



Incorporated 1927

# Town of Lake Lure

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

## MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, JANUARY 12, 1999, 7:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER

**PRESENT:** Mayor Jack Powell  
Commissioner Carolyn Cobb  
Commissioner Beth Rose  
Commissioner Gene Sheffield  
Commissioner Jack Stanier

J. Christopher Callahan, Town Attorney  
Sam A. Karr, Acting Town Manager

**ABSENT:** N/A

### CALL TO ORDER

Mayor Powell called the meeting to order at 7:00 p.m.

### INVOCATION

Commissioner Cobb gave the invocation.

### AGENDA ITEMS

Mayor Powell recommended that Town Council add an item on the agenda to revise the Town Meeting Schedule for 1999 to include Town Council Workshop Meetings to be held every third Tuesday of the month at 9:30 a.m.

After discussion, Commissioner Rose moved, seconded by Commissioner Sheffield to approve revising the Town Meeting Schedule for 1999 to include Town Council Workshop Meetings to be held every third Tuesday of the month at 9:30 a.m. in the Lake Lure Municipal Center. The vote of approval was unanimous.

**PUBLIC HEARING: ZONING REGULATIONS AMENDMENT TO AM-98-4  
(RE: SECTION 92.116 FENCES, WALLS, AND HEDGES)**

Notices of the Public Hearings were duly given within the legal classified section of the issue of the Forest City Daily Courier newspaper.

Dick Washburn, Chairman of the Zoning and Planning Board reviewed and read into the record excerpts of the proposed Ordinance No. 99-01-12.

Commissioner Stanier moved, seconded by Commissioner Cobb, to enter into the Public Hearing for the purpose of discussing Zoning Regulations amendment to AM-98-4. The vote of approval was unanimous.

Mayor Powell invited citizens to speak during the public hearing. No one requested to speak during the hearing.

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

Commissioner Stanier moved, seconded by Commissioner Cobb, to adopt the following Ordinance No. 99-01-12 as presented. The vote of approval was unanimous.

**ORDINANCE NO. 99-01-12**

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

**WHEREAS**, the Town of Lake Lure Zoning and Planning Board, after due consideration, has recommended approval of Zoning Regulation Amendment AM-98-4 to allow, and to establish standards therefor, fences, walls and hedges within required yards; and,

**WHEREAS**, the Lake Lure Town Council, after due public notice, conducted a public hearing on the 12th day of January, 1999, upon the question of amending the zoning ordinance 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:** Amend Chapter 92 of the Lake Lure Code of Ordinances to add:

**§ 92.116 FENCES, WALLS AND HEDGES**

- (A) Fences, walls and hedges are exempt from setback requirements except that in residential districts, fences and walls are limited to eight feet in height from the existing ground elevation in the required side and rear yards.

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- (B) In the required lake front yards of all residential districts, fences walls and hedges shall be limited to 42 inches in height.
- (C) In the required street front yards of all residential districts, open fences (those allowing the free flow of light and air other than those prohibited by subsection (D) below) are limited to eight feet in height and solid walls and fences are limited to three feet in height from the existing ground elevation. Walls and fences may be combined, provided not more than three feet of the height of the structure may be solid and the remainder shall be open fence work. Where fences are erected, solid support columns not more than 16 inches in width on not less than eight foot centers shall be allowed up to eight feet in height and such columns may be topped with decorative elements such as balls, vases and the like up to a total height of nine feet. Open fences include wood or metal picket, wrought iron or similar designs with a solid to open ratio of not more than 1:4.
- (D) Chain link, chicken wire, hardware cloth and other woven or mesh products are not permitted in required street front yards of any district.
- (E) All fences, walls and hedges are subject to the provisions of § 92.105 regarding visibility at intersections.
- (F) Retaining walls needed to prevent erosion or land subsidence are allowed in all required yards and are exempt from the height limitations of this section."

**SECTION TWO:** This ordinance shall be effective upon its adoption.

Adopted this 12th day of January, 1999.

