

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 TUESDAY, MAY 23, 1995 REGULAR COUNCIL MEETING HELD AT LAKE LURE COMMUNITY CENTER, 7:30 P.M.

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, Attorney

ABSENT: N/A

CALL TO ORDER

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

INVOCATION

Chris Callahan, Town Attorney, gave the invocation.

APPROVAL OF MINUTES

Commissioner Schichtel moved, seconded by Commissioner Church, to approve the minutes, as written and presented by the Town Clerk, of the Tuesday, April 25, 1995, 7:30 p.m. regular Council meeting, the minutes of the Tuesday, April 25, 1995 closed session, the minutes of the Tuesday, May 9, 1995, 9:30 a.m. regular Council meeting, and the minutes of the May 9, 1995,

Page 2 - Minutes of the May 23, 1995 Regular Council Meeting

5:00 p.m. special Council meeting. The vote of approval was unanimous.

**PUBLIC HEARING -- PROPOSED AMENDMENTS
TO THE SUBDIVISION REGULATIONS OF THE
TOWN OF LAKE LURE**

Commissioner Bush moved, seconded by Commissioner Donovan, to enter into the public hearing as advertised to discuss proposed amendments to the subdivision regulations of the Town.

Mary Lynne Ray, Deputy Zoning Administrator, summarized the proposed amendments. The proposed amendments, if adopted, would affect sections 603, 604, 801, and 802 of the subdivision regulations.

After much discussion, Commissioner Bush moved, seconded by Commissioner Schichtel, to come out of the Public Hearing and re-enter the regular session of the meeting.

Commissioner Bush moved, seconded by Commissioner Schichtel, to adopt the Ordinance amending Section 603.1, Section 604.3, Section 801 and Section 802 of the Subdivision Regulations of the Town of Lake Lure, North Carolina, and to table any amendment to section 604.2 (12) entitled Contents Required, until the regular meeting June 27, 1995, to be held at Fairfield Mountain's Bald Mountain Club, 7:30 p.m. The vote of approval was unanimous.

**AN ORDINANCE AMENDING THE SUBDIVISION REGULATIONS
OF THE TOWN OF LAKE LURE, NORTH CAROLINA**

WHEREAS, the Town of Lake Lure Zoning and Planning Board, upon evaluation of the Subdivision Regulations, has recommended amendments regarding subdivision requirements;

AND WHEREAS, the Town Council of Lake Lure, after due notice,

Page 3 - Minutes of the May 23, 1995 Regular Council Meeting

conducted a public hearing on the 23rd day of May 1995, upon the question of amending the Subdivision Regulations in this respect;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF 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 Article VI by deleting in its entirety subsection (3) of Section 603.1 Improvements Guarantees and placing in its stead the following:

603.1 (3) Release of Guarantee Security. The Zoning and Planning Board may release a portion of any security posted as the improvements are completed and recommended for approval by the Zoning Administrator. Prior to release of all or any portion of the security posted, the developer shall submit a signed and sealed statement from a licensed engineer that the improvements for which the developer seeks release of funds have been installed in accordance with all applicable state and local specifications and according to the approved plans. At such time the Zoning and Planning Board approves all improvements placed in the subdivision as recommended by the Zoning Administrator, then all security posted shall be immediately released.

SECTION TWO: To amend Article VI by inserting into Section 604.3 Zoning Administrator Review and Approval and placing in its stead the following:

604.3 Zoning Administrator Review and Approval. Upon receipt of the final plat in accordance with Section 604.1, the developer shall submit a signed and sealed statement from a licensed engineer that all streets and water and sewer utilities have been installed in accordance with all applicable state and local specifications and

Page 4 - Minutes of the May 23, 1995 Regular Council Meeting

according to the approved plans, unless a guarantee of such installations has been arranged in accordance with Section 603. The Zoning Administrator shall certify that the subdivision complies with all applicable elements of the Lake Lure Zoning Ordinance. The Zoning Administrator shall also receive approval of the water and/or sewer plans and/or installation as required in Section 802. Upon receipt of said written approvals, the Zoning Administrator shall approve the final plat and sign the "Certificate of Approval of the Installation and Construction of Streets, Utilities and Other Required Improvements" as required in Section 604.2.

