

Incorporated 1927

Town of Lake Lure

P. O. Box 255 • Lake Lure, NC 28746-0255 • 704/625-9983 • FAX 704/625-8371

MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, JANUARY 25, 1994, 7:30 P.M. AT THE LAKE LURE COMMUNITY CENTER

PRESENT: Mayor Max E. Lehner
Commissioner Bill Bush
Commissioner Bill Church
Commissioner Jack Donovan

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

ABSENT: Mayor Pro-tem Bud Schichtel

CALL TO ORDER

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

INVOCATION

Tom Hord, Town Manager, gave the invocation.

APPROVAL OF MINUTES

Commissioner Bush moved, seconded by Commissioner Donovan, to approve the minutes of the Tuesday, December 14, 1993 regular Council

PAGE 2 - Minutes of the January 25, 1994 Regular Council Meeting

meeting and the minutes of the Tuesday, January 11, 1994 regular workshop meeting as written. The vote of approval was unanimous.

AUDIENCE OF CITIZENS

No persons signed up to speak under audience of citizens. However, Mayor Lehner announced that he will be at the Community Center in the afternoon of Thursday, January 27, 1994 and Wednesday, February 9, 1994. Mayor Lehner invited all persons to attend that would like to discuss problems within the Town. Mayor Lehner hopes that this will help improve communication.

**PUBLIC HEARING TO CONSIDER AMENDMENT TO THE
TEXT OF THE TOWN ZONING ORDINANCE RELATIVE
TO COMMERCIAL DISTRICTS**

Commissioner Bush moved, seconded by Commissioner Donovan, to enter into the public hearing to consider an amendment to the text of the Town Zoning Ordinance relative to commercial districts. The vote of approval was unanimous.

Mary Lynne Ray, Deputy Zoning Administrator, reported on the proposed text amendments. (Outline attached).

With no further items of discussion within the public hearing, Commissioner Bush moved, seconded by Commissioner Donovan, to come out of the public hearing and re-enter the regular session of the meeting. The vote of approval was unanimous.

After discussion among Council, Commissioner Donovan moved, seconded by Commissioner Church, to approve the ordinance amending the Town's Zoning Ordinance and Map in regard to commercial districts. The vote of approval was unanimous. (Ordinance attached).

**CONSIDER FOR ADOPTION A WATER AND SEWER
BILL ADJUSTMENT POLICY**

Council discussed the adoption of a water and sewer bill adjustment policy.

After considerable discussion, Commissioner Bush moved, seconded by Commissioner Church, to approve the proposed Town of Lake Lure Water and Sewer Bill Adjustment Policy as amended. The vote of approval was unanimous. (Policy attached).

BOARD APPOINTMENTS

Mayor Lehner is presently serving as the Town's representative to the Isothermal Planning and Development Commission. However, his term expires April 1994.

Commissioner Bush moved, seconded by Commissioner Church, to reappoint Mayor Lehner as the Town's representative to the Isothermal Planning and Development Commission for a three year term (1994-1997). The vote of approval was unanimous.

Council discussed the appointment of members to the Golf Course Advisory Committee. The Committee shall consist of five members. The Council should designate two members for one year terms, while the other three original members should be appointed to the usual two year terms.

Commissioner Donovan moved, seconded by Commissioner Church, to appoint Bill Beeman, Hugo Moirano, and John Thompson to the Golf Course Advisory Committee for a two year term, and to appoint Harry and Helen

PAGE 4 - Minutes of the January 25, 1994 Regular Council Meeting

Fritchman to the Committee for a one year term. The vote of approval was unanimous.

Council discussed the appointment of a regular member to the Board of Adjustment and Lake Structure Appeals Board in order to fulfill the unexpired term of Mayor Pro-tem Bud Schichtel through December 1994.

Commissioner Bush moved, seconded by Commissioner Donovan, to appoint Carl Sisson to the Board of Adjustment and Lake Structure Appeals Board to fulfill the unexpired term of Mayor Pro-tem Bud Schichtel through December 1994. The vote of approval was unanimous.

It was the consensus of Council to consider the appointment of an alternate, which is a three year term, to the Board of Adjustment and Lake Structure Appeals Board at a later date. Therefore, no nominations were made at this time.