ATTEST:

\_\_\_\_\_  
Mary A. Flack, CMC/AAE  
Town Clerk

\_\_\_\_\_  
Mayor Jack Powell

APPROVED AS TO FORM:

\_\_\_\_\_  
J. Christopher Callahan  
Town Attorney

<b>PUBLIC FORUM</b>
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Mayor Powell invited the audience to speak on any non-agenda item. No one requested to speak.

**AWARDS PRESENTED TO CITIZENS IN APPRECIATION FOR ASSISTANCE  
AND CRIME PREVENTION EFFORTS TO THE  
LAKE LURE POLICE DEPARTMENT**

Police Chief Mike Bustle presented awards to Mr. Ken Nelon and Ms. Michelle Morton for their assistance and crime prevention efforts to the Lake Lure Police Department.

**CONSENT AGENDA**

Mayor Powell presented the consent agenda and asked if any item should be removed before calling for action.

Commissioner Rose moved, seconded by Commissioner Sheffield to remove agenda items c and d from the consent agenda for further discussion. The vote of approval was unanimous.

Commissioner Cobb moved, seconded by Commissioner Stanier, to approve the consent agenda items as presented. Therefore, the consent agenda, incorporating items was unanimously approved:

- a. **Approved Minutes of December 15, 1998 (Regular Meeting), and December 22, 1998 (Special Town Meeting); and**
- b. **Scheduled a public hearing (zoning regulations amendment to AM-98-5 (Creation of New Commercial and Government Districts) to be held on February 9, 1999, 7:00 p.m. or thereafter, at the Lake Lure Municipal Center.**

**End of Consent Agenda**

**OLD BUSINESS**

- a. **Other Old Business**

There was no other old business for discussion.

**NEW BUSINESS**

**a. REQUEST FROM PEDIATRIC BRAIN TUMOR ASSOCIATION TO HOLD  
AN ANNUAL EVENT (RIDE FOR KIDS)**

Allen Hughes, Manager of National Ride for kids presented awards to Mayor Jack Powell and Police Chief Mike Bustles on behalf of the Town from the Pediatric Brain Tumor Foundation of the United States gratefully acknowledging the Town of Lake Lure for the event "Ride for Kids" held on June 27, 1998 raising funds totaling \$73,600. Mr. Hughes thanked the Town for its support for this worthy cause. He also submitted a letter of request to hold an event (Ride for Kids) on June 26, 1999 to raise funds to be used to pay for research to find the cause and cure of childhood brain tumors.

Commissioner Sheffield moved, seconded by Commissioner Cobb, to approve Mr. Hughes letter of request as presented. (Copy of Letter attached). The vote of approval was unanimous.

**NEW BUSINESS**

**b. Presentation of Annual Reports from Chairmen of the Zoning/Planning Board, Board of Adjustment/Lake Structures Appeals Board, Lake Advisory Committee, Lake Lure Golf Course Committee, and Lake Lure ABC Board**

Annual reports summarizing activities for 1998 were received from Chairmen of the Zoning/Planning Board, Board of Adjustment/Lake Structures Appeals Board, Lake Advisory Committee, Lake Lure Golf Course Committee and Lake Lure ABC Board. (Copies of reports attached).

Town Council expressed their appreciation to these boards and committees for all of their dedicated work for the Town.

**NEW BUSINESS**

**c. Discuss Appeals from the Action of the Lake Structures Appeals Board**

Mayor Powell asked Councilmembers to consider adopting the rules of procedure outlined in a memorandum of January 8, 1999 to Town Council from Chuck Place, Director of Planning/Zoning Administration regarding appeals from the action of the Lake Structures Appeals Board.

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Commissioner Cobb moved, seconded by Commissioner Rose, to adopt the rules of procedure as set forth in Mr. Place's memorandum of January 8, 1999. (Copy of memorandum attached). The vote of approval was unanimous.

Mayor Powell asked for a motion that Councilmembers will not discuss a case with an appellant once a written request had been received for a hearing.