SECTION THREE: To amend Article VIII by deleting in its entirety Section 801. Streets and Roads and by placing in its stead the following:

Section 801. Streets and Roads

All lots to be platted shall have access to a street, and all proposed streets shall be installed or financially guaranteed as provided in subsection 603.1, and in accordance with the requirements below, prior to final plat approval.

Within any subdivision, no private drive, as defined in this ordinance, shall be allowed to provide access to more than one (1) lot. All streets shall be designated as either public or private on both the preliminary and final plats. If streets are designated as private, the developer shall submit a written statement with the preliminary plat specifying plans for ownership and maintenance of said streets. In addition, said statement shall appear on the original of the final plat in such a manner that it will be legible on any copies made therefrom. If streets are designated as public, the town may, by resolution, in accordance with Section 606, accept said streets for ownership and maintenance. If requested by the developer and at the option of the Town Council, streets may be accepted by the town for ownership and maintenance in stages as planned by the developer in order to save undue expense to the developer as well as the town. In no case will the streets be accepted for

Page 5 - Minutes of the May 23, 1995 Regular Council Meeting

ownership and maintenance by the town until the following minimum standards have been met or financially guaranteed as provided in subsection 603.1. All streets designated to be privately owned and maintained shall also meet the following minimum standards:

- (1) Forty-five (45) foot street right-of-way.
- (2) All grading and ditching will be done to meet town specifications.
- (3) All drainage pipe to be installed at the expense of the developer. The pipe size to be determined by the town, but in no case will anything less than fifteen (15) inch pipe be permitted.
- (4) The amount of right-of-way to be graded may vary depending on the drainage method selected by the developer. For standard double-ditch drainage, it will be necessary to clear a minimum of thirty-two (32) feet from ditch to ditch. When alternative drainage methods are used (i.e. curb and gutter, drainage to one side of the road, inverted crown road, etc) grading of less than 32 feet may be possible. See Attachment A for illustrations of drainage methods.
- (5) Curb and gutter will be optional, but the town would encourage that it be installed. Total cost of curb and gutter to be paid by the developer.
- (6) Within thirty (30) days after road grading and excavation work has been completed any banks created must be seeded by the developer to prevent erosion and to cover ecological scars.
- (7) The shoulders of the street must be seeded by the developer to prevent erosion within thirty (30) days from the date of paving.
- (8) On any banks or shoulders seeded in (6) and (7), continued effort must be made by the developer to establish a good growth of grass and to take any action necessary to prevent erosion until a good

Page 6 - Minutes of the May 23, 1995 Regular Council Meeting

grass growth is established.

- (9) An approved turn around shall be provided where access is a dead end. The town encourages use of a cul-de-sac for such a turn around. Minimum paved radius for a cul-de-sac is forty (40) feet to allow for adequate turning room for emergency vehicles. Alternative turn around styles, including T-shaped and Y-shaped turn arounds, will be considered but must be approved by the Town of Lake Lure Fire Coordinator.

A temporary turn around, temporary for no more than 12 months, must be installed on any street which will later be extended. The 12 month period may be extended upon request of the developer and approval of the Zoning Administrator. If permission to extend this period is not sought or is not given, the turn around must be converted to a permanent turn around which meets the minimum requirements. At a minimum, the temporary turn around must consist of six (6) inches of compacted stone and must provide adequate turning room for emergency vehicles.

See Attachment B for examples and dimensions of permanent and temporary turn arounds.

- (10) Street paving to consist of six (6) inches of compacted stone base and two (2) inches of I-2 bituminous plant mix.
- (11) The total cost of paving will be paid by the developer. The paving may be arranged by the developer, with the contract being approved by the town, or, should the developer request, paving may be arranged by the town.
- (12) The grade of the road should not exceed fifteen (15) percent because of the difficulty of operating vehicles on such a steep road and the high potential for erosion of the travelway and ditches. Roads may exceed a fifteen (15) percent grade only on special review of the Zoning and Planning Board and of

Page 7 - Minutes of the May 23, 1995 Regular Council Meeting

the Town of Lake Lure Fire Coordinator. Where possible, to avoid environmental impact, yet commensurate with safety, the road should be constructed along the contour of the land to avoid steep grades.

- (13) At the option of the Town Council, the streets may be accepted as part of the town's street system when the streets have been paved or the developer has submitted funds to the town for such paving as part of the improvements guarantee in accordance with subsection 603.1.

