

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, MAY 24, 1994, 7:30 P.M. AT THE LAKE LURE COMMUNITY CENTER

PRESENT: Mayor Max E. Lehner
Mayor Pro-tem Bud Schichtel
Commissioner Bill Church
Commissioner Jack Donovan

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

ABSENT: Commissioner Bill Bush

CALL TO ORDER

Mayor Lehner called the meeting to order at approximately 7:30 p.m. Mayor Lehner requested the Clerk to note that a quorum was present.

INVOCATION

Town Manager Hord gave the invocation.

APPROVAL OF MINUTES

Commissioner Schichtel moved, seconded by Commissioner Church, to approve the minutes of the Tuesday, May 17, 1994 Budget Workshop, the

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minutes of the Tuesday, May 10, 1994 Regular Council Meeting, and the minutes of the Tuesday, April 26, 1994 Regular Council Meeting as written. The vote of approval was unanimous.

AUDIENCE OF CITIZENS

No persons signed up to speak under audience of citizens.

**REPORT ON PLANS FOR NEW TOWN HALL,
POLICE DEPARTMENT AND COMMUNITY CENTER**

Architect Carroll Hughes, Spaceplan Architecture, Interiors and Planning, PA, 39 Patton Avenue, Asheville, NC 28801, gave a presentation on the latest design of the proposed new Town Hall, Police Department and Community Center combined into one building.

Mr. Hughes introduced Michael McDonald who was responsible for all the requested major design changes which were submitted to Council.

Commissioner Bud Schichtel expressed concern that the new Town facility should have a sprinkler system installed.

Mr. Hughes informed Council that when a sprinkler system is requested and not required, the system would have to meet state and National Fire Protection Association (NFPA) requirements. Mr. Hughes also informed Council that a sprinkler system may reduce the fire rating which in turn would possibly pay for itself within the next five to seven years.

Attorney Chris Callahan asked Mr. Hughes what alternatives the Town would have if the structure, as proposed by Spaceplan Architecture, bid much higher than estimated, and therefore the particular design falls through due to cost fees. Mr. Hughes replied that Spaceplan rarely exceeds the amount budgeted, however there is no guarantee, and Spaceplan will do their best to

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work with the bidding climate at the proposed time frame.

It was the consensus of Council to table this discussion to the Tuesday, May 31, 1994 recessed Town meeting to be held at 9:30 a.m. at the Town Hall.

DISCUSSION OF RECOMMENDATIONS MADE TO COUNCIL BY LAKE COMMITTEE

Recommendation for Amendments Relative to Cluster Mooring Facilities

The Lake Advisory Committee recommended amendments to the Ordinance Regulating the Construction and Use of Structures on Lake Lure. The Committee felt that the amendments would clarify definitions in the ordinance relative to lake frontage to be considered when figuring the number of slips allowed in a cluster mooring facility which, in turn, will make the ordinance more effective administratively.

The Lake Advisory Committee recommended the addition of the following definitions to Section 2. Definitions:

- (c) "Slip" is an area within or alongside a lake structure that is confined by at least two sides of the structure and that is designed for the temporary or permanent mooring of boats.
- (q) "Temporary Mooring Facility" is a mooring facility for boats that can only be occupied during the hours between 6:00 a.m. and 12:00 midnight.

The Lake Advisory Committee also recommended the following wording for Section 12. Cluster Mooring Facilities:

Cluster Mooring Facilities may be installed in lieu of private docks or boat houses adjacent to property that is zoned R-3 or C. The same requirements apply to cluster mooring facilities as do to all other lake

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structures except they must be open (no roofs), and have no more than three (3) individual boat slips per one hundred (100) front feet of lake front property that is owned by the applicant and that is free of any lake structures (other than "seawalls").

For areas that are zoned R-3, the lake front property that is used in the formula for determining the number of slips must be contiguous with the site of the proposed cluster mooring facility, and the same lake front property must be developed with roads and structures in place prior to review of the application.

For areas zoned C, only temporary mooring slips will be allowed with a maximum limit of eight (8) individual slips regardless of the front footage that may be used in determining the number of slips allowed.

The Lake Structures Appeals Board will review each Lake Structure Permit Application for a Cluster Mooring Facility to approve its size and location with regard to navigation and boating safety.

Commissioner Schichtel moved, seconded by Commissioner Church, to direct Town Manager Hord to draft an ordinance amending the Ordinance Regulating the Construction and Use of Structures on Lake Lure based upon the recommendation from the Lake Advisory Committee relative to cluster mooring facilities. The vote of approval was unanimous.

Ideas Considered by Lake Advisory Committee Relative to Regulating Commercial Enterprises on the Lake

The Lake Advisory Committee presented Council with ideas regarding commercial enterprises on the lake. However, it was the consensus of Council to table the ideas submitted by the Lake Advisory Committee until approximately July, 1994, in order to allow the Zoning and Planning Board to give their input

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on the matter.

