



Town of Lake Lure

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Incorporated 1927

MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, MAY 8, 2001, 7:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER

PRESENT: Mayor Jim Proctor
Commissioner Blaine Cox
Commissioner Dick McCallum
Commissioner George Pressley
Commissioner Jack Stanier

H. M. Place III, Town Manager
J. Christopher Callahan, Town Attorney

ABSENT: N/A

CALL TO ORDER

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

INVOCATION

Attorney Callahan gave the invocation.

PUBLIC FORUM

Mayor Proctor invited the audience to speak on any non-agenda item.

APPROVE AGENDA

A motion was made by Commissioner McCallum to amend the agenda by adding an item 10d to consider adopting Resolution No. 01-05-08 Regarding the North Carolina General Assembly's Engagement in Redrawing the North Carolina Senatorial and House of Representatives Districts in Accordance with the Result of the Federal Census for the Year 2000 and item 10e to discuss regulating fabric structures. Commissioner Stanier seconded the motion and the vote of approval was unanimous.

PUBLIC HEARING-PROPOSED ORDINANCE NO. 01-05-08 AMENDING THE ZONING MAP REFERENCED IN CHAPTER 92 OF THE LAKE LURE CODE OF ORDINANCES

Public notices were duly given and published in the Forest City Daily Courier newspaper.

Commissioner Cox made a motion to open the public hearing regarding the proposed Ordinance No. 01-05-08 amending the zoning map referenced Chapter 92 of the Code of Ordinances. Commissioner Pressley seconded the motion and the vote of approval was unanimous.

Zoning Administrator Terri Potts reviewed and answered questions pertaining to the proposed amendments being presented for approval.

Mayor Proctor invited citizens to speak during the public hearing.

A motion was made by Commissioner Cox to close the public hearing and enter the regular session of the meeting. Commissioner Pressley seconded the motion and the vote of approval was unanimous.

After discussion, Commissioner Stanier made a motion to adopt Ordinance No. 01-05-08 as presented. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

ORDINANCE NO. 01-05-08

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

WHEREAS, the Town of Lake Lure Zoning and Planning Board, after due consideration, has recommended an amendment to the zoning map RZ 01-06, to change lots 1 through 5, Block 2, Luremont Subdivision, as found at Plat Book 2, Page 5, from the current zoning of R-4 to R-1; and lots 47 through 53, Block 2, Luremont Subdivision, as found at Plat Book 2, Page 5, from R-4 and R-1A to R-1; consisting of 4.5 total acres; and,

WHEREAS, the Town of Lake Lure Zoning and Planning Board, after due consideration has recommended an amendment RZ 01-07, to change the zoning classification of the parcel of land described as beginning at a point in the western boundary line, said point being located S 59 degrees 55' 25" E, 148.95 feet to an iron pin; thence s 34 degrees 50' 26" E, 759.27 feet to an iron pin; thence N 54 degrees 47' 21" E, 174.93 feet to an iron pin; thence, N 16 degrees 52' 14" E, 834.34 feet to a tree; thence, S 85 degrees 43" 07" W, 203.77 feet to an iron pin; thence, S 84 degrees 07' 25" W, 55.67 feet to an iron pin: thence S 84 degrees 12' 12" W, 251.68 feet to an iron pin; thence S 86 degrees 02' 14" W, 253.96 feet to an iron pin and edge the 50' right of way for Triangle Court; thence

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along said right of way the following 17 calls, (1) S 44 degrees 46' 37" E, 203.93 feet, (2) S 44 degrees 36' 40" E, 16.74', (3) Curve Radius 117.30 Curve Length 54.50', (4) S 70 degrees 23' 55" E, 59.30' (5) S 70 degrees 23' 46" E, 62.98', (6) Curve Radius 25.00 Curve Length 21.03', (7) Curve Radius 50.00 Curve Length 45.85', (8) Curve Radius 50.00 Curve Length 46.04', (9) Curve Radius 50.00 Curve Length 65.59', (10) Curve Radius 50.00 Curve Length 21.03', (11) Curve Radius 50.00 Curve Length 35.76', (12) Curve Radius 25.00 Curve Length 21.03', (13) N 70 degrees 23' 46" W, 60.08', (14) N 70 degrees 23' 55" W, 62.19', (15) Curve Radius 167.30 Curve Length 55.08', (16) N 44 degrees 36' 40" W, 109.25', (17) N 44 degrees 44' 40" W, 130.63'; thence, leaving the said right of way S 49 degrees 00' 12" W, 180.44', to the point and place of beginning, from the current zoning of R-1A to R-3, containing 9.50 acres; and

WHEREAS, the Lake Lure Town Council, after due public notice, conducted a public hearing on the 8^h day of May, 2001, upon the question of amending the zoning map 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: The zoning map referenced in Chapter 92 of the Lake Lure Code of Ordinances is hereby amended to change the zoning classification of lots 1 through 5, Block 2, Luremont Subdivision as found at Plat Book 2, Page 5, from the current zoning of R-4 to R-1; and lots 47 through 53, Block 2, Luremont Subdivision, as found at Plat Book 2, Page 5, from its current zoning of R-1A to R-1. This property contains 4.5 acres more or less.