SECTION FOUR: To amend Article VIII by deleting in its entirety paragraph (3) under the heading Water Lines and placing in its stead the following:

Water Lines

- (3) The subdivider will be responsible for all costs of water pipe, fittings, fire hydrants, and installation. All fittings and fire hydrants must be approved by the town for installation.

Where a water line six (6) inches or greater in diameter is required in a public system, and 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 on said line. The hydrants shall be 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. The developer or his contractor shall contact the Town of Lake Lure Fire Coordinator so that he may inspect fire hydrants during and after installation.

SECTION FIVE: To amend the Subdivision Regulations of the Town of Lake Lure by adding the diagram of Typical Street Drainage Methods titled

Page 8 - Minutes of the May 23, 1995 Regular Council Meeting

"Attachment A" and by adding the diagram of Minimum Dimensions for Cul-de-Sacs and Alternative Turn Around Arrangements titled "Attachment B".

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

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

Adopted the 23rd day of May, 1995.

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

AUDIENCE OF CITIZENS

No persons signed up to speak under Audience of Citizens. However, Commissioner Bush expressed concern that approximately 1/2 of Boy's Camp Road had been paved as general paving of the Town, but there is no noticeable curve markers, centered yellow lines, nor edge lines marked on the pavement. Commissioner Bush feels that this is a necessity since the road is very winding and has blind curves. Therefore, Commissioner Bush requested that the Town Manager contact the N. C. Department of Transportation and request that the appropriate markings be made.

OLD BUSINESS

There was no old business for discussion.

NEW BUSINESS: TAX RELEASES AND REFUNDS

Betty Hinson, Tax Collector, presented the following tax releases and refunds:

TAX REFUNDS

<u>YEAR</u>	<u>NAME</u>	<u>REASON</u>	<u>AMOUNT</u>
1994	Irvin R. Hughes	Out of Town	\$ 56.68
1993	Irvin R. Hughes	Out of Town	\$ 15.40
1992	Irvin R. Hughes	Out of Town	\$ 15.40
1994	Doris Courtney	Refund of Interest	\$ 1.62

TOTAL TAX REFUNDS \$ 89.10

TAX RELEASES

<u>YEAR</u>	<u>NAME</u>	<u>REASON</u>	<u>AMOUNT</u>
1994	Vista Ltd. Partnership	Out of Town	\$120.38

TOTAL TAX RELEASES \$120.38

Commissioner Donovan moved, seconded by Commissioner Bush, to approve the tax releases and refunds as presented by the Tax Collector. The

vote of approval was unanimous.

NEW BUSINESS: REVIEW NOISE CONTROL ORDINANCE

Council discussed the current Noise Control Ordinance and requested that Jake Gamble, Chief of Police, notify all applicable businesses in Town that the Town has a noise ordinance which will be strictly enforced. Town Attorney Chris Callahan recommended that if a citation must be written, it be written under the Town's Code of Ordinance, Chapter 62.01 - Hours of Operation of Dance Halls, Concert Halls, or other Public Musical Entertainment and Chapter 84.04 - Unreasonable Noise.

The Ordinance which was adopted July 9, 1974 states that it shall be unlawful to operate any public dance hall, concert hall, or other public musical entertainment in the town between the hours of 12:00 midnight and 10:00 a.m.

OTHER NEW BUSINESS

There was no other new business for discussion.

STAFF REPORTS

Mr. Strutner reported that requests were sent to eight professional computer consultant management firms requesting quotes for management of computer network selection and installation within the new Government Center. Three vendors replied. After considerable review of each of the vendors, Mr. Strutner, along with the Committee which served to find a suitable computer vendor, recommended that Council sign a contract agreement with ICS Computer Systems, Incorporated, for computer management services. The Committee felt that ICS Computer Systems, Incorporated, was the most applicable. Therefore, Commissioner Bush moved, seconded by Commissioner

Page 11 - Minutes of the May 23, 1995 Regular Council Meeting

Schichtel, to appropriate \$3,500 as outlined in the proposal and that the funds be deducted from the reserve for contingency fund. The vote of approval was unanimous. The contract reads as follows:

Computer Management Contract The Town of Lake Lure and ICS Computer Systems, Inc.

