

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, MAY 10, 2005 7:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER**

PRESENT: Mayor Jim Proctor
Commissioner Blaine Cox
Commissioner Lea Hullender
Commissioner Dick McCallum
Commissioner Chuck Watkins

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

Town Attorney Callahan gave the invocation.

APPROVE THE AGENDA

After discussion, Commissioner Cox made a motion to approve the agenda as amended. Adding items under new business: 9 e. (consider a request from the Edneyville Boy Scout Troop 605 to waive boat permit fees for two motorized boats and two non-motorized boats) and 9 f. [schedule a public hearing to consider a 90 day extension on the moratorium for the development of any new planned unit development (as defined by Lake Lure's zoning regulations) on land equal to or greater than ten acres in size within the town limits]. Adding item 12. [closed session meeting to discuss attorney client privilege and legal matters pursuant to G. S.143-318.11(a)(3) regarding ongoing litigation between the Town of Lake Lure and Mike McPherson, Tom Dixon, and Faye Resnick (Dixon)]. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

**PUBLIC HEARING - CONSIDER AMENDMENTS TO THE TOWN OF LAKE LURE
ZONING REGULATIONS, TITLE IX, CHAPTER 92, RELATING TO SIGNS IN
COMMERCIAL CENTERS**

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

Mayor Proctor opened the public hearing regarding proposed Ordinance No. 05-05-10 amendments to Title IX, Chapter 92, relating to signs in commercial centers.

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Community Development Administrator Shannon Baldwin gave a brief overview of the proposed changes by the Zoning and Planning Board. Mr. Baldwin said the Zoning and Planning Board recommends approval of the proposed amendments to Ordinance No. 05-05-10.

The Mayor invited citizens to speak during the hearing. John Cuputo, Aaron White, Bob Mitchel, and Lynn Weaver requested to speak.

1. John Cuputo, a representative of Ingles store, asked questions pertaining to signs for the new Ingles store being constructed in Lake Lure. Mr. Cuputo stressed the importance of having a separate sign for the fuel center from the super market.

Commissioner Cox suggested that Mr. Cuputo apply for a conditional use permit from the Zoning and Planning Board.

2. Aaron White, a Lake Lure resident, expressed his concerns about the illuminated sign at the La Strada Restaurant. Mr. White said he did not want to see bright lights in Lake Lure. Mr. White said he was concerned about the lighting of the new Ingles store and parking lot.

Community Development Administrator Shannon Baldwin said he was working with the owner of La Strada Restaurant's owner to correct the illuminated sign to comply with the town's sign regulations.

3. Bob Mitchel, a Lake Lure resident, said he was concerned about light glare in the sky.
4. Lynn Weaver, a Lake Lure resident, said she was concerned about the light intensity of the new Ingles store would create. Mrs. Weaver said she would like Ingles to allow green space around there store.

After discussion, Commissioner Cox made a motion to close the public hearing. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

ADOPT ORDINANCE NO. 05-05-10 AMENDING THE TOWN OF LAKE LURE ZONING REGULATIONS, TITLE IX, CHAPTER 92, RELATING TO SIGNS IN COMMERCIAL CENTERS
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After discussion, Commissioner Hullender made a motion to approve Ordinance No. 05-05-10 as presented. Commissioner Cox seconded the motion and the vote of approval was unanimous.

ORDINANCE NUMBER 05-05-10

AN AMENDMENT TO TITLE IX, CHAPTER 92, THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE, RELATING TO SIGNS IN COMMERCIAL CENTERS

WHEREAS, the Town of Lake Lure Zoning and Planning Board, after a thorough review of the Zoning Ordinance, has recommended an amendment regulating signs within

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commercial centers; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the 10th day of May, 2005, upon the question of amending the zoning regulations in this respect;

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

SECTION ONE. Amend §92.147 “DEFINITIONS” to add the following defined terms:

Principal Flat Sign: A sign advertising the principal use and erected parallel to and extending out not more than twelve (12) inches from the façade of any building to which it is attached and supported throughout its entire length by the façade and not extending above the building.