Commissioner Cobb moved, seconded by Commissioner Stanier, to adopt a policy that Councilmembers will not discuss a case with the appellant once a written request had been received for a hearing. The vote of approval was unanimous.

**NEW BUSINESS**

**d. Approve Ordinance No. 99-01-12A (Amending Section 85.100 of the Code of Ordinances Regarding Seaplanes)**

Mayor Powell read into the record excerpts from the proposed amendment to Ordinance No. 99-01-12A. After discussion, Commissioner Rose moved, seconded by Commissioner Sheffield, to adopt Ordinance No. 99-01-12A as presented. The vote of approval was unanimous.

**ORDINANCE NO. 99-01-12A**

**WHEREAS**, Section 85.100 of the Code of Ordinances for the Town of Lake Lure prohibits seaplanes from landing on the water of Lake Lure; and

**WHEREAS**, the North Carolina Department of Environment and Natural Resources, Division of Forest Resources has requested permission to be able to use water-scooping firefighting aircraft in fighting forest fires in this area;

**NOW THEREFORE**, the Town Council, after a motion made, duly seconded and carried, ordained as follows:

Section 85.100 PROHIBITED VEHICLES is hereby amended by adding at the end of said section:

Exemption: A firefighting seaplane, or a firefighting watercraft, either of which is operated by the North Carolina Department of Environment and Natural Resources, Division of Forest Resources for the purposes of firefighting, is exempt from this prohibition.

Adopted this 12th day of January, 1999 upon first reading, and effective immediately.

ATTEST:

\_\_\_\_\_  
Mary A. Flack, CMC/AAE  
Town Clerk

\_\_\_\_\_  
Jack Powell, Mayor

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APPROVED AS TO FORM:

\_\_\_\_\_  
J. Christopher Callahan  
Town Attorney

**NEW BUSINESS**

- e. Approve the Mayor to Manage a Domain Name for the Town of Lake Lure's Website from US Domain Registration**

Commissioner Rose moved, seconded by Commissioner Cobb, to authorize Mayor Powell to manage the Domain name and act as web master for the Town of Lake Lure's Website from US Domain registration during his term as Mayor. The vote of approval was unanimous.

The Mayor announced that the Town of Lake Lure has an official government website now and can be reached at **[www.ci.lake-lure.nc.us](http://www.ci.lake-lure.nc.us)**.

**NEW BUSINESS**

- f. Discuss Snow and Ice Removal for the Town**

Mayor Powell stated that he asked Ron Morgan, Fire Coordinator to respond to a request in writing regarding snow/ice removal for all public roads in Lake Lure as part of a service that the Town would furnish automatically. The Mayor explained that he was concerned about the equity of providing equal services throughout the community.

**NEW BUSINESS**

- g. Schedule Public Hearings for February & March Meetings on Services Provided by the Town and the Funding of those Services**

Mayor Powell requested that Councilmembers consider scheduling public hearings for February and March meetings in order to receive public comment on the level and quality of services provided by the Town.

Commissioner Rose moved to schedule public hearings in February and March meetings to receive public comment on the level and quality of services provided by the Town and the funding of those services. There was no second to the motion, therefore the motion did not carry.

**NEW BUSINESS**

**h. Approve or Disapprove Amendments to the Interlocal Agreement for a Group Self Insurance Fund for Workers' Compensation Risk Sharing (NCIRMA)**

Town Council considered the proposed amendments to the Interlocal Agreement for a Group Self Insurance Fund for Worker's Compensation Risk Sharing (NCIRMA) and took the following action:

1. Approved amendment #1 -- severability.  
(The vote of approval was unanimous)
2. Disapproved amendment #2 -- ninety days' notice of withdrawal and exiting fee for failure to give timely notice.  
(The vote of approval was unanimous)
3. Approved amendment #3 -- ninety days' notice required for expulsion by Trustees.  
(Commissioners Sheffield, Rose, and Stanier voted in favor of amendment #3)  
(Commissioner Cobb voted against amendment #3)

