



Incorporated 1927

Town of Lake Lure

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MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, NOVEMBER 14, 1995, 9:30 A.M. AT THE LAKE LURE COMMUNITY CENTER

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

John R. Strutner, Town Manager
Sam Karr, Finance Director
Mary Lynn Hayes, Zoning Administrator

ABSENT: N/A

CALL TO ORDER

Mayor Lehner called the meeting to order at approximately 9:30 a.m. and acknowledged the presence of Commissioner-elect Bethmyrl Rose and Commissioner-elect Carolyn Cobb.

INVOCATION

Commissioner Church gave the invocation.

AUDIENCE OF CITIZENS

The following citizens were present to be heard at the meeting:

1. Mrs. Priscilla Doyle, a Lake Lure resident, requested that Town Council delay taking action on the proposed amendments to the Lake Lure Zoning Ordinance and the Zoning Map regarding Residential/Office District (R/O). Mrs. Doyle said that Council should seek more public input before making a final decision.

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2. Mr. Bill McNary, a Lake Lure resident, requested that a notice be published in the Lake Lure Newsletter regarding the Residential /Office District amendments to the Lake Lure Zoning Ordinance and the Zoning Map.

3. Commissioner-elect Carolyn Cobb asked if there was a Town policy in regards to posting meeting notices on the kiosk sign in front of the Lake Lure Community Center. Commissioner-elect Cobb also stated that she had received numerous calls from citizens inquiring about whether the Town has a policy which covers signs for buildings that have gone out-of-business.

Town Clerk Flack stated that the official Town Council meeting schedule and Town Council agendas are placed on the bulletin board located in front of Town Hall for the public. Agendas are also available in Town Hall. Town Council meeting notices are placed on the kiosk sign (located in front of the Lake Lure Community Center) as a courtesy and is not required.

Zoning Administrator Hayes read aloud the current sign policy regarding abandoned signs.

<p>PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND MAP WHICH WOULD CREATE THE R/O RESIDENTIAL/OFFICE DISTRICT</p>
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Zoning Administrator Hayes presented to Council the following proposed ordinance amending the Zoning Ordinance and Map of the Town of Lake Lure:

**AN ORDINANCE AMENDING THE ZONING
ORDINANCE AND MAP OF THE TOWN OF LAKE LURE**

WHEREAS, the Town of Lake Lure Zoning and Planning Board has recommended to the Town Council that a new zoning district be established to allow limited non-residential uses along the main thoroughfare through Town;

AND WHEREAS, the Town of Lake Lure Zoning and Planning Board has recommended that the new district be established on both sides of U.S. Highway 64/74A from Town limit line to Town limit line for the depth of one lot to a

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maximum depth of 300 feet, excluding those areas currently zoned C-1, General Commercial; R-2, General Residential; and R-3, Resort Residential.

AND WHEREAS, the Town Council of the Town of Lake Lure, after due notice, conducted a public hearing on the 24th day of October, 1995, upon the question of amending the Zoning Ordinance and Map;

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 Article VI: Use Requirements by District of the Zoning Ordinance of the Town of Lake Lure, North Carolina by inserting a new Section 606 to read as follows:

Section 606. R/O Residential/Office District.

- (1) Intent. The R/O Residential/Office District is established along U.S. 64/74A from Town limit to Town limit excluding those areas currently zoned C-1, R-2, and R-3, to provide limited non-residential uses which will have little impact on the neighboring residential areas.
- (2) Permitted Uses. Within the R/O Residential/Office District, a building or land shall be used only for the following purposes:
 - (a) Any use permitted in the R-1 Residential District (listed as a permitted use).
 - (b) Business and professional offices limited to licensed practice of law, property appraisal and surveying, contractor, real estate, insurance, accountancy, financial advisement, architecture and building, land development, and notary.

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- (c) No more than two accessory buildings with a total combined area not to exceed 600 square feet.

(3) Prohibited Uses.

Outside storage of any type including the parking or storage of heavy trucks, machinery, or equipment in the R/O District is prohibited.

- (4) Conditional Use Permits. The following uses require a conditional use permit subject to a finding by the Board of Adjustment that all applicable provisions of Article VIII and Article X have been met.

