyle

### 1993 TOWN COUNCIL MEETING SCHEDULE

At the Regular Council Meeting of December 15, 1992, Council approved the following Council meeting schedule:

<u>DATE</u>	<u>LOCATION</u>	<u>TIME</u>	<u>TYPE</u>
January 12, 1993	Lake Lure Community Center	10:00 a.m.	Workshop
January 26, 1993	Lake Lure Community Center	7:30 p.m.	Regular
February 9, 1993	Lake Lure Community Center	10:00 a.m.	Workshop
February 23, 1993	Lake Lure Community Center	7:30 p.m.	Regular
March 9, 1993	Lake Lure Community Center	10:00 a.m.	Workshop
March 23, 1993	Fairfield Mtn. Bald Mtn. Club	7:30 p.m.	Regular
April 13, 1993	Lake Lure Community Center	10:00 a.m.	Workshop
April 27, 1993	Lake Lure Community Center	7:30 p.m.	Regular
May 11, 1993	Lake Lure Community Center	10:00 a.m.	Workshop
May 25, 1993	Lake Lure Community Center	7:30 p.m.	Regular
June 8, 1993	Lake Lure Community Center	10:00 a.m.	Workshop
June 22, 1993	Fairfield Mtn. Bald Mtn. Club	7:30 p.m.	Regular
July 13, 1993	Lake Lure Community Center	10:00 a.m.	Workshop
July 27, 1993	Lake Lure Community Center	7:30 p.m.	Regular
August 10, 1993	Lake Lure Community Center	10:00 a.m.	Workshop
August 24, 1993	Lake Lure Community Center	7:30 p.m.	Regular
September 14, 1993	Lake Lure Community Center	10:00 a.m.	Workshop
September 28, 1993	Fairfield Mtn. Bald Mtn. Club	7:30 p.m.	Regular
October 12, 1993	Lake Lure Community Center	10:00 a.m.	Workshop
October 26, 1993	Lake Lure Community Center	7:30 p.m.	Regular
November 9, 1993	Lake Lure Community Center	10:00 a.m.	Workshop
November 23, 1993	Lake Lure Community Center	7:30 p.m.	Regular
December 14, 1993	Fairfield Mtn. Bald Mtn. Club	7:30 p.m.	Regular

BASIC PLAN  
APPENDIX 6  
MUTUAL AID AGREEMENT

NORTH CAROLINA  
AGREEMENT COUNTY OF RUTHERFORD

MUTUAL AID

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_, by and between Rutherford County, and Forest City, Spindale, Rutherfordton, Lake Lure, Ellenboro, Bostic, Ruth and Alexander Mills an incorporated city, town or village both of North Carolina, hereinafter referred to a "party of the first part" and Rutherford County and Forest City, Spindale, Rutherfordton, Lake Lure, Ellenboro, Bostic, Ruth and Alexander Mills an incorporated city, town or village, both of North Carolina, hereinafter referred to as "party of the second part".

WITNESSETH

WHEREAS, a disaster is an occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made accidental, military or paramilitary cause;

WHEREAS, each party desires to provide its residents all possible assistance in and protection from disasters; and

WHEREAS, each party can provide the other mutual aid in time of disaster since they are geographically adjacent;

NOW THEREFORE, pursuant to G.S. 166A-10 and other applicable laws the party of the first part and the party of the second part agree as follows:

1. That should either party require the aid of the other, because of local state of emergency or disaster, the local Emergency Management Coordinator/Director of party requiring aid shall make a request for aid to the Local Emergency Management Coordinator/Director of the other party to this agreement.
2. That each party hereby authorizes and grants to its own local Emergency Management Coordinator/Director the authority to give to, use and expend for the benefit of the other party to this agreement all available resources needed to assist the requesting party in providing reasonable and adequate protection for the residents of the requesting party.
3. That the party who is requested to extend aid may withhold resources necessary to provide reasonable and adequate protection for its community;

4. That, unless otherwise specified, the Emergency Management forces of the party extending aid will continue to operate under the command and control of their own leaders but those units actually rendering the requested aid will come under the operational control of the Emergency Management authorities of the party receiving aid;

5. That the requesting party will provide for the physical needs of those volunteers and personnel of the party extending;

6. That each party to this agreement shall assume all costs of salaries, wages, bonuses or other compensation for its own personnel that responds for duty under the terms of this agreement and shall also assume all costs involving the use of apparatus, equipment and tools used specifically in response to the request for aid and shall make no charge for such use of the party requesting assistance.

7. That the party receiving aid will indemnify, save, defend and hold harmless the party extending aid from any action or suit arising out of supplying or extending such aid;

8. That the party receiving aid will reimburse and make whole the party extending aid for any and all damage to equipment or loss of materials incurred by reason of extending aid;

IN WITNESS WHEREOF, the parties have set their hands and seals as of the date set forth above.

ATTEST

\_\_\_\_\_ COUNTY

\_\_\_\_\_  
Clerk to the Board

By: \_\_\_\_\_ (SEAL)  
Chairman, Board of County  
Commissioners

ATTEST:

City of Rutherfordton

\_\_\_\_\_  
City Secretary

By: \_\_\_\_\_ (SEAL)  
Mayor (City Manager)

ATTEST:

City of Spindale

\_\_\_\_\_

By: \_\_\_\_\_ (SEAL)



City Secretary

Mayor (City Manager)

ATTEST:

Forest City

\_\_\_\_\_  
City Secretary

By: \_\_\_\_\_ (SEAL)  
Mayor (City Manager)

ATTEST:

Lake Lure

\_\_\_\_\_  
City Secretary

By: \_\_\_\_\_ (SEAL)  
Mayor (City Manager)

ATTEST:

Bostic

\_\_\_\_\_  
City Secretary

By: \_\_\_\_\_ (SEAL)  
Mayor (City Manager)

ATTEST:

Ellenboro

\_\_\_\_\_  
City Secretary

By: \_\_\_\_\_ (SEAL)  
Mayor (City Manager)

ATTEST:

City of Ruth

\_\_\_\_\_  
City Secretary

By: \_\_\_\_\_ (SEAL)  
Mayor (City Manager)

ATTEST:

City of Alexander Mills

\_\_\_\_\_  
City Secretary

By: \_\_\_\_\_ (SEAL)  
Mayor (City Manager)

Dec. 15, 1989