

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, March 28, 1995, 7:30 P.M. AT FAIRFIELD MOUNTAINS BALD MOUNTAIN COUNTRY CLUB

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

John R. Strutner, Town Manager  
J. Christopher Callahan, Town Attorney  
Sam Karr, Finance Director

**ABSENT:** N/A

### CALL TO ORDER

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

### INVOCATION

Attorney Callahan gave the invocation.

### APPROVAL OF MINUTES

Commissioner Bush moved, seconded by Commissioner Schichtel, to approve the minutes of Tuesday, February 28, 1995 Regular Council Meeting, and the minutes of Tuesday, March 14, 1995 Regular Council Meeting as written. The vote of approval was unanimous.

### **AUDIENCE OF CITIZENS**

Bill Wallace, owner of Big Water Outfitters Guide Service said that they received some undeserved publicity earlier this month when Council criticized pro fishermen for helping deplete the lake's trout. Mr. Wallace said that the fishing guides of Big Water Outfitters stressed catch and release and will limit their customers two trout of 16 inches or over.

Commissioner Donovan stated that there is a problem of businesses taking fish out of the lake and not stressing catch and release. The Town did not stock the lake for someone else's benefit as a business.

After discussion, Council agreed that there is a need for more control on fishing on the lake.

### **PRESENT AWARD TO JUDGE LOTO GREENLEE-CAVINESS**

Mayor Lehner presented Judge Loto Greenlee-Caviness with a ceramic plaque in recognition of her service to the Town. Judge Greenlee-Caviness has sworn in the Mayor and new members of the Town Council at the first meeting following the biennial election for several years.

### **RECOGNITION OF OUT-GOING ZONING AND PLANNING BOARD AND BOARD OF ADJUSTMENT MEMBER**

Mayor Lehner presented Ms. Meredith Terrell with a certificate of appreciation for her years of service as a member of both the Zoning and Planning Board, and the Board of Adjustment/Lake Structures Appeals Board.

**CONSIDER AN ORDINANCE AMENDING CHAPTER 90,  
ABANDONED STRUCTURES; UNFIT DWELLINGS TO ALLOW  
THE TOWN TO DEMOLISH OR REPAIR UNINHABITED  
STRUCTURES**

Attorney Callahan presented the following Ordinance amending Chapter 90, abandoned structures and unfit dwellings:

**ORDINANCE**

**AN ORDINANCE TO AMEND CHAPTER 90:  
ABANDONED STRUCTURES; UNFIT DWELLINGS**

**WHEREAS, the Town Council of the Town of Lake Lure, North Carolina, after due deliberations deems it in the best interest of the health, safety and welfare of the Town to enact a certain amendment to the existing ordinance; and said amendments are designed to clarify the wording and structure of the existing Chapter 90;**

**NOW, THEREFORE, be it ordained by the Town of Lake Lure, North Carolina meeting in regular session and with a majority of Councilman voting in the affirmative:**

**To amend Section 90.02 Duties of the Town Manager by adding the word "or" after 90.02 (A).**

**To amend Section 90.03 Powers of the Town Manager by adding to 90.03 (A) "or are unfit for human habilitation" after the word "abandoned" in said sentence.**

**To amend Section 90.04 Standards for Enforcement by adding "1." before Section A. of 90.04, thereby making former Sections (A) and (B) Subsections rather than Sections, and by adding "II." before Section (C), thereby making former Sections (C) and (D) Subsections rather than Sections.**

This ordinance shall become effective upon its adoption.

Adopted this \_\_\_\_\_ day of March, 1995.

**ATTEST:**

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Mayor Max E. Lehner

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Town Attorney

Commissioner Bush moved, seconded by Commissioner Schichtel, to accept the ordinance amending chapter 90, abandoned structures; and unfit dwellings as presented by Attorney Callahan. The vote of approval was unanimous.