Incidental Flat Sign: A sign containing accessory information for the principal use and erected parallel to and extending out not more than twelve (12) inches from the façade of any building to which it is attached and supported throughout its entire length by the façade and not extending above the building. No advertising may be affixed to incidental flat signs.

SECTION TWO. Amend § 92.154(C) “SIGNS EXEMPT FROM REGULATIONS” to read as follows:

- (C) Trade names, ~~and~~ graphics, and prices which are located on gas pumps, newspaper, soft drink and similar vending devices.

SECTION THREE. Delete section §92.157(B)(1) “Business, commercial and industrial districts,” and replace with the following:

- (1) As this subsection is applied to commercial centers, the commercial center owner shall be responsible for securing permits and maintaining the following signs.
- (a) Freestanding Detached Signs. Each commercial center, as defined herein, shall be allowed one freestanding, double faced, detached sign, identifying the center. Such sign may contain the names of individual businesses located in the commercial center and may be illuminated. Said sign, including the aggregate sign face area of the individual business signs, shall not exceed 50 square feet per sign face, provided, any commercial center with an aggregate building footprint area greater than 50,000 square feet is permitted one freestanding detached sign not to exceed 100 square feet per sign face. Signs listed in Section 92.154, 92.155 and 92.158 shall not be included in the allowable area calculated.
- (b) Principal Flat Signs. In addition, each individual business in the commercial center having a separate individual outside entrance serving the general public shall be permitted one principal flat sign, as defined herein, to identify the principal use of that business. Principal flat signs shall be positioned on the wall on which the main entrance of said business is located. The total aggregate area of the principal flat signs

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shall not exceed 3 percent of the gross area of the frontage wall, nor shall any single sign exceed 240 square feet. The signs may be illuminated. Signs listed in Section 92.154, 92.155 and 92.158 shall not be included in the allowable area calculated.

- (c) Incidental Flat Signs. Incidental flat signs affixed to the exterior side of the building wall on which the main entrance of the business is located, indicating an incidental use such as a pharmacy, garden center, deli or similar accessory use in a commercial center, shall be permitted. In no case shall the total aggregate area of incidental flat signs exceed 2 percent of the gross area of the frontage wall face, as defined herein, nor shall any single sign exceed 160 square feet.

SECTION FOUR. The Zoning Administrator shall make all the necessary corrections and additions to the Zoning Ordinance and shall henceforth enforce the ordinance hereby amended.

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

Adopted this 10th day of May, 2005.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Jim Proctor
Mayor

Approved as to form:

J. Christopher Callahan
Town Attorney

PUBLIC FORUM

Mayor Proctor invited the audience to speak on any non-agenda item and no one requested to speak.

CONSENT AGENDA

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

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

- a. minutes of April 12, 2005 (regular meeting), and April 28, 2005 (special workshop meeting).

End of Consent Agenda

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NEW BUSINESS:

a. Auditor's Report

Town Auditor Robert C. Koone gave a brief report on the town's audit for fiscal year July 1, 2003 through June 30, 2004.

NEW BUSINESS:

b. Consider Awarding Bid Offer from Bill and Nancy McNary to Purchase Certain Town Property Located Adjacent to Sunset Cove and Authorize the Town Attorney to Prepare Appropriate Documents to Finalize the Sale

Town Manager Place read into the record his memorandum dated May 3, 2005 regarding an offer from Bill and Nancy McNary to purchase town property. (Copy of memorandum attached).

Richard Glassen, Bill Beeson, John Freeman, and Lynn Weaver voiced their concerns about the town selling this particular property. It was recommended that adjacent property owners be notified in addition to the legal advertisement of the sale of surplus property.