The following points outline the contract between the Town of Lake Lure and ICS Computer Systems, Inc., in reference to preparation of computer hardware and software bid specifications, evaluation of the bid responses and recommendations to the Town of Lake Lure.

1. ICS (Jim Foster) will meet at the Town Hall with the Town's staff to gather data concerning the current operations. Mr. Foster along with the Town's staff will prepare a detail bid specification check list for the following applications: General Ledger with Financial statements, Budgetary Accounting, Accounts Payable, Purchase Orders, Utility Billing, Tax Billing and Collections, Payroll, Centralized Collections and Fixed Assets. Other productivity software to be included in the bid: Word Processing, spreadsheet software and electronic mail. ICS will also provide vendor names for securing sample bid specifications guidelines for the Law Enforcement Software. The bid for the Police Department software will be completed by the Town and ICS will review and make suggestions for the final bid document.
2. ICS will analyze the hardware requirements and prepare a detail specification list of hardware and operating software for the new Government Center. Specifications will include hardware for both the General Accounting System and the Police System. Included will be hardware requirements for servers, desktop PC's, laptop PC's, printers and any modems for fax/remote connections. A diagram noting hardware location and suggested cabling requirements will be included.
3. ICS will prepare general bid guidelines that will include but not be

Page 12 - Minutes of the May 23, 1995 Regular Council Meeting

limited to the following: bid submission dates, bid bond requirements, request for copies of licensing agreements, bid acceptance/rejection guidelines, evaluation criteria, contract assignment, vendor information, user lists, application volume requirements, bid exception noting, hardware maintenance, software maintenance, payment terms and conditions, price protection, other costs, delivery and installation scheduling.

4. ICS will review, evaluate the bids and prepare a written recommendation for the Town. The evaluation will include a spreadsheet cost comparison by vendor of hardware and software, installation and hardware setup, training and any other costs.
5. Study and Bid Preparation - To be completed within 45 days of acceptance of the agreement. Will include two (2) trips of two (2) days each and one trip to deliver and review the final bid specification. The costs of this service not to exceed \$2,500, and includes travel, motel and meals.
6. Evaluation and recommendation - To be completed within ten (10) working days of bid openings and will be delivered to the Town and reviewed in the Town's office by ICS. The cost of this service not to exceed \$1,000.00, and includes travel expenses.
7. Should the Town select ICS as the vendor to install the new system, one half of the cost of the study would be applied to the cost of the new hardware and software.

CUSTOMER BY SIGNATURE ACKNOWLEDGES THAT IT HAD READ THIS CONTRACT AND AGREES TO ALL TERMS AND CONDITIONS.

By: _____
Title: _____
Date: _____

Page 13 - Minutes of the May 23, 1995 Regular Council Meeting

Accepted: ICS Computer Systems, Inc.

By: _____
Title: _____

Date: _____

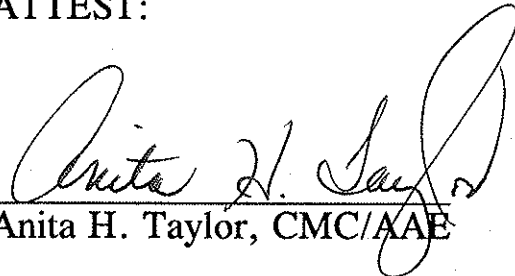
Staff Reports Continued:

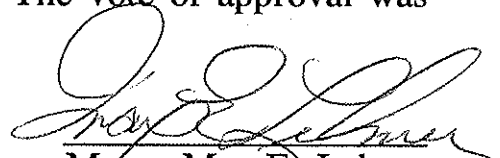
Town Manager Strutner reported that persons are running over and removing the buoys which have been placed on the lake. Mr. Strutner requested that the Town Clerk note for the record that any persons caught destroying or removing the buoys will be fully prosecuted.

It was the consensus of Council to schedule a workshop meeting Friday, June 2nd, 1995, 9:00 a.m. at the Town Hall. Council requested that the Town Manager provide Council with advance copies showing bottom line items in order to be more effective.

With no further items of consideration, Commissioner Schichtel moved, seconded by Commissioner Donovan, to adjourn. The vote of approval was unanimous.

ATTEST:


Anita H. Taylor, CMC/AAE


Mayor Max E. Lehner



Computer Management Contract

The Town of Lake Lure and ICS Computer Systems, Inc.