<p>STAFF REPORTS</p>

Mr. Hord announced that Sam Karr, Finance Director, was absent due to illness. Copies of the Town's Financial Report was submitted to Council prior to the meeting. However, Mr. Hord reported that Sam will be available at the workshop meeting to present a formal report on the finances.

Mr. Hord reported that dredging is underway. However, the Town was unable to dredge during recent bad weather conditions. The dredge was also shut down for approximately four days for repairs. Other than those days, the dredge has been in full operation and will continue every day that weather permits.

Mayor Lehner reported that he received several calls crediting the Maintenance Department on their hard work cleaning the streets during the recent ice storm.

PAGE 5 - Minutes of the January 25, 1994 Regular Council Meeting

Mr. Hord announced that the Town has newly purchased a sand spreader and a new Four-Wheel Drive Pickup with blade and plow for front.

Mr. Hord also reported that the lake has been lowered approximately 4-1/2 feet.

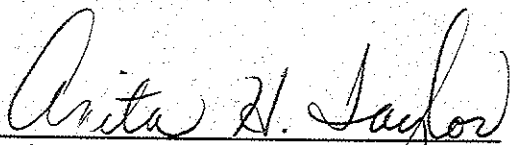
COUNCIL COMMENTS

Mayor Lehner reported that, due to inclement weather, two of the Council Workshop Meetings have been cancelled. Therefore, Mayor Lehner recommended that two make-up meetings be held Friday, January 28, 1994, 9:30 a.m., at the Lake Lure Town Hall and Thursday, February 3, 1994, 9:30 a.m.

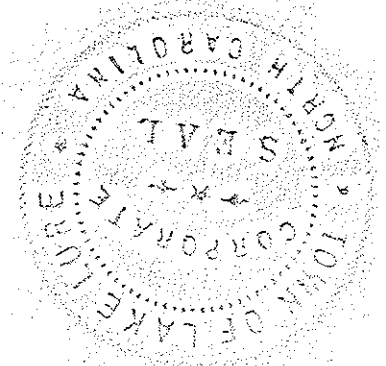
Commissioner Bush requested that these meeting dates be posted in front of the Community Center on the Town sign.

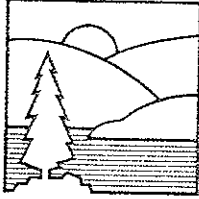
Commissioner Donovan moved, seconded by Commissioner Bush, to recess the meeting to Friday, January 28, 1994, 9:30 a.m., at the Lake Lure Town Hall. The vote of approval was unanimous.

ATTEST:


Anita H. Taylor, Town Clerk


Mayor Max E. Lehner





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

MEMORANDUM

TO: Mayor Max Lehner
Commissioner Bill Bush
Commissioner Bill Church
Commissioner Jack Donovan
Commissioner Bud Schichtel

FROM: Town of Lake Lure Zoning and Planning Board

SUBJECT: Recommendation for Amendments to the Zoning Ordinance
Relative to Commercial Districts

DATE: December 7, 1993

On Tuesday, December 7, 1993, at their regular meeting, the Zoning and Planning Board discussed several items relative to the commercial requirements of the Zoning Ordinance. By consensus, the Board recommends text amendments to Section 606. C-1 General Commercial Districts which would establish front setbacks from the street and from the lake for commercial districts as well as a minimum site size, minimum street frontage and, for those lots which abut the lake, minimum lake frontage requirements.

The Board also recommends that Article VII, a table titled Building Site Minimum Dimensional Requirements be updated at this time to reflect the site requirements for commercial districts

The Board further recommends a text amendment to Section 401. Definitions, to clarify the point from which setbacks from the street are to be measured.

Attached please find the recommended wording to accomplish the above changes to the Zoning Ordinance. The Zoning and Planning Board plans to review and vote on these recommendations at their recessed meeting Wednesday, December 15, 1993. However, the Town Council may at this time wish to schedule a public hearing on these possible amendments.

POSSIBLE TEXT AMENDMENTS
TO LAKE LURE ZONING ORDINANCE

Section 401. Definitions.

Building Setback Line. A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided. Whenever the front, side, or rear portions of a lot abut a street right-of-way, setback lines shall be measured perpendicularly from said right-of-way or, where no right-of-way exists, from a point sixteen (16) feet from the center line of the street.

Section 606. C-1 General Commercial Districts.

