



Incorporated 1927

# Town of Lake Lure

P. O. Box 255 • Lake Lure, NC 28746-0255 • 828/625-9983 • FAX 828/625-8371

## MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, AUGUST 14, 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.

### APPROVE AGENDA

A motion was made by Commissioner Cox to approve the agenda as presented.  
Commissioner McCallum seconded the motion and the vote of approval was unanimous.

### PUBLIC HEARING – PROPOSED ORDINANCE NO. 01-08-14A AMENDING THE ZONING ORDINANCE TO CHANGE THE ZONING MAP

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

A motion was made by Commissioner McCallum to open the public hearing regarding the proposed Ordinance No. 01-08-14A amending the Zoning Ordinance to change the Zoning Map. Commissioner Pressley seconded the motion and the vote of approval was unanimous.

**Page 2 - Minutes of the August 14, 2001 Regular Council Meeting**

Zoning Administrator Terri Potts reviewed and answered questions pertaining to the proposed Ordinance No. 01-08-14A. Potts also read into the record her memorandum of August 14, 2001 addressed to Town Council. Reads as follows:

The Planning and Zoning Board at their meeting this morning is revising their recommendation of the Watts Re-zoning 01-11 from R-4 with conditions of R-3 to a straight R-4 zoning. This issue will be placed on the agenda of the next scheduled Board of Adjustment meeting for final approval, given approval by Council tonight.

As stated in the previous write up, in order to maintain continuity along the 64/74 corridor R-4 is the logical zoning for this property.

**92.030A R-4 RESIDENTIAL/OFFICE DISTRICT** states that bed and breakfast establishments shall be allowed as a conditional use subject to the Board of Adjustment finding that all applicable provisions of 92.045 through 92.048, 92.088 have been met. This property meets all of those requirements.

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

A motion was made by Commissioner McCallum 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 Pressley made a motion to adopt Ordinance No. 01-08-14A as presented. Commissioner Cox seconded the motion and the vote of approval was unanimous.

**ORDINANCE NO. 01-08-14A**

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

**WHEREAS**, the Town of Lake Lure Zoning and Planning Board, after due consideration, has recommended amendment to the zoning map to change 122 Harris Road, Lake Lure, North Carolina, lots 110, 111, 155 and 156, Block 3, as found Plat Book 2-1, Map Page 514, consisting of 2.5 total acres, from R-1 to R-4; and,

**WHEREAS**, the Town of Lake Lure Zoning and Planning Board, after due consideration has recommended an amendment to the zoning map RZ-01-11, to change the parcel of land described as 122 Harris Road, for a total of 2.5 acres, from R-1 to R-4; and

**WHEREAS**, the Lake Lure Town Council, after due public notice, conducted public hearings on the 14th day of August, 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

**Page 3 - Minutes of the August 14, 2001 Regular Council Meeting**

Ordinances is hereby amended to change lots 110, 111, 155 and 156, Plat Book 2-1, Map Page 514, Block 3. This property encompasses 4.5 acres more or less.

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

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

Adopted this 14th day of August, 2001.

Town Manager Place introduced Monica Stofer, a new staff member working with Zoning Administrator Terri Potts.

<b>PUBLIC FORUM</b>
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Mayor Proctor invited the audience to speak on any non-agenda item. William Frykberg, a Lake Lure resident, asked Council members to consider adopting the following resolution drafted by Town Manager Place asking the Rutherford County Board of Education to include the Lake Lure area a site for a new school.

**RESOLUTION NO. 01-08-14**

**A RESOLUTION REQUESTING THE RUTHERFORD COUNTY BOARD OF EDUCATION TO INCLUDE THE LAKE LURE AREA AS A SITE FOR A NEW SCHOOL**

**WHEREAS,** Lake Lure area students currently attend three different schools systems in Rutherford, Polk and Henderson Counties; and

**WHEREAS,** no Rutherford County schools are currently located in either the Green Hill or the Chimney Rock townships; and

**WHEREAS,** Lake Lure area students all have extremely long bus rides of up to an hour and half each way, each day, among the longest in the county; and

**WHEREAS,** these lengthy bus trips limit the opportunity for Lake Lure area students to participate in athletics and extra curricular activities and intrude into study and family time; and

**WHEREAS,** Lake Lure, Chimney Rock, and the surrounding Chimney Rock Township are among the fastest growing areas in Rutherford County according to the 2000 census (Chimney Rock Township grew by over 30% in population during the past 10 years), and according to the County Building Inspection Department, Lake Lure and Chimney Rock had the largest rate of new home construction in the county; and

**WHEREAS,** Lake Lure, Chimney Rock, and the Chimney Rock Township contribute a significant percentage of total County property taxes and none of those funds are used for schools within the Township; and

## Page 4 - Minutes of the August 14, 2001 Regular Council Meeting

**WHEREAS**, significant amounts of state funding are being lost to surrounding counties, but if a local school were constructed in the Chimney Rock township those state funds would be available to Rutherford County to support area schools; and

**WHEREAS**, a public school is a focal point for a community but since the Lake Lure school was closed almost 50 years ago that focal point has been lost;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Lake Lure that the Rutherford County Board of Education include the Lake Lure area as a site for a new school on the school priority list.