All conditional uses listed in the R-1 Residential District except that Planned Unit Developments (PUD's) may include any uses permitted in this district.

- (5) Site Requirements. All sites must have a minimum of 10,000 square feet. Lots which abut the street must have 50 feet of frontage on the street.

(6) 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 right-of-way.
- (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 (12) feet in depth.
- (d) Rear yards shall be not less than fifteen (15) feet in depth.
- (e) When the lot is used for any non-residential use, a buffer strip shall be provided along the side and/or rear lot line of any 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 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

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high. This requirement may be modified by the Board of Adjustment where sufficient natural buffering exists.

- (7) Ingress/Egress. All non-residential uses in this district shall be allowed only one means of ingress/egress for each 150 feet of frontage or fraction thereof. All ingress/egress openings for both one-way or two-way traffic, shall be a minimum of 20 feet wide and a maximum of 50 feet wide unless otherwise required by the Department of Transportation.

Landscaped traffic delineators are required between the street and the front yard of the non-residential use extending the full width of the front yard excepting to allow for entrances and exits. Delineators shall begin at the edge of the right-of-way or six (6) feet from the edge of the pavement, whichever is greater, and shall extend a minimum of two feet toward the front of the structure. The area should be filled with grass, flowers, and/or shrubs not high enough to obstruct a driver's view of traffic. The Zoning Administrator may modify this requirement where warranted by safety considerations.

- (8) Frontage. For purposes of this Section, all sites that are double frontage lots or corner lots shall be deemed to have frontage on all such streets. All fronts must adhere to ingress/egress requirements.
- (9) Parking. All parking and loading must be in compliance with Section 1102, 1103, and 1104.

The existing Section 606 shall be renumbered as Section 607 and all the following sections of Article VI shall be renumbered in sequence.

SECTION TWO. To amend Article VII: Building Site Minimum Dimensional Requirements of the Town of Lake Lure Zoning Ordinance by deleting the minimum dimensional requirements chart in its entirety and replacing it with the following:

Amend Article VII as follows:

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%
R-O	10,000 sf		35 ft	12 ft	15 ft	
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. Lot width at street line for the R/O district shall be not less than 50 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 principal building and rear lot line. * Amended 1/25/94

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SECTION THREE. To amend Article XIII: Sign Regulations, Section 1311.
Signs Permitted and Regulated of the Town of Lake Lure Zoning Ordinance by deleting subsection (1) (c) in its entirety and replacing it with the following:

(c) R-1, R-2, R-3, and R/O Districts:

- 1) One flat sign not to exceed twelve (12) square feet, identifying the premises of or on which permitted non-residential uses are located. Such signs may be illuminated.
- 2) One freestanding sign identifying the non-residential premises may be permitted in lieu of a flat sign, provided, however, it does not exceed twenty-four (24) square feet per sign face, does not exceed seven (7) feet in height, and is not closer than ten (10) feet to the public right-of-way. Such sign may be illuminated.
- 3) Churches are permitted to erect on the premises a freestanding sign, either non-illuminated or illuminated, no closer than ten (10) feet to the right-of-way, not to exceed twenty-four (24) square feet per sign face area and not exceeding seven (7) feet in height, provided that such sign is so shielded that the source of light is not visible from any abutting residence.
- 4) Mobile home parks in R-2 shall be governed by the same sign provisions as provided for subdivisions and planned unit developments, except that no sign shall exceed twenty-four (24) square feet per sign face.

SECTION FOUR. To amend the Zoning Map of the Town of Lake Lure, changing the property in question from R-1, Residential to R/O, Residential/Office as shown and depicted on the accompanying maps and made a part of this ordinance.

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

Adopted the 24th day of October, 1995.