**NEW BUSINESS**

**i. Approve or Disapprove Amendments to the Interlocal Agreement for a Group Self Insurance Fund for Medical, Life, and Disability Risk Sharing (MIT)**

Town Council considered the proposed amendments to the Interlocal Agreement for a Group Self Insurance Fund for Medical, Life, and Disability Risk Sharing (MIT) and took the following action:

1. Approved amendment #1 -- severability.  
(The vote of approval was unanimous)
2. Disapproved amendment #2 -- ninety days' notice of withdrawal and exiting fee for failure to give timely notice.  
(Commissioners Cobb, Stanier, and Sheffield voted in favor of amendment #2)  
(Commissioner Rose voted against amendment #2)



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3. Approved amendment #3 -- ninety days' notice required for expulsion by trustees  
(The vote of approval was unanimous)

<p><b>NEW BUSINESS</b> <b>j. Other New Business</b></p>
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There was no other new business for discussion.

<p><b>STAFF REPORTS</b></p>
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Sam Karr, Acting Town Manager, reported on the damage caused by an electrical short in the breaker boxes at the Hydro-Electric Plant. Mr. Karr also stated that yesterday, a contractor fell down and broke his leg at the Hydro-Electric Plant.

Mr. Karr spoke with Andy Givens, Cardinal Energy and Mr. Givens plans to present a report on the Hydro-Electric Power sales contract (negotiations/recommendations) at the next regular Town Council meeting in February, 1999.

The E-911 maps are expected sometime the end of this month according to Mr. Bill Doolittle, Rutherford County Tax Collector.

The 1999 boat permits/stickers are now available for sale at Town Hall and the Town Marina.

Mr. Karr said the Town received grant money yesterday for the lift station project.

<p><b>COUNCIL COMMENTS</b></p>
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Mayor Powell reported that a concession agreement for the beach and marina was signed by the Town of Lake Lure and Lake Lure Tours on December 31, 1998.

The Mayor announced that a Technical Committee had been appointed and this committee had adopted the following mission statement:

The mission of the Technical Advisory Committee is to review the administration and operation of the Town of Lake Lure. The purpose of this review is to develop recommendations regarding critical areas such as: Y2K issues, communications equipment, computer hardware/software, including administrative methods/procedures followed.

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The Technical Committee consists of five members: Chairman Dick McCallum, Clark E. Kessel, Al Howard, Stu Richardson, and Jack Rose.

**CLOSED SESSION - EVALUATE CANDIDATES INTERVIEWED  
FOR TOWN MANAGER POSITION (G.S. 143-318.11(A) 6)**

Commissioner Rose moved, seconded by Commissioner Sheffield, to enter into closed session at 9:20 p.m. in order to evaluate candidates interviewed for the Town Manager position (G.S. 143-318.11(a) 6). The vote of approval was unanimous.

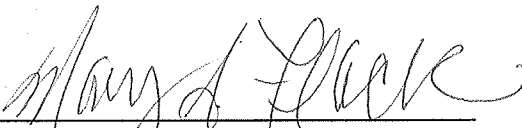
With no further discussion in closed session, Commissioner Cobb moved, seconded by Commissioner Rose, to come out of the closed session and re-enter the regular session of the meeting. The vote of approval was unanimous.

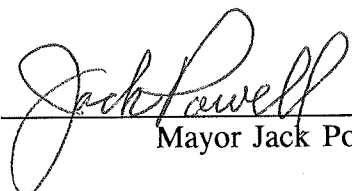
While in closed session, Council voted to seal the minutes of the closed session meeting in order to avoid frustrating the purpose of the closed session.

**ADJOURNMENT**

With no further items of discussion, Commissioner Cobb moved, seconded by Commissioner Rose, to adjourn the Town meeting at 11:15 p.m. The vote of approval was unanimous.



  
Mary A. Flack, CMC/AAE  
Town Clerk

  
Mayor Jack Powell