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7. Should the Town select ICS as the vendor to install the new system, one half of the cost of the study would be applied to the cost of the new hardware and software.

CUSTOMER BY SIGNATURE ACKNOWLEDGES THAT IT HAD READ THIS CONTRACT AND AGREES TO ALL TERMS AND CONDITIONS.

By: *John R. Sturtevant*
Title: Town Manager
Date: 5-31-95

Accepted: ICS Computer Systems, Inc.

By: _____
Title: _____ Date: _____

APPROVED AS TO FORM:

W. Christopher Callahan
J. Christopher Callahan
Town Attorney
Town of Lake Lure

ATTEST:

Anita H. Taylor
Anita H. Taylor, CMC/AE
Deputy Town Clerk
Town of Lake Lure



**AN ORDINANCE AMENDING THE SUBDIVISION REGULATIONS
OF THE TOWN OF LAKE LURE, NORTH CAROLINA**

WHEREAS, the Town of Lake Lure Zoning and Planning Board, upon evaluation of the Subdivision Regulations, has recommended amendments regarding subdivision requirements;

AND WHEREAS, the Town Council of Lake Lure, after due notice, conducted a public hearing on the 23rd day of May 1995, upon the question of amending the Subdivision Regulations in this respect;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF 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 Article VI by deleting in its entirety subsection (3) of Section 603.1 Improvements Guarantees and placing in its stead the following:

603.1 (3) Release of Guarantee Security. The Zoning and Planning Board may release a portion of any security posted as the improvements are completed and recommended for approval by the Zoning Administrator. Prior to release of all or any portion of the security posted, the developer shall submit a signed and sealed statement from a licensed engineer that the improvements for which the developer seeks release of funds have been installed in accordance with all applicable state and local specifications and according to the approved plans. At such time the Zoning and Planning Board approves all improvements placed in the subdivision as recommended by the Zoning Administrator, then all security posted shall be immediately released.

SECTION TWO: To amend Article VI by inserting into Section 604.3 Zoning Administrator Review and Approval and placing in its stead the following:

604.3 Zoning Administrator Review and Approval. Upon receipt of the final plat in accordance with Section 604.1, the developer shall submit a signed and sealed statement from a licensed engineer that all streets and water and sewer utilities have been installed in accordance with all applicable state and local specifications and according to the approved plans, unless a guarantee of such installations has been arranged in accordance with Section 603. The Zoning Administrator shall certify that the subdivision complies with all applicable elements of the Lake Lure Zoning Ordinance. The Zoning Administrator shall also receive approval of the water and/or sewer plans and/or installation as required in Section 802. Upon receipt of said written approvals, the Zoning Administrator shall approve the final plat and sign the "Certificate of Approval of the Installation and Construction of Streets, Utilities and Other Required Improvements" as required in Section 604.2

Within any subdivision, no private drive, as defined in this ordinance, shall be allowed to provide access to more than one (1) lot. All streets shall be designated as either public or private on both the preliminary and final plats. If streets are designated as private, the developer shall submit a written statement with the preliminary plat specifying plans for ownership and maintenance of said streets. In addition, said statement shall appear on the original of the final plat in such a manner that it will be legible on any copies made therefrom. If streets are designated as public, the town may, by resolution, in accordance with Section 606, accept said streets for ownership and maintenance. If requested by the developer and at the option of the Town Council, streets may be accepted by the town for ownership and maintenance in stages as planned by the developer in order to save undue expense to the developer as well as the town. In no case will the streets be accepted for ownership and maintenance by the town until the following minimum standards have been met or financially guaranteed as provided in subsection 603.1. All streets designated to be privately owned and maintained shall also meet the following minimum standards:

- (1) Forty-five (45) foot street right-of-way.
- (2) All grading and ditching will be done to meet town specifications.
- (3) All drainage pipe to be installed at the expense of the developer. The pipe size to be determined by the town, but in no case will anything less than fifteen (15) inch pipe be permitted.
- (4) The amount of right-of-way to be graded may vary depending on the drainage method selected by the developer. For standard double-ditch drainage, it will be necessary to clear a minimum of thirty-two (32) feet from ditch to ditch. When alternative drainage methods are used (i.e. curb and gutter, drainage to one side of the road, inverted crown road, etc) grading of less than 32 feet may be possible. See Attachment A for illustrations of drainage methods.
- (5) Curb and gutter will be optional, but the town would encourage that it be installed. Total cost of curb and gutter to be paid by the developer.
- (6) Within thirty (30) days after road grading and excavation work has been completed any banks created must be seeded by the developer to prevent erosion and to cover ecological scars.
- (7) The shoulders of the street must be seeded by the developer to prevent erosion within thirty (30) days from the date of paving.
- (8) On any banks or shoulders seeded in (6) and (7), continued effort must be made by the developer to establish a good growth of grass and to take any action necessary to prevent erosion until a good grass growth is established.