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Mayor Lehner invited citizens to speak in regards to the proposed amendments to the Lake Lure Zoning Ordinance and the Zoning Map. The following citizens requested to speak:

1. Carolyn Cobb stated that she had spent time with the Zoning Board talking to Joe Doti, Jack Stanier and briefly with others preparatory to answering any questions that might be asked of her as a Commissioner-elect. Commissioner-elect Cobb explained that she had a taxpayer question the word "contractor" under the section of the proposed ordinance titled permitted uses (item b) because a contractor can be many things. In reading the proposed ordinance amendments in depth more than twice, that was the only thing that alarmed her from the stand-point of anything that may not be capable of being enforced. Her personal feeling, right or wrong, is that an extensive study has been undertaken by the Zoning Board under this Council and she hoped that this Council would take a vote of yes or no. Commissioner-elect Cobb

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stated that there is a need to listen to all people. She also mentioned that John Logan of Logan Realty would like to make improvements to his business such as adding a bathroom, but cannot under the current restrictions. Commissioner-elect Cobb also suggested that Council look into reviewing the portion of the ordinance dealing with illumination and said that something should be done about the lighting on 64/74A.

2. Dick Grow, a resident of Lake Lure, said that his concern is for the Town. Mr. Grow publicly thanked Commissioner Donovan and Commissioner Church for all of the years that they have devoted their time to serve on the Town Council. Mr. Grow also stated that he thought the town was acting too fast on the proposed amendment to the Zoning Ordinance regarding the Residential Office District. Mr. Grow explained that the reason for very little response at the previous public hearing was due to a lack of communication and not enough time to respond. Mr. Grow suggested that Council perhaps have another public hearing for more input and look into another possible solution such as reviewing each property on an individual basis. He also requested that the Zoning Board and Town Council look into another way to give needed relief to the people who need to expand their businesses. Mr. Grow told Council about another concern dealing with the sign ordinance being selectively enforced.

3. Nancy McNary, a resident of Lake Lure, expressed her concerns of having lit signs on 64/74A would change the flavor of the town. Mrs. McNary said that there is a kinder approach to architectural control of businesses blending in with the residential appearance.

4. Buck Cashion, a resident of Lake Lure, questioned Council on how much more studying will it take before a final decision can be made on the proposed zoning amendment. Mr. Cashion explained that he and others just want to enhance the looks of Lake Lure, but have a set of rules that is limiting their ability to go forward. Mr. Cashion requested that Council not delay the vote today and suggested that they consider each individual case.

5. Donald Piers, owner of Pierpoint Inc., questioned Council as to whether or not a home on 64/74A can be enlarged and improved under the current zoning policy. Mr. Piers also stated that the town is running out of businesses and the town needs businesses.

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Zoning Administrator Hayes responded to Mr. Piers question saying that yes it is possible to enlarge and/or improve a home on 64/74 provided it meets the zoning requirements.

6. John Bittle, a Lake Lure resident and a member of the Lake Lure Zoning Board, told Council that the Planning and Zoning Board had spent four months on the proposed amendments to the Zoning Ordinance. Mr. Bittle said that the Zoning Board should be commended for all of their work and be given the utmost gratitude. Mr. Bittle stated that the Zoning Board is a no win situation and will never be able to please everyone. He also pointed out the fact that by postponing the decision would not guarantee any right decisions. As far as he was concerned, the Planning and Zoning Board made the right decision. Mr. Bittle requested that Council not delay the vote, but make a final decision on the proposed amendments.

7. Dick Washburn, a Lake Lure resident and Chairman of the Lake Lure Planning and Zoning Board, told Council that numerous hours had been spent trying to come up with a fair and adequate proposal of amendments to the Zoning Ordinance. He also stated that the current zoning for residential areas already allows illuminated signs and that it was not added to the proposed ordinance amendments. Mr. Washburn said that he would like to see more people attending meetings and sharing their input.

Mayor Lehner read aloud the following letter received from Mr. Robert L. Mebane regarding the proposed amendments to the Zoning Ordinance:

Dear Mayor Lehner:

Please be advised that I, as a residential property owner on Holmes Road, have no objection to the Mountain Lake Real Estate office being reclassified for zoning purposes as RO (Residential Office). As I understand this new zoning amendment it would allow the present Mountain Lake Real Estate office to be remodeled and enlarged so as to create more professional office space. Such a result can only be beneficial to the town as the tax base would be increased and aesthetically speaking the renovations would be an asset. One factor that should not be forgotten is that the office is located on a major thoroughfare, U.S. Highway 64-74, and not a residential street.

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Council members discussed the possibility of looking into some type of architectural control and limitations in the Residential Office District.