After discussion, rejected the bid offered by Bill and Nancy McNary to purchase town property located adjacent to Sunset Cove;

NEW BUSINESS:

b. Consider a Request from Ken Roth on Behalf of Main Street Festivals to Hold a Lake Lure Festival of Arts on Town Property

* adopted Resolution No. 05-05-10 approving a grant application to be submitted to the North Carolina Clean Water Management Trust Fund for Financial Assistance for a town project;

* tabled approval of a fabric structure permit for Main Street Festivals;

* approved a request from the Edneyville Boy Scout Troop 605 to waive boat permit fees for two motorized boats and two non-motorized boats; additional boat permits purchased by the Edneyville Boy Scouts will be charged at a resident rate;

* scheduled a public hearing on Tuesday, June 14, 2005, at 7:00 p.m. or thereafter, in the council meeting room of the Lake Lure Municipal Center, to consider a 90 day extension on the moratorium for the development of any new planned unit development (as defined by Lake Lure's zoning regulations) on land equal to or greater than ten acres in size within the town limits; this temporary moratorium shall not apply to any conditional use permit applications for planned unit developments received and under construction by the Town of Lake Lure prior to February 15, 2005;

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* authorized the town manager to enter into an agreement with Club Car golf carts effective immediately, to lease electric golf carts to replace the gas models and authorized the expenditure of \$11,000.00 to be paid out of the current budget for fiscal year 2004-2005 toward the new lease (old lease expires on June 1, 2005);

* scheduled a special budget workshop meeting on Friday, May 27, 2005, 9:30 a.m. in the council meeting room of the Lake Lure Municipal Center to discuss preliminary budget items for fiscal year 2005-2006; and

SPECIAL WORKSHOP MEETINGS: Town council held workshop meetings on Thursday, April 28, 2005, at 10:30 a.m. and Tuesday, May 10, 2005, at 9:30 a.m., in the council meeting room of the Lake Lure Municipal Center for the purpose of reviewing a draft Capital Improvements Program for fiscal year 2005-2011 with town staff members.

NEW BUSINESS:

c. Consider Ordinance No. 05-04-12A Amending the Lake Structure Regulations, Title IX, Chapter 94, Creating an Intent Section; Revising Definitions; Modifying Standards for Construction, Cluster Moorings, and Marinas; Expanding the List of Prohibited Uses; Revising the Variance Procedures; and Adding a Section on Compliance

After discussion, Commissioner McCallum made a motion to approve Ordinance No. 05-04-12A as amended. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

ORDINANCE NUMBER 05-04-12A

AN AMENDMENT TO TITLE IX, CHAPTER 94, THE LAKE STRUCTURE REGULATIONS OF THE TOWN OF LAKE LURE, CREATING AN INTENT SECTION; REVISING DEFINITIONS; MODIFYING STANDARDS FOR CONSTRUCTION, CLUSTER MOORINGS, AND MARINAS; EXPANDING THE LIST OF PROHIBITED USES; REVISING THE VARIANCE PROCEDURES; AND ADDING A SECTION ON COMPLIANCE.

WHEREAS, the land covered by the waters of Lake Lure and all land within the designated lake boundary is owned by the Town of Lake Lure; and

WHEREAS, Lake Lure is held in trust by the Town of Lake Lure for the benefit of the citizens of Lake Lure; and

WHEREAS, the Town Council desired to establish regulations governing structures to be erected and maintained within the boundaries of Lake Lure for the purpose of enhancing the health, safety, and welfare of the general public and to preserve the property of the Town and the properties of the land owners;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN

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OF LAKE LURE, NORTH CAROLINA, MEETING IN REGULAR SESSION AND WITH ALL COUNCILMEN VOTING IN THE AFFIRMATIVE:

SECTION ONE. Revise Section 94.01 (new language is underlined, language to be deleted is stricken through) to read:

§ 94.01 ~~USE OF LAKE LURE~~ INTENT AND APPLICATION

- (A) Intent. The land covered by the waters of Lake Lure and all land within the lake boundary is owned by the Town of Lake Lure. Said lake is held in trust by the Town of Lake Lure for the benefit of the citizens of Lake Lure. Based on the above, the Town Council desires to establish regulations governing all structures to be erected and maintained within the boundaries of the lake for the purpose of enhancing the health, safety, and welfare of the general public and to preserve the property of the Town and the properties of upland land owners.
- (B) Application. No structure shall hereafter be erected or maintained within the lake boundary of Lake Lure within the corporate limits of the town and no use made of the water surface and land thereunder or any facility or structure located thereon, except in conformity with the regulations of this chapter, or amendments thereto. Issuance of a permit or certificate for a lake structure does not confer any rights to ownership of land or water owned by the town.