- (3) Site Requirements. All sites must have a minimum of 21,780 square feet. Lots which abut the street must have 100 feet of frontage on the street. Lots which abut the lake must have 100 feet of frontage on the lake.
- (4) Front, Rear, and Side Yard Requirements.
- (a) For lots which abut the street, the building setback shall be not less than thirty-five (35) feet from the street.
 - (b) For lots which abut the lake, the building setback shall be not less than thirty-five (35) feet from the lake.
 - (c) Side yards shall be not less than twelve (12) feet in depth.
 - (d) Where the lot abuts upon property used for residential purposes, a buffer strip shall be provided along the side and/or rear lot line of such abutting residential use(s). If a fence or wall is used, such fence or wall shall be opaque and not less than eight (8) feet in height. If a planted buffer is used, such buffer strip shall be not less than eight (8) feet in width and shall be composed of evergreen trees or shrubs which at planting will be at least four (4) feet high and at maturity will be not less than eight (8) feet high. This requirement may be modified by the Board of Adjustment where sufficient natural buffering exists.
- (5) Ingress/Egress.

ARTICLE VII
BUILDING SITE
MINIMUM DIMENSIONAL REQUIREMENTS

ZONING CLASSIFICATION	LOT AREA (a)	LOT WIDTH AT BLDG. SITE (b)	FRONT YD. SETBACK (c)	SIDE YARD SETBACK	REAR YD. SETBACK (d)	REAR YD. OPEN SPACE % OF LOT (e)
R-1	10,000 sf	100 ft	35 ft	12 ft	15 ft	30%
R-1A	2 acres	100 ft	35 ft	12 ft	15 ft	30%
R-1B/R-1D	1 acre	100 ft	35 ft	12 ft	15 ft	30%
R-1C	.5 acre	60 ft	20 ft	12 ft	15 ft	20%
R-2/R-3 Single Fam.	7,000 sf	60 ft	25 ft	7 ft	10 ft	20%
Two Family	9,000 sf	70 ft	25 ft	8 ft	10 ft	20%
Three Fam.	12,000 sf	85 ft	20 ft	10 ft	12 ft	20%
Four Family	14,500 sf	100 ft	20 ft	12 ft	12 ft	25%
C-1	.5 acre		35 ft	12 ft	15 ft	

Maximum building height in any district shall be not more than thirty-five (35) feet as measured from the finished grade at building line. May be exceeded only where depth of front and total width of minimum required side yards are increased one (1) foot for each additional foot of building height.

- (a) Plus 2000 square feet of lot area for each additional dwelling unit in excess of four (4).
- (b) For any residential lot, lot width at street line shall be not less than thirty-five (35) feet. For any commercial lot, lot width at street line shall be not less than 100 feet. Any lot abutting Lake Lure shall have a frontage along the lake of not less than 100 feet.
- (c) In most situations, the front yard lies between the building and the street. However, for lots which abut a lake, the lake side is also considered a front yard. In any zoning district, minimum setback from the lake is 35 feet measured from the shoreline.
- (d) From the rear property line to the nearest building on that lot.
- (e) Excluding any space occupied by accessory building which may be located between principle building and rear lot line.

AN ORDINANCE AMENDING THE ZONING ORDINANCE

AND MAP OF THE TOWN OF LAKE LURE

WHEREAS, the Town of Lake Lure Zoning and Planning Board, upon evaluation of the Zoning Ordinance in regard to commercial districts, has recommended some additional requirements and definitions;

AND WHEREAS, the Town Council of the Town of Lake Lure, after due notice, conducted a public hearing on the 25th day of January, 1994, 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 health, safety, and welfare of the Town to enact certain amendments considered at such hearing;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF LAKE LURE, NORTH CAROLINA MEETING IN REGULAR SESSION AND WITH A MAJORITY OF COUNCILMEN VOTING IN THE AFFIRMATIVE:

SECTION ONE: To amend Section 401. Definitions of the Town of Lake Lure Zoning Ordinance by deleting the definition of Building Setback Line and placing in its stead the following:

Building Setback Line. A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided. Whenever the front, side, or rear portions of a lot abut a street right-of-way, setback lines shall be measured perpendicularly from said right-of-way or, where no right-of-way exists, from a point sixteen (16) feet from the center line of the street.

and by inserting the following definition:

Shoreline. The line where the land and water meet which is the elevation of 990 feet mean sea level.