Zoning Administrator Hayes reported that Woody Harton had contacted the Institute of Government in regards to the possibility of architectural control associated with the zoning and found that there is no statutory authority for that type of control and said that it is not something that he felt could be enforced. Ms. Hayes said that Mr. Harton had reported that in the City of Asheville there are districts where architectural control commissions make suggestions as to how a building could or should be built. However, the applicant is under no obligation to follow those suggestions.

After much discussion, Commissioner Schichtel moved, seconded by Commissioner Donovan, to delay voting on the proposed amendment to the Lake Lure Zoning Ordinance until the Regular Council Meeting schedule on Tuesday, December 12, 1995 and at that time give some consideration of the possibility of limiting the length of zoning area. Commissioner Schichtel and Commissioner Donovan voted yes. Commissioner Bush and Commissioner Church voted no. Mayor Lehner voted no breaking the tie. Therefore, the vote was three (3) no and two (2) yes and the motion did not pass.

Commissioner Bush moved that the prepared ordinance amending the Zoning Ordinance and Zoning Map of the Town of Lake Lure be adopted as presented. The motion did not pass due to a lack of a second.

Mayor Lehner requested to change his vote on the original motion from a vote of no to a vote of yes thereby delaying a vote on the proposed amendment to the Lake Lure Zoning Ordinance until the Regular Council Meeting schedule on Tuesday, December 12, 1995 and at that time give some consideration of the possibility of limiting the length of zoning area. Mayor Lehner stated the reason for changing his vote was to allow citizens to give more input. He also said that he could see advantages of both sides (delaying the decision or voting now). Hearing no objections to the change of the vote, the motion passed with a vote of three (3) yes and two (2) no. Commissioner Schichtel and Commissioner Donovan voted yes. Commissioner Bush and Commissioner Church voted no. Mayor Lehner voted yes breaking the tie.

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Commissioner Bush asked if there were any suggestions as to what any group or individuals can do to enlighten Council more or provide answers to some of the zoning issues between now and before the Regular Council Meeting scheduled on Tuesday, December 12, 1995.

Mayor Lehner said that Council would appreciate any input or suggestions from citizens. He also requested that these suggestions be put in writing and submitted to the Town Hall.

Mayor Lehner also stated that Commissioner Schichtel had received a letter from Mr. Don Beasley with suggestions which will be submitted to the board. (Letter attached).

Town Manager Strutner suggested that perhaps the Lake Lure Zoning Board schedule a public workshop within the next seven days to hear public input.

Mayor Lehner stated that he was not in favor of having the Zoning Board review the same information again and take up more of their time in a public workshop. He suggested that the Town Clerk provide a list to the Lake Lure Zoning Board of pros/cons of the public comments given in regards to the proposed zoning amendments.

Commissioner Schichtel moved, seconded by Commissioner Donovan, to amend the original motion to the following:

1. Delay voting on the proposed amendment to the Lake Lure Zoning Ordinance until the Regular Council Meeting scheduled on Tuesday, December 12, 1995.
2. Consider the possibility of limiting the length of the zoning area.
3. Schedule a Public Hearing on Tuesday, December 12, 1995, 7:30 p.m., at the Fairfield Mountains Bald Mountain Country Club during the Regular Council Meeting for the purpose of receiving public comment on the proposed amendments to the Lake Lure Zoning Ordinance and Zoning Map regarding the Residential/Office District (R/O).

The vote of approval was unanimous.

Mayor Lehner publicly thanked the Zoning Board for all of their hard work.

OTHER OLD BUSINESS

There was no other old business.

NEW BUSINESS:

- A. Consider Funding for Survey Services in Connection with Revision of Land Development Plan**

Zoning Administrator Hayes presented to Council members a proposal from the Urban Institute of the University of North Carolina at Charlotte to conduct a survey of residents and property owners in the Town of Lake Lure. The survey will focus on land use issues. (Proposal attached).

After discussion, Commissioner Bush moved, seconded by Commissioner Donovan, to set aside \$4,600 out of the contingency fund to be used for the expenses of conducting a survey of residents and property owners to be used in developing a new Land Use Plan with the understanding that Zoning Administrator Hayes will look into other organizations who provide similar services, including Gardner Webb College. The vote of approval was unanimous.