Mr. Hord suggested that if regulations regarding commercial enterprises on the lake are adopted, that the regulations become effective as of January, 1995.

Policy Concerning Property Owner/Resident Boat Permits

With the recent increase in the cost of non-resident boat permits, staff received numerous requests to define property owner in order to qualify for the \$30 boat permit. Staff's interpretation of the policy is that the boat and property owner must be in the same name in order to qualify for the \$30 boat permit. However, staff had difficulty interpreting the policy when there were multiple owners of the property, the property is in a company name or there are other unusual listings of the property.

Staff recommended and Council approved at the Tuesday, May 10, 1994 regular Council meeting that the policy regarding the issuance of boat permits be broadened relative to property owners so that staff could issue the \$30 property owner's boat permit to owners of property listed in unusual ways. Staff would strive to be fair and equitable in each situation and evaluate each request on its own merit. There are so many different ways of listing property, and it would be very difficult to develop a specific policy to cover every situation. It was felt that more flexibility was needed for staff to determine if an applicant for a boat permit qualified as a property owner.

Recommendation to Test Waters of Lake Lure

The members of the Lake Advisory Committee are concerned at the decrease of vegetation in Lake Lure over the years. Hoping to pinpoint the cause for this decrease, the Committee recommended that Council have the waters of the lake and of its tributaries, the Reedy Patch Creek and the Rocky Board River, tested for herbicides and other chemicals and pollutants which may be harming the vegetation of Lake Lure. The Committee further recommended that Council designate someone, perhaps the Town Manager, to compile a list

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of other tributaries and of swimming pools, the waters of which may at times flow into the lake. The Committee hopes that a study of the waters which flow into the lake will reveal any contaminants which may be entering the lake from upstream and hindering the vegetation in Lake Lure.

It was the consensus of Council to make testing the waters of the lake and its tributaries a part of the 1994-95 budget.

Recommendation for Dredging Schedule

The Lake Advisory Committee recommended that Council develop a master plan for dredging with a proposed time table which would include the mouth of the river, the downtown cove area, Fairfield, and any other areas which require silt removal. The Committee believes this way, those who are interested in dredging for certain areas would have some indication of when the dredge would be available for those areas.

Council requested that Town Manager Hord draw up a tentative dredging schedule for this year and next year for Council's approval. If the schedule is approved it will be advertised.

Recommendation Regarding Amendment to the Ordinance Regulating the Construction and Use of Structures on Lake Lure

The Lake Advisory Committee recommended that Council amend section 4, Liability Insurance of the Ordinance Regulating Construction and Use of Structures on Lake Lure in order to state the insurance requirement more clearly. The Committee feels that the current wording of the ordinance appears to require liability insurance coverage only for new lake structures built after the adoption of the ordinance. The Committee feels that it is important that existing structures also be covered by Section 4 of the ordinance.

Council requested that the Town Attorney draft an amendment to Section 4 of the Ordinance Regulating Construction and Use of Structures on Lake Lure to submit for approval at the next regular meeting.

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Suggestions Relative to Property Owner Boat Permits

In order to help keep lake density to a minimum, the Lake Advisory Committee submitted suggestions relative to property owner boat permits. The suggestions were as follows:

- * As the Town population and lake density increase, a need may arise to restrict the number of boats per resident or restrict the definition of "resident".
- * Due to the current price differentiation in resident boat permits, the Committee recommends limiting one resident permit per undeveloped lot.
- * The Committee sees a need to develop a data base in order to administer any limits which might need to be imposed in the future.

It was the consensus of Council to table this item until further study and the Zoning and Planning Board can give their input on the matter.

Town Manager Hord recommended that if the proposed suggestions relative to property owner boat permits, as submitted by the Lake Advisory Committee are adopted, that the policy go into effect at the first of the year, which would be the beginning of the boating season.

COMMUNICATIONS FROM DAN ZEMEL CONCERNING STATUS OF RADIO EQUIPMENT

Town Manager Hord reported on the status of the Town's radio equipment. Mr. Zemel has informed Mr. Hord that he cannot meet his obligation to the Town and requested that his obligation be voided and his contract renegotiated.

Commissioner Donovan moved, seconded by Commissioner Schichtel, to

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authorize the Town Manager and Town Attorney to proceed with negotiations between the Town and Mr. Zemel. The vote of approval was unanimous.

OTHER OLD BUSINESS

There were no other matters of old business discussed.

**REQUEST BY MARTHA GODLEY, A.G. MARLOWE AND
HORACE A. MARLOWE TO CONSTRUCT A LAKE STRUCTURE
ON TOWN PROPERTY**

During routine inspection, zoning staff noticed a seawall and dock structure which was located on Town property just below Lake Lure Campground. After extensive investigation, staff ruled that a zoning permit had not been issued for this particular structure.

Mr. Horace A. Marlowe, representing Martha Godley, A. G. Marlowe and himself, requested that Council allow the structure to remain or that they be allowed to use this particular property to construct a structure that complies with the lake structure ordinance.