**DISCUSS LIMITATIONS ON THE NUMBER OF TERMS FOR  
MAYOR, TOWN COUNCIL, BOARD OF ADJUSTMENT & LAKE  
STRUCTURES COMMITTEE, PLANNING & ZONING BOARD,  
LAKE COMMITTEE, & GOLF COMMITTEE**

Commissioner Schichtel read aloud the following memorandum of March 27, 1995 addressed to Lake Lure Town Council regarding terms for Mayor, Council, and all Boards and Committees:

We have a large, under-utilized group of variously talented people in this town. We also have quasi-judicial committees and boards manned by local citizens -- with very little member turnover. In my estimation, a waste of man or women power and stagnation on our vital boards.

I propose that we impose limitations on the number of terms for the:

A. Mayor

**Page 5 - Minutes of the March 28, 1995 Regular Council Meeting**

- B. Town Council**
- C. Board of Adjustment and Lake Structures Committee**
- D. Planning and Zoning Board**
- E. Lake Committee**
- F. Golf Committee**

**And any other boards or committees formed in the future.**

**I recommend that a limit of two terms for the above mentioned positions be established and also that multi-board service be discontinued.**

**Term limitations for the Mayor and Council members are not under the control of the Council. This change would have to come about through the state legislature which I propose be investigated.**

**Initially, a membership change schedule would have to be established that would prevent the possibility of working with boards or committees with entirely new memberships. I have attached for your review a possible term limitation schedule. This is not cast in concrete. It must be noted that this schedule covers 20 changes over the next 10 years. I feel certain that if a determined effort is made to contact possible candidates we will have little difficulty in keeping active and effective boards.**

**Citizens should be selected that would provide each group with a membership drawn geographically: I.E. downtown, the lake area and Fairfield.**

**This proposition need not apply to the legal advisory memberships.**

**I have also attached a communication from the "North Carolina Term Limit Coalition" which urges all North Carolina voters to support term limit legislature from the local level through the congressional levels.**

**After much discussion, Commissioner Schichtel moved, seconded by Commissioner Church to do the following:**

## Page 6 - Minutes of the March 28, 1995 Regular Council Meeting

1. Impose limitations of two (2) consecutive terms for all members of the following boards and committees, and for members of additional boards or committees which may be established by Town Council hereafter:

- a. Board of Adjustment/Lake Structures Committee (3 years)
- b. Planning and Zoning Board (3 years)
- c. Lake Advisory Committee (3 years)
- d. Golf Committee (2 years)

2. A limit of two terms for the above mentioned boards or committees which may be established and discontinue multi-board service.

3. Allow an individual to be reappointed to a board after an absence of one term.

4. Authorize and direct the Town Attorney and Town Manager to seek the necessary legal and legislative assistance of those members of the North Carolina General Assembly who represent the Town of Lake Lure in introducing a local bill during the 1996 session of said General Assembly. The local bill will amend the Charter of the Town of Lake Lure such that any person elected to the office of Mayor would be limited to serving four (4) consecutive two (2) terms and any person elected as Commissioner would be limited to serving two (2) consecutive four (4) year terms.

The vote of approval was 3 to 1. Commissioner Schichtel, Commissioner Church, and Commissioner Donovan voted yes. Commissioner Bush voted no.

It was the consensus of Council to authorize the Town Attorney, Town Manager, and Commissioner Schichtel to draft a resolution for the next Council meeting regarding the term limits for persons appointed to the several boards and committees and for the offices of Mayor and Commissioner of the Town of Lake Lure; and discontinuing appointments to multiple boards or committees.

Mayor Lehner appointed an ad hoc committee including Town Manager, Commissioner Donovan, and Commissioner Schichtel to investigate the

**Page 7 - Minutes of the March 28, 1995 Regular Council Meeting**

procedures being implemented, review the performance of the boards and committees currently in effect, and draw up recommendations for a policy.

**OTHER OLD BUSINESS**

Commissioner Donovan moved, seconded by Commissioner Church, to approve the questionnaire for commercial enterprises that utilize the waters of Lake Lure as presented by the Lake Advisory Committee with the following changes:

- Revise question #5 to provide more detail with a breakdown of**
- How often are boats used for tours?**
- How often are boats used for fishing?**
- How often are boats used for water skiing?**
- What is the charge for tour?**
- What is the charge for fishing?**
- What is the charge for water skiing?**

The vote of approval was unanimous. (Questionnaire attached).