Adopted this 14<sup>th</sup> day of August, 2001.

After review, Commissioner McCallum made a motion to adopt Resolution No. 01-08-14 as presented. Commissioner Pressley seconded the motion and the vote of approval was unanimous.

### CONSENT AGENDA

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

- a. approved minutes of July 10, 2001 (regular meeting), and July 17, 2001 (workshop meeting); and
- b. approved request from the Hickory Nut Gorge Kiwanis Club to suspend the town's peddling ordinance on October 13-14 (Oktoberfest) and November 2-3, 2001 (Halloween activities) and the use of town property surrounding the Lake Lure Arcade Building for selling crafts and food, fund raising, and music during these events.

End of Consent Agenda

### UNFINISHED BUSINESS

- a. **Adopt Ordinance No. 01-08-14 Amending Chapter 94 of the Town Code of Ordinances Regarding the Lake Structures Regulations Relating to Moored Floating Platforms**

A motion was made by Commissioner McCallum to adopt Ordinance No. 01-08-14 Amending Chapter 94 of the Town Code of Ordinances regarding the Lake Structures regulations relating to moored floating platforms as presented and Commissioner Stanier seconded the motion. Commissioners McCallum and Stanier voted in favor of the motion. Commissioners Cox and Pressley voted against the motion. The Mayor voted in favor of the motion breaking the tie vote. Therefore, the motion carried with a majority vote of 3 to 2 on the second reading of this ordinance.



ORDINANCE NO. 01-08-14

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 A MORJORITY COUNCILMEN VOTING IN THE AFFIRMATIVE ON THE SECOND READING:

**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 TWO:** 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. Anchorages for Ffloating 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 platforms shall be no greater than 64 square feet in area and have white reflectors 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. Alternate materials may be approved if found structurally satisfactory and if they do not pose a threat to the environment. Only one permanently moored floating platform (solid or inflatable) shall be permitted for each upland lake front lot, except as provided in subparagraph (3) below.

(2) Permanently moored inflatable floating platforms shall be no greater than 178

**Page 6 - Minutes of the August 14, 2001 Regular Council Meeting**

square feet in area or 15 feet in diameter and have white reflectors affixed to both sides of each corner or, for circular platforms, at least every six feet of circumference. Such platforms shall be located not less than 10 feet from the shore or any hard surfaced structures and shall be moored in water not less than ten feet in depth at any point below the platform. All permanently moored inflatable floating platforms shall be removed from the lake between November 1 and April 1 of each year and at any time they deflate or are in a state of disrepair. As part of the permit application process, the applicant shall provide a copy of the manufacturer's recommended safety specifications and shall specify the manner in which the applicant will adhere to said specifications. Only one permanently moored floating platform (solid or inflatable) shall be permitted for each upland lake front lot, except as provided in subparagraph (3) below.

- (3) Permanently moored inflatable floating platforms larger than 178 square feet in area may be approved by town council, but only for organized group recreation programs supervised by appropriately trained personnel meeting the standards of the American Red Cross. Said platforms shall only be approved adjacent to land zoned R-3, CG or GU under Chapter 92 of this code and shall have white reflectors affixed to both sides of each corner or, for circular platforms, at least every six feet of circumference.. All permanently moored inflatable floating platforms shall be removed from the lake between November 1 and April 1 of each year and at any time they deflate or are in a state of disrepair. As part of the permit application process, the applicant shall provide a copy of the manufacturer's recommended safety specifications and shall specify the manner in which the applicant will adhere to said specifications. At it's discretion, the town council may allow more than one permanently moored inflatable floating platforms adjacent to land zoned R-3, CG or GU.
- (4) 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.
- (5) Temporarily moored inflatable water recreation devices shall be no greater than 80 square feet in area or 10 feet in diameter and are permitted on Lake Lure only during daylight hours and are to be used only by swimmers. Such devices shall be removed from the lake when not in use."