SECTION TWO: The zoning map referenced in Chapter 92 of the Lake Lure Code of Ordinances is hereby amended to change the zoning classification of the parcel of land described as beginning at a point in the western boundary line, said point being located S 59 degrees 55' 25" E, 148.95 feet to an iron pin; thence s 34 degrees 50' 26" E, 759.27 feet to an iron pin; thence N 54 degrees 47' 21" E, 174.93 feet to an iron pin; thence, N 16 degrees 52' 14" E, 834.34 feet to a tree; thence, S 85 degrees 43" 07" W, 203.77 feet to an iron pin; thence, S 84 degrees 07' 25" W, 55.67 feet to an iron pin; thence S 84 degrees 12' 12" W, 251.68 feet to an iron pin; thence S 86 degrees 02' 14" W, 253.96 feet to an iron pin and edge the 50' right of way for Triangle Court; thence along said right of way the following 17 calls, (1) S 44 degrees 46' 37" E, 203.93 feet, (2) S 44 degrees 36' 40" E, 16.74', (3) Curve Radius 117.30 Curve Length 54.50', (4) S 70 degrees 23' 55" E, 59.30' (5) S 70 degrees 23' 46" E, 62.98', (6) Curve Radius 25.00 Curve Length 21.03', (7) Curve Radius 50.00 Curve Length 45.85', (8) Curve Radius 50.00 Curve Length 46.04', (9) Curve Radius 50.00 Curve Length 65.59', (10) Curve Radius 50.00 Curve Length 21.03', (11) Curve Radius 50.00 Curve Length 35.76', (12) Curve Radius 25.00 Curve Length 21.03', (13) N 70 degrees 23' 46" W, 60.08', (14) N 70 degrees 23' 55" W, 62.19', (15) Curve Radius 167.30 Curve Length 55.08', (16) N 44 degrees 36' 40" W, 109.25', (17) N 44 degrees 44' 40" W, 130.63'; thence, leaving the said right of way S 49 degrees 00' 12" W, 180.44', to the point and place of beginning, from the current zoning of R-1A to R-3, containing 9.50 acres.

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SECTION THREE: The Zoning Administrator shall make all the necessary corrections to the zoning map so as to implement the provisions of this ordinance and shall henceforth enforce the ordinance as hereby amended.

SECTION FOUR: This ordinance shall be effective upon its adoption.
Adopted this 8th day of May, 2001

Attest:

Mary A. Flack, MMC
Town Clerk

Jim Proctor
Mayor

Approved as to form:

Chris Callahan
Town Attorney

**PUBLIC HEARING-PROPOSED ORDINANCE NO. 01-05-08A AMENDING
CHAPTER 94 OF THE LAKE LURE CODE OF ORDINANCES REGARDING
MOORED FLOATING PLATFORMS**

Public notices were duly given and published in the Forest City Daily Courier newspaper.

Commissioner Cox made a motion to open the public hearing regarding the proposed Ordinance No. 01-05-08A amending Chapter 94 of the Lake Lure Code of Ordinances regarding moored floating platforms. Commissioner Pressley seconded the motion and the vote of approval was unanimous.

Mayor Proctor read into the record the proposed Ordinance No. 01-05-08A and then invited citizens to speak during the public hearing. The following citizens spoke against the proposed ordinance: Beth Rose, Bill McNary, Jeanine Noble, Fred Noble, Chuck Ross, and Bob Keith. The above citizens mention asked Town Council to do a lake study first, consider the esthetics of the lake as well as safety issues. Joan Cashion and S. B. Cloud spoke in favor of allowing moored floating platforms.

A motion was made by Commissioner Cox to close the public hearing and enter the regular session of the meeting. Commissioner Pressley seconded the motion and the vote of approval was unanimous.

The meeting was recessed at 7:52 p.m. and reconvened at 8:02 p.m.