Mr. Hord reported that, under existing zoning regulations, the structure could not be approved by staff. Mr. Hord also voiced his opinion on the hazards of the electrical service which is connected to the structure.

Mr. Marlowe requested permission to tear the structure down when the lake level is lowered.

Commissioner Schichtel moved, seconded by Commissioner Donovan, that the deck portion of the structure must be removed and electricity completely shut off within two weeks and the seawall portion be removed this fall when the lake level is down. However, if the seawall begins to fall it will have to be removed immediately. The vote of approval was unanimous.

REQUEST FOR APPROVAL OF GASOLINE STORAGE TANK

Mr. Alan Moore, owner of Dam Marina, reported to Council that he has still not received approval from the State on his new gasoline storage equipment. However, Mr. Moore is hoping to receive a response soon and will notify Council of the results at that time.

REVIEW AND AWARD PAVING BID FOR TOWN STREETS

Sealed paving bids for paving and/or rebuilding Town of Lake Lure streets were opened at the Lake Lure Town Hall Monday, May 16, 1994 at 4:30 p.m. Persons present for the drawing were Town Manager Hord, Commissioner Bill Church, Deputy Town Clerk Anita Taylor, and Paul Wilson. The following bids were submitted:

Bid #1

**Banks Bros. Const. Co.
P. O. Box 2427
Hendersonville, NC 28793
891-7991**

Bid Proposal Amount \$60,136.00

Bid #2

**Carolina Paving, Sealing & Grading
5195 Highway 191
Fletcher, NC 28732
891-3413**

Bid Proposal Amount \$78,987.00

Bid #3

**Thompson Contractors, Inc.
P. O. Box 1268
Rutherfordton, NC 28139
287-3333**

Bid Proposal Amount \$60,789.49

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Town Manager Hord publicly thanked the three bidders for submitting a bid. (Copy of Bid Proposals attached).

The three proposals were carefully examined by Town Manager Hord, Paul Wilson and Tony Hennessee, Public Works Director. Mr. Hord pointed out that the amount of the bid proposal submitted by Bank's Brothers seemed to be \$653.49 lower than Thompson Contractor's. However, after reviewing the proposals it was decided that Thompson Contractor's bid was more comprehensive and better. Mr. Hord also reported that Thompson's bid included reconstruction of Lakeview Drive rather than just repaving.

Therefore, Commissioner Donovan moved, seconded by Commissioner Church, to accept the bid submitted by Thompson Contractors in the amount of \$60,789.49 and to include paving of the driveway at the house owned by the Town at the dam and patch work on Ridgeview Road, and repairs to the parking lot in front of the Community Center, not to exceed the price quoted by Banks Brothers Construction Company and to include any other minor repairs, including potholes or broken edges. The vote of approval was unanimous.

TAX RELEASES

Betty Hinson, Tax Collector, submitted to Council for their approval a list of tax releases and refunds as follows:

TAX RELEASE

<u>NAME</u>	<u>REASON</u>	<u>AMOUNT</u>
Rutherford County	Tax Exempt Status	\$49.28

TAX REFUND

<u>NAME</u>	<u>REASON</u>	<u>AMOUNT</u>
Margaret Michelin	Out of Town	\$10.08

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Commissioner Donovan moved, seconded by Commissioner Schichtel, to approve the tax release in the amount of \$49.28 and the tax refund in the amount of \$10.08 as submitted by the Tax Collector. The vote of approval was unanimous.

OTHER NEW BUSINESS

There was no other new business for discussion.

Mr. Ed Finan questioned the construction of a particular structure being built alongside Highway 64/74. Mr. Finan was informed that construction on the structure has ceased and the Town has requested a new survey of the property. A final decision will be made when the information is available.

STAFF REPORTS

Mr. Hord reported to Council that the directional signs for Pierpoint and the Lodge on Lake Lure will be installed later this week.

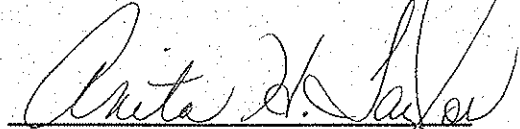
Mr. Hord reported that the beach is officially open seven days a week at this time.

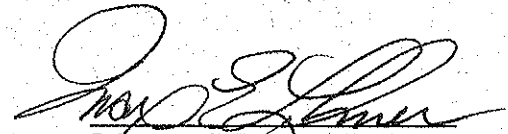
Mr. Hord also reported that he had met with Duke Power Representatives to discuss the Downtown Lake Lure rehabilitation. Duke Power has discovered lighting fixtures which are almost like what is currently in Downtown Lake Lure. Duke Power will return in the near future with additional information.

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With no further items of discussion, Commissioner Donovan moved, seconded by Commissioner Schichtel to recess the meeting to Tuesday, May 31, 1994 at the Town Hall, 9:30 a.m. The vote of approval was unanimous.

ATTEST:


Anita H. Taylor, CMC/AAE
Deputy Town Clerk


Mayor Max E. Lehner