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

Adopted this August 14, 2001.

**NEW BUSINESS**

**a. Diamond Jubilee Committee Appointment**

A motion was made by Commissioner McCallum to appoint James A. Hullender to fill Carolyn Cobb's position on the Diamond Jubilee Committee. Commissioner Stanier seconded the motion and the vote of approval was unanimous.

**NEW BUSINESS**

**b. Offer to Purchase Town Property**

Town Manager Place read into the record his memorandum of August 7, 2001 addressed to the Mayor and Town Council members regarding an offer to purchase town property. (Copy of memo attached). Mr. Place said he had received a letter from Mr. Jose A. Perez offering to purchase two parcels of town property (parcel one is a 2.43 acre tract on the northwest corner of NC Highway 9 and Girl Scout Road and parcel two is a 3.76 acre tract on the southwest corner of NC Highway 9 and Girl Scout Road) in the amount of \$80,000 for each parcel. He said these parcels of town property have already been declared surplus.

After discussion, Commissioner Cox made a motion to authorize the sale of town property (parcel one is a 2.43 acre tract on the northwest corner of NC Highway 9 and Girl Scout Road and parcel two is a 3.76 acre tract on the southwest corner of NC Highway 9 and Girl Scout Road) declared surplus; accept Jose A. Perez's bid offer of \$80,000 per parcel and advertise for upset bids. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

**NEW BUSINESS**

**c. Water Systems Projects**

Town Manager Place gave a brief report on the town's water system projects. Mr. Place read into the record his memorandum of August 7, 2001 pertaining to the Water System Projects. (Copy of memorandum attached).

Following discussion, Commissioner McCallum made a motion to authorize an expenditure of \$1,500 for McGill Associates, Inc. to prepare a grant application to the Rural Center for funds to do a comprehensive study on the merits of various alternatives for establishing a cooperative utility system for Lake Lure, Chimney Rock Village, and the immediate surrounding region. Commissioner Cox seconded the motion and the vote of approval was unanimous.

Mr. Place said the total cost to prepare the grant application is approximately \$3,000 to be split equally between the Town of Lake Lure and Chimney Rock Village.

<b>STAFF REPORTS</b>
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Town Manager Place reported on the following:

1. This has been a traumatic period for the Lake Lure town hall family. First, William Grimes' mother passed away after a prolonged illness. Two days later, Linda Ward's parents were involved in a serious car accident and her mother died as a result of her injuries. And then the following day, our police chief, Mike Bustle was stricken with a heart attack while vacationing with his family at Myrtle Beach. Thankfully, Mike has recovered after surgery and is back at work.
2. There has not yet been a planned meeting to discuss the federal water and sewer funds that Senator Taylor was successful in having allocated to our area. Hopefully, it will be scheduled shortly.
3. Draft copies of the soil erosion and sedimentation control regulations have been distributed.
4. The pay and classification study continues. A draft report is expected sometime next month.
5. Congratulated candidates running for Town Council. Mr. Place said the Lake Lure town staff would assist candidates in becoming familiar with town operations.

<b>COUNCIL COMMENTS</b>
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Mayor Proctor announced that a joint workshop meeting of the Town Council and the Zoning and Planning Board was being held on August 28, 9:30 a.m., at the Lake Lure Municipal Center in the Town Council meeting room. The purpose of this meeting was to discuss the zoning and planning board issues including the expansion of the town's water system. Also, to review the Soil Erosion and Sedimentation Control Regulations.

Commissioner Cox gave a brief report on the progress of the Lake Lure Municipal Golf Course.

Council members agreed to authorize the Lake Advisory Committee to send out a lake use survey to Lake Lure citizens not exceeding the cost of \$1,000.


The Mayor and Council members thanked LAC Chairman Bob Washburn and the Lac Committee for their work.

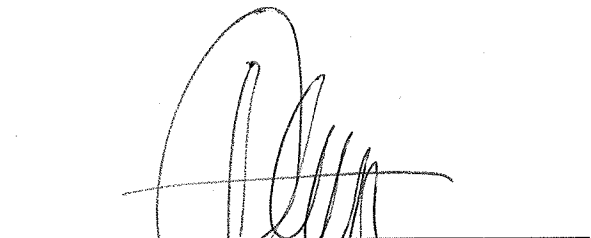


**ADJOURNMENT**

With no further items of discussion, Commissioner Cox made a motion to adjourn the meeting at 8:35 p.m. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

ATTEST:

  
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Mary A. Flack, MMC  
Town Clerk

  
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Mayor Jim Proctor