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After discussion, Commissioner Pressley made a motion to adopt Ordinance No. 01-05-08A as amended and approve Camp Lurecrest's floating structure referred to as a "blob". Commissioner Cox seconded the motion. Commissioners Stanier and McCallum voted against the motion. The Mayor voted in favor of the motion breaking the tie vote. Therefore, the vote of approval was 3 to 2. This ordinance did not carry on the first reading because it requires an affirmative vote equal to or greater than 2/3 of the membership of the governing body.

ORDINANCE NO. 01-05-08A

AN ORDINANCE AMENDING CHAPTER 94 (THE LAKE STRUCTURES REGULATIONS) OF THE CODE OF ORDINANCES FOR TOWN OF LAKE LURE RELATING TO MOORED FLOATING PLATFORMS

WHEREAS, the Town of Lake Lure Lake Advisory Committee has recommended an amendment to the Chapter 94 of the Code of Ordinances, commonly known as the Lake Structures Regulations *recommending revisions relating to the regulation of* moored floating platforms;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, MEETING IN REGULAR SESSION AND WITH ALL COUNCILMEN VOTING IN THE AFFIRMATIVE:

SECTION ONE: To amend §94.02 DEFINITIONS of the Lake Lure Code of Ordinances as follows:

Delete the definition “Float, swimming.” A floating platform anchored near the shoreline for the use of swimmers or boats.” and add the following: “Moored Floating Platform.” A floating platform anchored near the shoreline for the use of swimmers, to include both solid surfaced swimming floats and inflatable water recreational platforms.”

SECTION ONE: To amend §94.05 DESIGN AND CONSTRUCTION STANDARDS *as follows:*

A. “(G) Materials of construction for pilings shall include reinforced concrete, hot dipped galvanized steel, aluminum, or pressure treated wood, provided railroad ties and other wood treated with creosote or similar material shall not be allowed. ~~Floating structures shall be constructed of hot dipped galvanized steel and polystyrene floatation. Steel drums are prohibited. Anchorage for swimming floats shall be of galvanized steel cables secured to reinforced concrete anchorage vertically below on the lake bottom.~~ Anchorage for floating docks and piers shall be of galvanized steel cables or the equivalent secured to reinforced concrete anchorage on the lake bottom and/or to steel anchor piles in firm ground on shore. Alternate materials may be approved if found structurally satisfactory and if they do not pose a threat to the environment.”

B. *Delete paragraph (L) as written and replace with the following:*

“(L) Moored Floating Platforms.”

- (1) Moored wooden or other solid surfaced floating swimming platform shall be no greater than 64 square feet in size and have white reflectors or lights affixed to both sides of each corner. The frames for such structures shall be constructed of hot dipped galvanized steel or pressure treated lumber and with polystyrene floatation. Steel drums are prohibited.
- (2) Moored inflatable floating recreational platforms shall be no greater than 315 square feet in size, provided that such platforms may exceed the size limitation imposed herein only upon approval of Town Council and only where it is demonstrated that the platform will be used as part of an organized group recreation program, supervised by appropriately trained personnel. All moored inflatable platforms, shall be removed from the lake between November 1 and April 1 of each year and at any time they deflate. As part of the application process for a permit for the placement of any moored inflatable floating platform, the applicant shall provide a copy of the manufacturer’s recommended safety specifications and shall specify the manner in which they will adhere to such standards.
- (3) Anchorage for moored floating platforms shall be of galvanized steel cables or the equivalent secured to reinforced concrete anchorage on the lake bottom, vertically below. Alternate materials may be approved if found structurally satisfactory and do not pose a threat to the environment.”

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

Adopted this 8th day of May, 2001.

Mayor Jim Proctor

ATTEST:

Mary A. Flack, MMC
Town Clerk

APPROVED AS TO FORM:

J. Christopher Callahan
Town Attorney

COMMITTEE REPORT FROM THE ZONING & PLANNING BOARD

Dick Washburn, Board Chairman of the Zoning and Planning Board, gave a brief overview of the activities of his board. Mr. Washburn recognized Commissioner Stanier who serves as liason of this board.

CONSENT AGENDA

Mayor Proctor presented the consent agenda and asked if any items should be removed before calling for action. Commissioner Cox made a motion to approve the following consent agenda items as presented and Commissioner McCallum seconded the motion. Therefore, the consent agenda, incorporating the following items was unanimously approved:

- a. approved minutes of April 10, 2001 (regular meeting).
- b. approved request from Christina Martin and Morgan Rich to suspend the town alcohol ordinance in order to serve beer, wine, and champagne during a wedding reception inside the community hall of the Lake Lure Municipal Center on May 4, 2002, from 12:00 noon until 9:00 p.m.
- c. approved request from Rick Coley, Lake Lure Tours, Inc. to suspend the town alcohol ordinance in order to serve beer and wine during the Hickory Nut Gorge Chamber of Commerce "Business after Hours" event, at the Lake Lure Beach on May 21, 2001, from 5:30 p.m. until 8:30 p.m.