**REVIEW AGREEMENT REGARDING SECURITY FOR  
INSTALLATION OF IMPROVEMENTS AT APPLE VALLEY  
FOREST SUBDIVISION**

Deputy Zoning Administrator Mary Lynne Ray recommended that Council approve the proposed agreement regarding security installation of improvements at Apple Valley Forest Subdivision.

**AGREEMENT**

**APPLE VALLEY FOREST**

Valley Head Development, Inc. agrees to complete the following improvements within Apple Valley Forest Subdivision in the Town of Lake Lure, North Carolina.

## Page 8 - Minutes of the March 28, 1995 Regular Council Meeting

1) To install Summer Morning Court as outlined on the approved preliminary plat of Apple Valley Forest subdivision. Summer Morning Court must be graded and installed in accordance with the designs as submitted with the preliminary plat, but in all cases must meet the following minimum standards. All grading and ditching will be done to meet the Town's standards. All drain pipes must be a minimum of fifteen (15) inches in diameter. All streets must be graded to a minimum of thirty-two (32) feet from drainage ditch to drainage ditch. The shoulders of the streets must be seeded by the developer within thirty (30) days from the paving to prevent erosion. Paving must be twenty (20) feet in width. Paving is to consist of a minimum of six (6) inches of stone with two (2) inches of I-2 bituminous plant mix. The grade of the road should not exceed 15%.

2) To install the water line as outlined on the approved preliminary plat of Apple Valley Forest subdivision. The water line must be installed in accordance with the designs as submitted with the preliminary plat, but in all cases must meet the following minimum standards. The size and material of water lines to be installed will be determined by the Town. All fittings and fire hydrants must be approved by the Town. The water lines must be installed under the supervision of the Town. If the system has been designed and approved by the Division of Health Services of the N.C. Department of Human Resources to provide fire protection, fire hydrants shall be installed and spaced so that coverage to all building sites along said line may be provided with not more than five hundred (500) feet of hose, and shall be located to facilitate access, hose laying, and drainage. Main water line is to be installed sixteen (16) feet from the center of the road or five (5) feet from the edge of the pavement, or at other distances approved by the Town and shall include a connector line to serve each building lot, extending across the road where needed, prior to paving the road. The contractor will be responsible for material and workmanship for a period of twelve (12) months from the date accepted by the Town. Water lines will not be extended until permits for such extensions have been obtained in order to comply with state law. No work shall be covered up before being inspected by the Town's representative. Minimum cover on water lines shall be thirty-six (36) inches or as otherwise required by the Town.



**Page 9 - Minutes of the March 28, 1995 Regular Council Meeting**

The Town of Lake Lure (hereafter referred to as the Town) will accept an irrevocable letter of credit in the amount of **\$75,000** from Cabarrus Bank to cover the cost of the improvements. The Town agrees to allow Valley Head Development Co. until December 29, 1995 to complete the agreed upon improvements. The developer may exceed the December 29, 1995 deadline by up to 180 days if, prior to December 1, 1995, the Town receives from Cabarrus Bank an additional letter of credit extending the security for improvements installation. If the improvements are not completed by December 29, 1995 or by the date specified in an extended letter of credit accepted by the Town, the Town will draft the letter of credit and install the improvements. The Town may also draft the letter of credit at any point that the Town is notified by Cabarrus Bank that the bank is withdrawing the letter of credit and the improvements have not been completed.

Upon completion of the improvements and recommendation by the Zoning Administrator, the Zoning and Planning Board may approve the improvements and may release the letter of credit.

\_\_\_\_\_  
For Valley Head Development Co. (Sealed) Date \_\_\_\_\_

\_\_\_\_\_  
Mayor, Town of Lake Lure (Sealed) Date \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Town Clerk (Sealed) Date \_\_\_\_\_

Commissioner Bush moved, seconded by Commissioner Schichtel, to approve the agreement regarding security for installation of improvements at Apple Valley Forest Subdivision as presented with the following amendment:

**The Town of Lake Lure and Valley Head Development Co. understand that, at this time, no fire hydrants may be installed in the Apple Valley Forest subdivision since the water system was not approved by the Division of Health Services of the N. C. Department of Human Resources to provide**

fire protection. Valley Head Development Co. has indicated that they will provide a stub for a future fire hydrant should the water system ever be such that it could provide fire protection.