NEW BUSINESS:

- B. Review and Approval of Addendum to the Contract between Isothermal Planning and Development Commission and the Town of Lake Lure for CATV Franchise Negotiating Services**

Town Manager Strutner presented the following addendum as prepared by the Town Attorney Callahan:

ADDENDUM

This document contains an addendum to the Contract between Isothermal Planning and Development Commission, Rutherfordton, North Carolina, ("Town"). The Contract was executed on June 15, 1995.

Phoenix Cable (Lake Lure cable operator) is contemplating the transfer of ownership to Northland Cable. Should transfer of ownership take place, Isothermal will provide the following services through their agent, Custom Communications (hereinafter referred to as "Custom").

Specifically Custom will:

1. Examine the transfer for compliance with the Cable Communications Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992 (collectively, the "Cable Act"), and in particular, all provisions of Section 617, commonly referred to as the antitrafficking provision (47 U.S.C. 537).
2. Certify that:
 - A. Northland meets the requirements of 47 C.F.R. 76.502, which relates to violation of the three-year holding requirement; and
 - B. Examination of the FCC Form 394, required to be submitted by Northland in this transfer.
3. Review the buyers qualification in the following areas:
 - A. Legal
Document the ownership qualification of the buyer.
 - B. Technical

Identify and rectify to the Town's satisfaction, changes to the system, changes in operation of the system, and changes to the franchise.
 - C. Financial

The financial qualifications of the buyer will impact directly on the quality of service and ability of the buyer to live up to the commitments under the current franchise. Custom will examine profitability, market factors, capital expenditures, debt to equity ratio and cash flow-debt service.

4. Prepare an acceptance agreement which may contain, but not be limited to, franchise, performance bonds, certificate of insurance and an acceptance fee covering the cost of the Town's out-of-pocket costs. These out-of-pocket costs would include attorney fees, consultant fees, publications cost, etc.

Isothermal agrees to provide the above listed services for an amount not to exceed \$1,800.00. It is understood that Northland will agree to provide the out-of-pocket expenses in the form of a check upon approval of the transfer document by the Town.

For the Isothermal Planning and Development
Commission

For the Town of Lake Lure

Commissioner Bush moved, seconded by Commissioner Schichtel, to approve the addendum as submitted by the Town Attorney. The vote of approval was unanimous.

NEW BUSINESS:

- C. Review Proposed Ordinance Permitting the Posting of Signs Prohibiting the Carrying of Concealed Weapons on Certain Municipal Property

After much discussion, Commissioner Bush moved, seconded by Commissioner Church, to approve the following ordinance as presented:

**AN ORDINANCE PERMITTING THE POSTING OF SIGNS
PROHIBITING THE CARRYING OF CONCEALED WEAPONS ON
CERTAIN MUNICIPAL PROPERTY**

WHEREAS, Chapter 398 of the 1995 Session Laws made changes to the laws governing concealed weapons by establishing a system that will allow private citizens to obtain permits to carry concealed handguns;

WHEREAS, this change will significantly increase the number of individuals who may legally carry concealed handguns;

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WHEREAS, it is necessary to restrict the carrying of concealed handguns on certain town property in order to protect the health and safety of municipal employees and the community at large;

WHEREAS, N.C.G.S. 14-415.23 authorizes municipalities to adopt ordinances to permit the posting of a prohibition against carrying a concealed handgun, in accordance with N.C.G.S. 14-415.11(c), on local government buildings, their appurtenant premises, and parks; and

WHEREAS, it is the intent of this ordinance to direct the posting of municipal property such that, pursuant to N.C.G.S. 14-415.11(c), the carrying of concealed handguns on the posted premises will constitute a violation of N.C.G.S. Chapter 14, Article 54B;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Lake Lure, North Carolina, that:

Section 1. Posting of Signs Required. The Town Manager is hereby authorized and instructed to post conspicuous signage at appropriate locations on or within the following municipal property, indicating that carrying a concealed handgun is prohibited therein:

- * The Municipal Center (Administrative offices, Police Department, and Community Center) and all appurtenant parking areas and premises.
- * The Community Center, and the tennis courts, basketball court, surrounding park, ballfield and playground/picnic area, and all appurtenant parking areas and premises.
- * The Town Marina, docks, boardwalks, (including the boardwalk connecting the Marina to the Town Beach) and all appurtenant parking areas and premises.
- * Gazebo Point park area, including the Gazebo itself.
- * The Town Beach, two (2) beach/bath houses, park area opposite the beach across Pool Creek, and all appurtenant parking areas and premises.