End of Consent Agenda

NEW BUSINESS

- a. Request Funds for the Town's 75th Anniversary Celebration and Appoint a Committee Member**

Bill Bush requested that the town contribute \$1,000 from the current budget to be used for shrubbery and flowers to enhance the appearance of Memorial Point/gazebo area and provide a working fund for deposits/entertainment, advertising necessities, etc. Mr. Bush also recommended that Lynn Weaver be appointed to this committee member to replace Faye Bishop's vacancy.

A motion was made by Commissioner McCallum and seconded by Commissioner Stanier to allocate \$1,000 to fund the town's 75th anniversary celebration. Also, to appoint Lynn Weaver to serve on this committee. The vote of approval was unanimous.

NEW BUSINESS

- b. Approve Agreement between the North Carolina League of Municipalities and the Town Regarding a Pay and Classification Study**

Town Manager Place read his memo of April 16, 2001 into the record regarding the pay and classification study.

After discussion, Commissioner Cox made a motion to approve the agreement between the North Carolina League of Municipalities and the town for a pay and classification study at a cost of \$6,562 to be paid out of next years budget. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

NEW BUSINESS

- c. Adopt Revised Rules of Procedures for the Lake Lure Town Council**

A motion was made by Commissioner McCallum to adopt the revised rules of procedure for the Lake Lure Town Council as presented by Mayor Proctor. Commissioner Pressley seconded the motion and the vote of approval was unanimous.

NEW BUSINESS

- d. Adopt Resolution No. 01-05-08 Regarding the North Carolina General Assembly's Engagement in Redrawing the North Carolina Senatorial and House of Representatives Districts in Accordance with the Result of the Federal Census for the Year 2000**

Mayor Proctor read into the record Resolution No. 01-05-08. Commissioner Stanier made a motion to adopt Resolution No. 01-05-08 as amended and Commissioner Cox seconded the motion. The vote of approval was unanimous.

RESOLUTION NO. 01-05-08

WHEREAS, it has come to the attention of the Board of Commissioners of Town of Lake Lure that the North Carolina General Assembly is now engaged in redrawing the North Carolina Senatorial and House of Representatives districts in accordance with the result of the federal census for the Year 2000; and

WHEREAS, the said census shows that Rutherford County now has sufficient population to constitute said county as a one-member district for the purpose of electing members of the North Carolina House of Representatives; and

WHEREAS, it is the opinion of this Board that it is in the best interest of Rutherford County to be a one-member district for the purpose of electing members of the North Carolina House of Representatives; and

WHEREAS, this Board is opposed to any re-districting plan that would result in the removal of any of the voting precincts of Rutherford County for the purpose of creating a House of Representatives district that does not include Rutherford County; and

WHEREAS, this Board requests that the Senator now representing the Senatorial District that includes Rutherford County and the members of the House of Representatives now representing the House District that includes Rutherford County exercise their best efforts to see that Rutherford County is made a one-member district in any redistricting plan that may be adopted by the General Assembly for the election of members to the North Carolina House of Representatives.

NOW, THEREFORE, BE IT RESOLVED:

1. That Senator Walter Dalton and Representatives Andrew Dedmon, Debbie Clary, and John Weatherly be and they are hereby requested to exercise their best efforts to see that Rutherford County is made a one-member district in the final redistricting plan adopted by the General Assembly of North Carolina for the election of members to the North Carolina House of Representatives.
2. That Senator Walter Dalton and Representatives Andrew Dedmon, Debbie Clary, and John Weatherly be and they are hereby requested to oppose any redistricting plan that would result in the removal of any of the voting precincts of Rutherford County for the purpose of creating a House of Representatives district that does not include Rutherford County.
3. That copies of this resolution be sent to the governing bodies of Rutherford County, the Towns of Bostic, Ellenboro, Forest City, Ruth, Rutherfordton, and Spindale; to the Rutherford County Chamber of Commerce; to the Daily Courier; to the Chairpersons of the Democrat and Republican Parties of Rutherford County; to Senator Walter Dalton; to Representatives Andy Dedmon, Debbie Clary, and John Weatherly; and to all civic clubs in Rutherford County.