request of the developer and approval of the Zoning Administrator. If permission to extend this period is not sought or is not given, the turn around must be converted to a permanent turn around which meets the minimum requirements. At a minimum, the temporary turn around must consist of six (6) inches of compacted stone and must provide adequate turning room for emergency vehicles.

See Attachment B for examples and dimensions of permanent and temporary turn arounds.

- (10) Street paving to consist of six (6) inches of compacted stone base and two (2) inches of I-2 bituminous plant mix.
- (11) The total cost of paving will be paid by the developer. the paving may be arranged by the developer, with the contract being approved by the town, or, should the developer request, paving may be arranged by the town.
- (12) The grade of the road should not exceed fifteen (15) percent because of the difficulty of operating vehicles on such a steep road and the high potential for erosion of the travelway and ditches. Roads may exceed a fifteen (15) percent grade only on special review of the Zoning and Planning Board and of the Town of Lake Lure Fire Coordinator. Where possible, to avoid environmental impact, yet commensurate with safety, the road should be constructed along the contour of the land to avoid steep grades.
- (13) At the option of the Town Council, the streets may be accepted as part of the town's street system when the streets have been paved or the developer has submitted funds to the town for such paving as part of the improvements guarantee in accordance with subsection 603.1.

SECTION FOUR: To amend Article VIII by deleting in its entirety paragraph (3) under the heading Water Lines and placing in its stead the following:

Water Lines

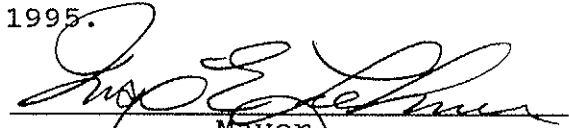
- (3) The subdivider will be responsible for all costs of water pipe, fittings, fire hydrants, and installation. All fittings and fire hydrants must be approved by the town for installation.

Where a water line six (6) inches or greater in diameter is required in a public system, and 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 on said line. The hydrants shall be 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. The developer or his contractor shall

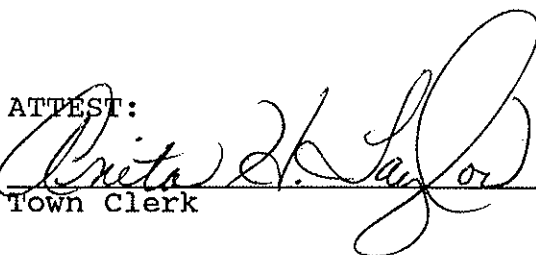
necessary corrections and additions to the Subdivision Regulations so as to implement the provisions of this ordinance and shall henceforth enforce the regulations as hereby amended.

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

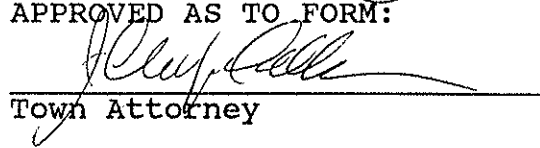
Adopted the 23rd day of May, 1995.


Mayor

ATTEST:


Town Clerk

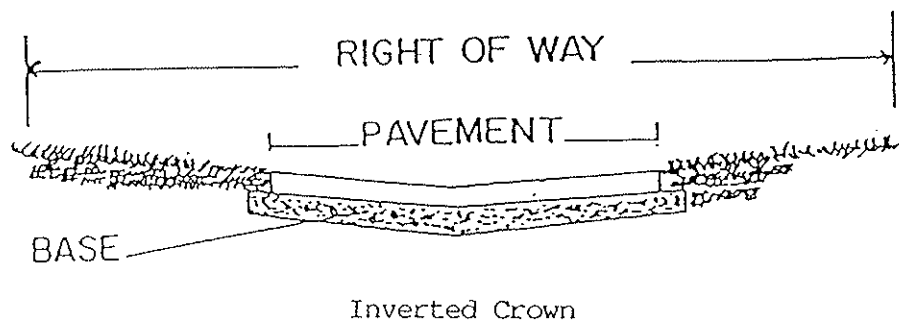
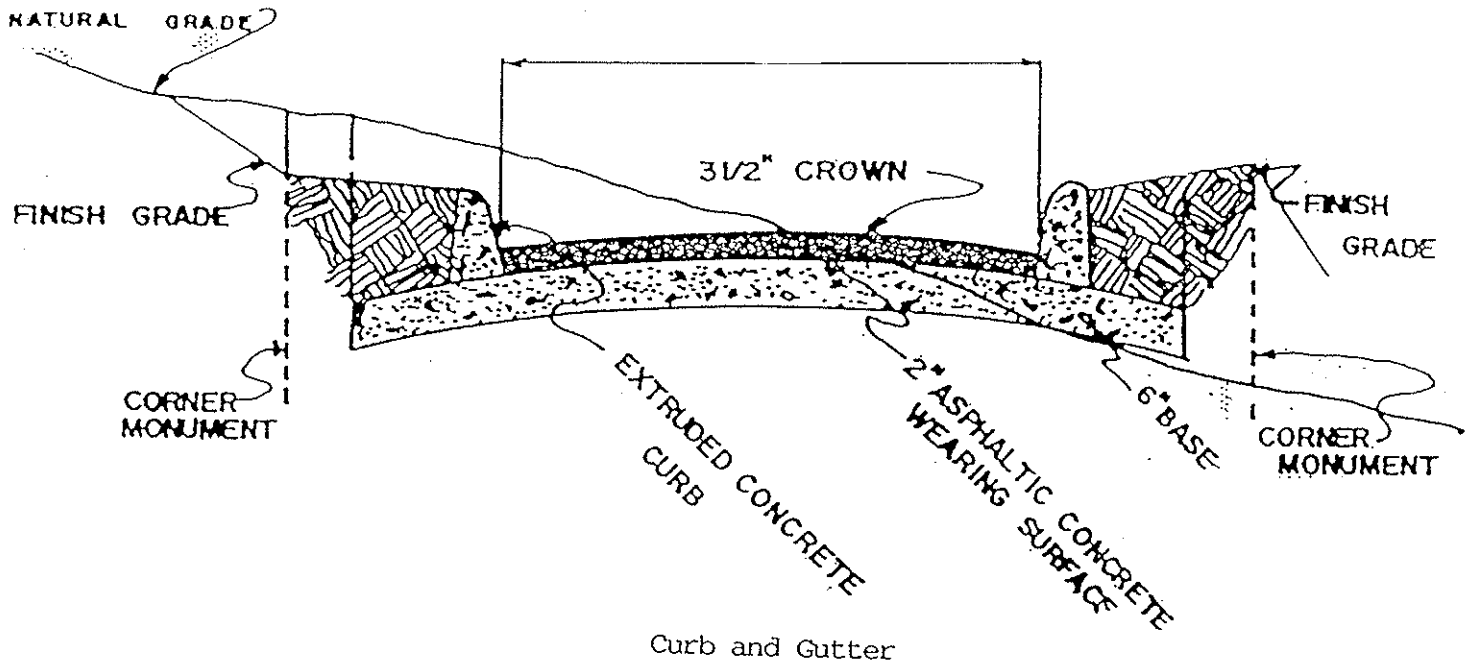
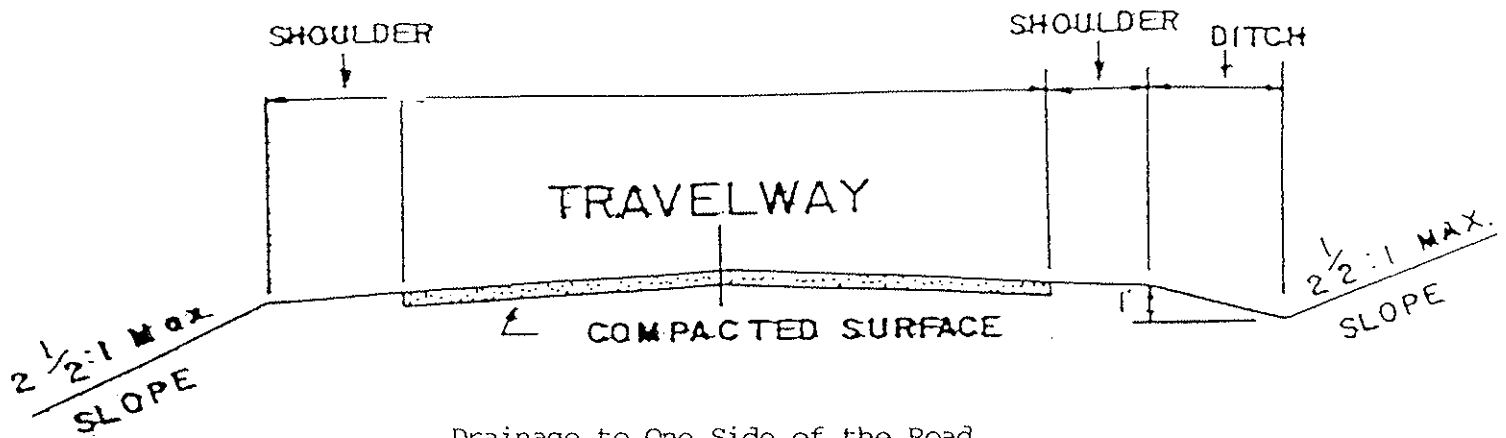
APPROVED AS TO FORM:


Town Attorney



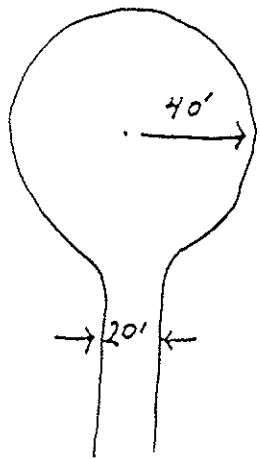
ATTACHMENT A

Typical Street Drainage Methods

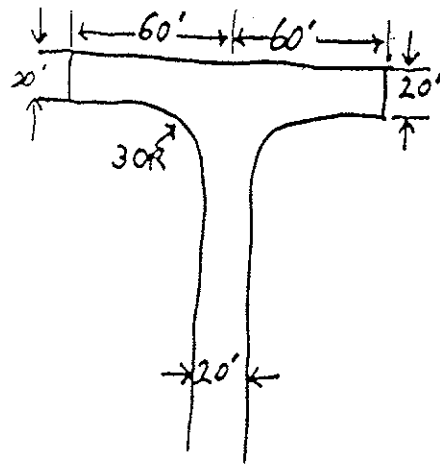


ATTACHMENT B

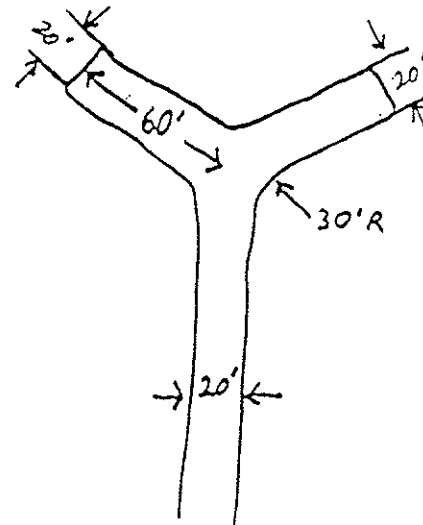
Minimum Dimensions for Cul-de-Sacs and Alternative Turn Around Arrangements



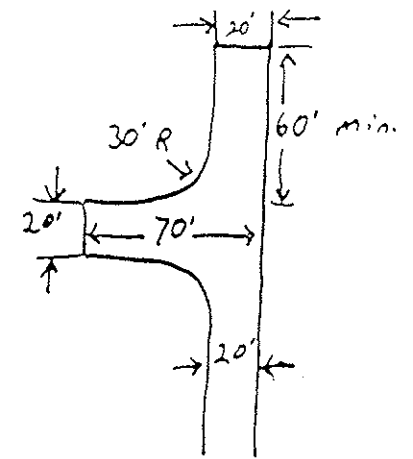
80' Diameter Cul-de-Sac



T-Shaped Turn Around



Y-Shaped Turn Around



Alt. T-Shaped Turn Around