If and when the fire hydrant is installed, it must be installed in accordance with the requirements of the Town of Lake Lure Subdivision Regulations.

The vote of approval was unanimous.

<b>TAX REFUNDS</b>
--------------------

Betty Hinson, Tax Collector, presented Council with a list of tax refunds for their consideration. Commissioner Donovan moved, seconded by Commissioner Church, to approve the following tax refunds in the amount of \$234.98. The vote of approval was unanimous.

**TAX REFUNDS**

<b><u>YEAR</u></b>	<b><u>NAME</u></b>	<b><u>REASON</u></b>	<b><u>AMOUNT</u></b>
1989	Max G. Beam	Property is tax exempt	\$ 41.72
1990	Max G. Beam	Property is tax exempt	\$ 41.72
1991	Max G. Beam	Property is tax exempt	\$ 41.72
1992	Max G. Beam	Property is tax exempt	\$ 41.72
1993	Max G. Beam	Property is tax exempt	\$ 41.72
1994	Max G. Beam	Property is tax exempt	\$ 6.52
1993	Richard Parmley	Property value corrected	\$ 11.20
1993	Paul Wilson	Boat double listed & Paid	<u>\$ 8.66</u>
<b>TOTAL REFUNDS</b>			<b>\$234.98</b>

### OTHER NEW BUSINESS

There was no other new business.

### STAFF REPORTS

Finance Director Sam Karr gave an up-to-date report on the Town's finances.

Town Manager Structner reported on the following items:

1. The NC League of Municipalities Regional Meeting will be held on Tuesday, April 11, in Morganton. Registration begins at 4:15; followed by dinner and the meeting, with adjournment scheduled for 7:30 p.m.
2. Marina will open for the weekends beginning this Saturday, April 1. If there is an apparent demand for service during weekdays, the Town will consider operating during the week, but at this time the Town plans to open on a full week schedule around May 1. The beach will open on weekends in the latter half of May before Memorial Day. Per the usual schedule, and depending upon weather, the beach will open on a full schedule around Memorial Day.
3. Department heads are in the process of preparing their FY95-96 Budget requests. Those requests are due on April 7.

### COUNCIL COMMENTS

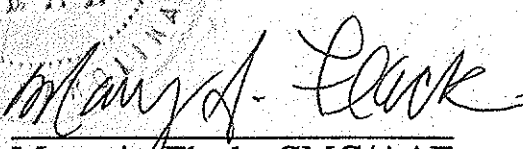
After much discussion, it was the consensus of Council to instruct the Planning and Zoning Board to discuss the permitted uses of property in R-1 residential zones regarding signs advertising rentals for lease by week.


Council discussed a problem of boat trailers being left for long periods of time at the Lake Lure Community Center parking lot.

**ADJOURNMENT**

Commissioner Bush moved, seconded by Commissioner Church, to adjourn the meeting. The vote of approval was unanimous.

ATTEST:

  
Mary A. Flack, CMC/AAE  
Town Clerk

  
Mayor Max B. Lehner

## Questionnaire for Commercial Enterprises that Utilize the Waters of Lake Lure

Please complete the following form and questionnaire so that the Town of Lake Lure's various boards and committees can evaluate the commercial use of the lake as they develop a commercial ordinance for the Town Council.

Name	
Address	
Location	
Telephone #	
Type of Business	

1. If you own or lease lake front property, how many boat slips do you presently maintain?  How many are for rent?
2. Is there a launch ramp on the property? Yes ☐ No ☐
3. How many boats are registered to this business?
4. How many of these boats are available for customer use?
5. Are any of the boats used for tours, fishing or water skiing? Yes ☐ No ☐
6. If there are any fees charged, please include a copy of the rate schedule and any form that the customer is asked to fill out before renting a boat.
7. Are any log books maintained for these craft that would include information regarding who was operating the boat, fish caught and/or the number of passengers who were on board?  
Yes ☐ No ☐
8. Please write in any additional comments that you would like to make.  
Thank you.