SECTION TWO. Revise those portions of Section 94.02, Definitions, to add, delete or modify the following definitions as indicated:

"Living Quarters." A room or rooms designed to be used as overnight housing or equipped with furnishings, appliances and accessories that create a domicile.

"Marina." A facility which provides for rent or lease, more than one covered or uncovered temporary or permanent mooring for watercraft.

"Mooring Facility" A location adjacent to the shoreline or any lake structure, equipped with cleats, posts or any other devices intended for the mooring of one or more boats.

"Mooring, Permanent." A mooring facility for boats that can be occupied at any time.

"Mooring, Temporary." A mooring facility for boats that can only be occupied during the hours between 6:00 a.m. and 12:00 midnight.

~~"Temporary Mooring Slip." A mooring facility for boats that can only be occupied during the hours between 6:00 a.m. and 12:00 midnight.~~

"Upland Lot." A lot having a boundary ~~coexistent~~ coexistent with the portion of the shoreline where a lake structure exists or is planned.

SECTION THREE. Revise Section 94.05 as follows:

§ 94.04 LIABILITY INSURANCE

All property owners having structures other than seawalls on Lake Lure (including existing lake structures as well as future lake structures) must at all times keep and

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maintain in force, at their sole expense, public liability insurance against claims for bodily injury, death or property damage occurring in or about the lake structure in the amount of at least \$500,000 per ~~person~~ occurrence. Prior to applying for a lake structure permit or renewal of a lake structure certificate, proof of this liability insurance must be provided the town pursuant to § 94.03 (A) (7).

SECTION FOUR. Revise those portions of Section 94.05 as follows:

§ 94.05 DESIGN AND CONSTRUCTION STANDARDS

- (B) No structure shall be placed in the water more than 30 feet or one third the distance to the opposite shore, whichever is less, as measured to and from the shoreline. At least one third of the waterway must be left unobstructed. ~~The total dimensions of the structure shall not exceed this boundary.~~ No portion of any lake structure shall extend beyond this boundary.
- (C) No portion of any structure shall be located closer than 15 feet to any side lot line, as projected into the lake. ~~The total dimensions of the structure shall not encroach upon this boundary.~~ The projection of the lot line shall be a straight line on the same bearing as the lot line. This provision does not apply to sea walls. See also paragraph (M) below regarding boardwalks.
- (D) The maximum width of any boat slip, whether covered or uncovered, shall be 11 feet and a maximum of three such slips shall be allowed contiguous to any upland lot ~~mooring slips shall be allowed for any lake structure or combination of lake structures adjacent to an upland lot~~ which meets the minimum width of 100 front feet. For lots of record with a width of less than 100 front feet and more than 80 front feet at shoreline, two mooring slips shall be allowed for any lake structure or combination of lake structures. This provision does not apply to cluster mooring facilities (see § 94.13) or marinas (see § 94.14).
- (F) Height
 - (2) Accessory structures to be used for protection from direct sun and rain may be erected above rooftop decks provided they meet the following standards and are approved by the Lake Structures Appeals Board.

Decktop Accessory Structure Guidelines:

- (a) Shall not exceed a height of ten feet above the surface of the rooftop deck. Thus, the maximum allowable height of any lake structure that includes a decktop accessory structure is 25 feet.
- (J) ~~No lake structure shall serve as a temporary or permanent living quarters. No lake structure shall be designed, constructed or used as temporary or permanent living quarters.~~
- (K) Satellite dish antennas of not more than ~~24~~ 30 inches in diameter may be installed on lake structures, provided they do not exceed ~~15 feet in height above the shoreline~~ the highest portion of the lake structure to which it is attached.

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A) ~~(A)~~ **The Community Development Administrator and the Lake Advisory Committee shall review each lake structure permit application for a cluster mooring facility. The application review will confirm that the proposed facility conforms to these regulations, evaluate its impact on the lake's carrying capacity, and determine that the location will not be adverse to navigation and boating safety or to any nearby residential area.** A recommendation based on this review will then be submitted to Council. The Council shall approve or deny the request after examining the report.