Adopted by the Town of Lake Lure Town Council on the 8th day of May, 2001.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Jim Proctor
Mayor

NEW BUSINESS

- e. **Adopt Ordinance No: 01-05-08B Amending Title IX "Planning and Regulation of Development" of the Code of Ordinances**

Mayor Proctor read into the record the proposed Ordinance No. 01-05-08B pertaining to fabric structures. After discussion, Commissioner Cox made a motion to adopt Ordinance No. 01-05-08B as amended. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

ORDINANCE NO: 01-05-08B

AN ORDINANCE AMENDING TITLE IX "PLANNING AND REGULATION OF DEVELOPMENT" OF THE CODE OF ORDINANCES FOR THE TOWN OF LAKE LURE

WHEREAS, the Town of Lake Lure Town Council desires to regulate by ordinance fabric structures within the town;

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 Title IX, Planning and Regulation of Development, to add a new Chapter 96 as follows:

"Chapter 96: FABRIC STRUCTURES

§ 96.01 PERMIT REQUIRED.

A permit shall be required for all structures constructed of fabric, including tents, erected within the Town of Lake Lure which exceed 500 square feet in area. The Town Manager may issue permits for such structures erected for 30 days or less in any one calendar year and having an area of less than 2000 square feet. Fabric structures erected for longer than 30 days in any one calendar year and having an area of 2000 square feet or more must be approved by the Town Council."

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

Adopted this 8th day of May, 2001.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor

APPROVED AS TO FORM:

J. Christopher Callahan
Town Attorney

STAFF REPORTS

Town Manager Place reported on the following:

1. The work in the harbor done by Lake Norman was completed on May 13th. Dredging of the river is finished for this year and Deck Sand has removed their equipment.
2. The interconncetion between the town's generating plant and Duke Power's sub-station is now complete. The town will be receiving credit for the work in the form of a reduced interconnect charge and slightly higher earned rates.
3. Our engineers, the contracto and the pump manufacturers representative are still working on the priming difficulties of the pumps at the new lift station. The pump company has recommended a course of action and that is now in progress. The town is fully covered under warrantee for any additional work required. In the meantime, a representative from the Hazard Mitigation Grant Program will be here at 2:00 p.m. tomorrow to do the final inspection of the work before signing off on the grant.
4. According to County Manager John Condrey, the town should be hearing from the feds shortly regarding the funding that US Representative Charles Taylor was successful in having appropriated last fall. This funding amounted to about \$500,000 for public water systems in Rutherford County and Lake Lure was specifically mentioned by name in the appropriation.
5. The state accepted the town's previous application for water and sewer grants for the current round of reviews. The town's consultants at McGill Associates have been responding to the DENR's requests for additional information.
6. Last month, Town Council authorized transferring \$11,000 from the contingency fund to advance the lease for the new golf carts into the current fiscal year if Club Car, Inc. could have them ready this month instead of July. They agreed and the carts should be here next week.
7. Improvements at the beach are nearly complete, including the boardwalk and new fence.

The parking lot at Morse Park near the marina and the segment of street at the town center are now complete.

8. There are several events scheduled for the weekend including the Kiwanis craft and music festival and a blue grass concert in Morse Park sponsored by the Cajun Pig restaurant.

COUNCIL COMMENTS

A motion was made by Commissioner McCallum to schedule a special meeting to be held on May 15, 2001, 9:00 a.m., at the Lake Lure Municipal Center for the purpose of reviewing the proposed budget for fiscal year 2001-2002 and to consider approving a permit for fabric structure from the Hickory Nut Development Corp. Commissioner Stanier seconded the motion and the vote of approval was unanimous.

Commissioner McCallum mentioned that the town beach and boardwalk looks outstanding.

ADJOURNMENT

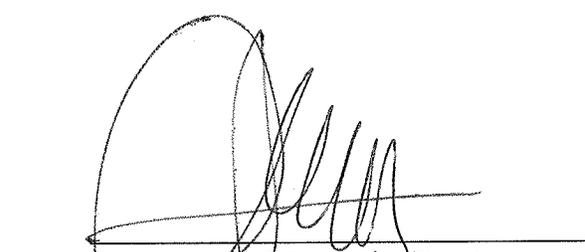
With no further items of discussion, Commissioner Cox made a motion to adjourn the meeting at 10:08 p.m. Commissioner Pressley seconded the motion and the vote of approval was unanimous.

ATTEST:





Mary A. Flack, MMC
Town Clerk



Mayor Jim Proctor