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- * The Town Maintenance Facility and Yard (including all storage buildings and outbuildings encompassed by the fence surrounding the work yard and attached to the main Maintenance Building) and all appurtenant parking areas and premises.
- * All grass "islands" in the Arcade Building area which are owned by the Town and considered park areas.
- * The Town's Hydroelectric Dam, Power House, Sewage Treatment Plant Facility, and all appurtenant premises and parking areas.
- * The Golf Course clubhouse, golf cart storage shed, and appurtenant premises and parking areas.
- * The Town ABC store building and appurtenant premises and parking areas, including the dock and Police Boat Storage Shed.
- * Fairfield Fire Station #2 (formerly Lake Lure Fire Station) and all appurtenant premises and parking areas.

Section 2. Location of Signs. Signs on buildings shall be visibly posted on the exterior of each entrance by which the general public can access the building. The Town Manager shall exercise discretion in determining the number and appropriate location of signs to be placed on or within appurtenant premises and parks.

Section 3. Severability; Conflict of Laws. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Effective Date. This ordinance shall be effective on and after December 1, 1995.

Adopted this the 14th day of November, 1995.

Mayor

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ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

The motion passed with a vote of three (3) to one (1). Commissioner Bush, Commissioner Schichtel, and Commissioner Church voted yes. Commissioner Donovan voted no.

Mayor Lehner read aloud the following new state law that goes into effect on December 1, 1995 regarding concealed weapons (Source: N.C. Department of Justice, Law Enforcement):

Concealed weapons are banned from the following areas, even if the owner has permit to carry them:

Any law enforcement facility, jail or prison; any state or federal office; a financial institution; anywhere the owner posts a notice that concealed handguns are not allowed; assemblies, parades, funerals or demonstrations; any place where alcoholic beverages are sold and consumed; state property; any courthouse; anywhere prohibited by federal law; any local government building, if the governing body has adopted an ordinance and posted signs banning the carrying of concealed handguns.

Other requirements under the law:

- * You must carry identification and the permit with the concealed handgun.**
- * If approached or addressed by a law officer, you must tell him if you are carrying a handgun. Do not show the officer the gun or permit unless asked. Keep hands in plain view and make no sudden movements.**
- * Any time an officer requests, you must be able to produce identification and the permit.**

* No one may carry a concealed weapon while consuming alcohol or drugs or with intoxicating substances in the blood unless the controlled substance was obtained legally and taken according to a prescription.

* You must notify the sheriff who issues your permit of any address change within 30 days.

* If stopped in a vehicle, put both hands on the steering wheel and tell the officer you have a concealed handgun, where it is hidden and that you have a permit. Do not take your hands off the wheel until the officer tells you to do so.

NEW BUSINESS:

D. REQUEST FOR BUDGET AMENDMENT

Finance Director Karr presented the following memorandum dated November 9, 1995 regarding budget amendment:

A budget amendment for the total cost of the Town Municipal Center as well as funding for the Town Municipal Center needs to be made to the Town's original budget.

As you already know, the amounts needed to service the loan for the Town Municipal Center have already been made during the budget adoption process back in June. However, when we take possession, hopefully sometime this month, it will become a capital asset and the town will never actually receive the loan proceeds or write any checks to cover the cost of construction. This is handled by an outside party (BB&T).

This budget amendment simply recognizes the loan proceeds as revenue and the cost of construction as a expenditure. The motion to budget \$1,253,150.00 in revenues (loan proceeds) and budget \$1,253,150.00 in expenditures (Town Municipal Center) made to the Capital Projects Fund would be proper.