SECTION TWO: To amend Section 606. C-1 General Commercial Districts of the Town of Lake Lure Zoning Ordinance by deleting subsection (3) Side and Rear Yards and placing in its stead a new subsection (3) and subsection (4) as follows:

(3) Site Requirements. All sites must have a minimum of 21,780 square feet. Lots which abut the street must have 100 feet of frontage on the street. Lots which abut the lake must have 100 feet of frontage on the lake.

(4) Front, Rear, and Side Yard Requirements.

(a) For lots which abut the street, the building setback shall be not less than thirty-five (35) feet from the street.

- (b) For lots which abut the lake, the building setback shall be not less than thirty-five (35) feet from the lake shoreline.
- (c) Side yards shall be not less than twelve feet in depth.
- (d) Where the lot abuts upon property used for residential purposes, a buffer strip shall be provided along the side and/or rear lot line of such abutting residential use(s). If a fence or wall is used, such fence or wall shall be opaque and not less than eight (8) feet in height. If a planted buffer is used, such buffer strip shall be not less than eight (8) feet in width and shall be composed of evergreen trees or shrubs which at planting will be at least (4) four feet high and at maturity will be not less than eight (8) feet high. This requirement may be modified by the Board of Adjustment where sufficient natural buffering exists.

The existing subsection (4) of Section 606 shall be renumbered as subsection (5) and all the following subsections shall be renumbered in sequence.

SECTION THREE: To amend Article VII: Building Site Minimum Dimensional Requirements, by deleting Article VII in its entirety and placing in its stead the following:

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

SECTION FIVE: This ordinance shall be effective upon its adoption.

Adopted the 25th day of January, 1994.

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

TOWN OF LAKE LURE
WATER AND SEWER BILL ADJUSTMENT POLICY

A. WATER BILL ACCURACY

1. Any customer who feels that a bill is not correct, or who has a dispute over a bill, may question the accuracy of the bill by contacting the Water Department office at Town Hall, in person or by telephone, 625-9983.
2. Billing office staff will review the appropriate account records to determine if a mistake has been made in recording the usage figures, or in processing the bill. If a mistake is found the bill will be adjusted to correct the error.
3. If no mistake is found in recording the figures or in the processing of the bill the customer may request a rereading or a testing of their meter. If no errors or defects are found, service charges in the amounts of \$5.00 for rereading and \$15.00 for testing will be made. If an error or defect is found the bill will be adjusted to correct the error at no cost to customer.
4. If it is determined that no errors have been made by the Water Department when reading or recording the usage or processing the bills, and if the meter is found to have no defects, it is highly probable that a leak exists on the customer's side of the meter and it is the responsibility of the customer to have it repaired.

B. ADJUSTMENTS

1. For the purposes of this policy the term adjustment means a reduction in the amount of money required to be paid by the customer from what is printed on a water bill.
2. Water charges are not adjusted when Town water is used to fill swimming pools. A one time adjustment per year to the sewer bill can be made. The sewer bill adjustment is based upon the number of gallons the pool held. This usage would be deducted from the total in calculation for the sewer charge.
3. Adjustments to bills as a result of leaks on the customer's side of the meter shall be governed by the following rules:
 - a. No adjustments shall be made unless the leak created an excess usage in one billing period that is greater than 50% over the average usage for the previous annual billing period.

PAGE 2 - Town of Lake Lure Water and Sewer Bill Adjustment Policy

- b. No adjustments shall be made unless the customer presents a bill from a plumber showing that repair work has been performed or a bill for materials if the repair was not contracted.
- c. Adjustments, when warranted, will be made for one billing period only. In the event the leak extends into a second billing period, the higher bill of the two can be adjusted.
- d. The adjustment allowed in all circumstances will be that amount over and above the figure calculated in 3a above.

Example: If your average water usage bill over the previous annual billing period was \$30.00 then a billing 50% over that amount would be \$45.00. In this example you would not receive an adjustment for any bill of \$45.00 or less. You may ask for an adjustment of the entire amount (if any) over \$45.00. The adjustment of the eligible amount would be 50%.

- e. Only one adjustment per residence per year will be allowed.
- 4. No adjustment will be considered for any bill after 90 days from the billing date.
 - 5. Billing office staff will make every reasonable effort to fully explain this policy to customers requesting an adjustment.

Policy adopted this 25th day of January 1994 by the Lake Lure Town Council.

ATTEST:

Mayor Max E. Lehner

Anita H. Taylor, CMC
Town Clerk