Budgeted Revenues	
Loan Proceeds	\$1,253,150.00

Budgeted Expenditures	
Municipal Center	\$1,253,150.00

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Commissioner Donovan moved, seconded by Commissioner Bush, to approve the budget amendment as recommended by Finance Director Karr to budget \$1,253,150.00 in revenues (loan proceeds) and budget \$1,253,150.00 in expenditures (Town Municipal Center) made to the Capital Projects Fund. The vote of approval was unanimous.

OTHER NEW BUSINESS

There was no other new business for discussion.

CLOSED SESSION

Commissioner Schichtel moved, seconded by Commissioner Church, to appoint Town Manager Strutner to record the closed session minutes in the absence of the Town Clerk. The vote of approval was unanimous.

Commissioner Schichtel moved, seconded by Commissioner Church, to enter into closed session for the purpose of discussing personnel matters. The vote of approval was unanimous.

After discussion within the closed session, Commissioner Donovan moved, seconded by Commissioner Schichtel, to come out of the closed session and re-enter the regular session of the meeting. The vote of approval was unanimous.

Commissioner Schichtel moved, seconded by Commissioner Church, to continue the tradition as in the past years by approving the longevity pay based on the same formula used last year. Commissioner Schichtel, Commissioner Church, and Commissioner Bush voted yes. Commissioner Donovan abstained from voting without being excused by a majority of the remaining members present, therefore the vote shall be recorded as an affirmative vote. The motion passed with a unanimous vote.

Town Manager Strutner reported that there was enough money left over in unused salaries to cover the longevity pay for the town employees.

Commissioner Bush moved, seconded by Commissioner Church, to amend the existing employment contract between the Town of Lake Lure and Town Manager Strutner so as to reflect the current situation with respect to his salary and residency, and that Mayor Lehner be authorized to sign the amendment document on behalf of the Town. The vote of approval was unanimous.

OTHER NEW BUSINESS

There was no other new business.

STAFF REPORTS

Fire Coordinator Morgan reported that a tornado warning was issued in the town Saturday afternoon approximately 5:15 p.m. Later the town experienced very high wind which knocked down trees and power lines and shut down power for about 90 percent of the residents and businesses in Lake Lure. Shelters were provided both Saturday and Sunday for those who needed shelter. Morgan expressed his appreciation to everyone who helped in responding during and after the storm.

It was the consensus Council to authorize Town Manager Strutner to write a formal letter of appreciation to be signed by Council members commending those who helped Lake Lure in the aftermath of Saturday's storm.

Fire Coordinator Morgan said that he would provide a list of names and addresses of those who are to receive a letter of appreciation.

Town Manager Strutner stated that Fire Coordinator Morgan deserved a round of applause for a job-well-done.

Finance Director Karr reported that the Town's major expense for the month of October was \$25,000 to Fairfield Mountains Volunteer Fire Department. The Town's major revenue for the month was \$57,224.72 from gasoline tax (Powell Bill).

Town Manager Strutner reported that the furniture for the new Municipal Center was scheduled to arrive next Monday and the town would be given a certificate of occupancy within the next two days. Mr. Strutner said that an open house celebration is expected to be held sometime in January. He also reported that the smoke testing in Chimney Rock would begin on Thursday.

As recommended by Town Manager Strutner, it was the consensus of Council to authorize the Town Manager to use money out of the contingency fund account to cover expenditures for the removal of trees.

COUNCIL COMMENTS

Council members discussed the possibility of spot zoning in the residential office district.

Town Manager Strutner advised that Council consult with the town attorney and stated that spot zoning was not illegal, however, it is not considered good zoning practice.

Commissioner Bush recommended getting a second opinion on spot zoning from the Institute of Government in Chapel Hill.


Town Manager Strutner suggested that Mary Lynn Hayes, Zoning Administrator, be asked to contact the Institute of Government in Chapel Hill to get more information about spot zoning and report back to Council with this information.

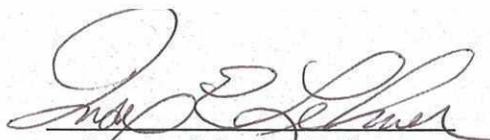
ADJOURNMENT

With no further items of discussion, Commissioner Bush moved, seconded by Commissioner Church, to adjourn the meeting. The vote of approval was unanimous.

ATTEST:




Mary A. Flack, CMC/AEE
Town Clerk


Mayor Max E. Lehner