~~(A)~~

~~(B)~~ Cluster mooring facilities may be installed ~~in lieu of private docks or boathouses adjacent to property that is zoned R-3 or C~~ adjacent to upland lot(s) zoned for resort or commercial use. The same requirements apply to cluster mooring facilities as do to all other lake structures except they ~~must be open (no roofs)~~ shall have no walls or roofs, and have no more than three individual ~~boat slips~~ permanent moorings per 100 front feet at the shoreline of lake front property that is owned by the applicant and that is free of any lake structures (other than sea walls and boardwalks). Existing private docks or boathouses must be removed prior to construction of a cluster mooring facility and no private docks or boathouses can be applied for or constructed adjacent to the upland lot(s) for which a cluster mooring facility has been approved.

- 1) (1) For areas with upland lots that are zoned ~~R-3~~ for resort use, the lake front property that is used in the formula for determining the number of slips must be contiguous with the site of the proposed cluster mooring facility and the same lake front property must be developed with roads and structures in place prior to review of the application. If any existing mooring facilities are to be included the total slips of the mooring facility, they will be factored into the total slips calculated with the above formula.
- (2) For areas ~~zoned C~~ with upland lots zoned and utilized for commercial purposes (C-1), only temporary moorings ~~slips~~ shall be allowed. A maximum of three craft owned by the operators of the commercial establishment may be permanently moored at the establishment's cluster mooring facility.

SECTION SIX. Delete Section 94.12:

SECTION SEVEN. Revise those portions of Section 94.14 as follows:

§ 94.14 MARINAS

A)

~~(A)~~ **The Zoning Administrator shall review each lake structure permit application for a cluster mooring facility to confirm that the proposed facility conforms to these regulations and to approve its location with regard to navigation and boating safety. The Community Development Administrator and the Lake Advisory Committee shall review each lake structure permit application for a marina. The review will confirm that the proposed facility conforms to these regulations, evaluate its impact on the lake's carrying capacity, and determine that the location will not be adverse to navigation and boating safety or to any nearby residential area. A recommendation based on this review will then be submitted to Council. The Council shall approve or deny the request after examining the report.**

~~(B)~~ A marina may have not more than five permanent or temporary mooring slips for each

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~~100 feet of shoreline, provided this limitation shall not apply to any marina owned by the Town of Lake Lure.~~ Marinas may be installed adjacent to upland lot(s) zoned for commercial or resort use. The same requirements apply to marinas as do to all other lake structures except they ~~must be open (no roofs) shall have no walls or roofs,~~ and may have not more than five permanent or temporary mooring slips for each 100 feet of shoreline that is owned by the applicant and that is free of any lake structures (other than sea walls and boardwalks). The lake front property that is used in the formula for determining the number of slips must be contiguous with the site of the proposed marina. Existing private docks or boathouses must be removed prior to construction of a marina and no private docks or boathouses can be applied for or constructed adjacent to the upland lot(s) that are associated with a marina. These limitations shall not apply to any marina owned by the Town of Lake Lure.

- (C) ~~Permanent mooring slips may be rented or leased for the mooring of any watercraft with a valid permit issued by the town. Slips and dock space may be rented or leased for the permanent mooring of any watercraft with a valid boat permit issued by the town for the current year. The town may assess the marina owner an annual commercial use fee for each permanent mooring leased or rented.~~

SECTION EIGHT. Revise those portions of Section 94.15 as follows:

§ 94.15 PROHIBITED USES

The following uses or activities shall be prohibited unless written approval is given by the ~~Lake Structures Appeals Board~~ Town Council.

- (A) Any activity such as dredging or filling which alters the shoreline other than as required by action of the Town Council ~~(see also § 94.12).~~

(A) Any activity such as dredging or filling which alters the shoreline other than as required by action of the Town Council (see also § 94.12).

- (G) ~~Mooring~~ The permanent or temporary mooring of a boat or any other floating object ~~alongside a lake structure in such a way that it may temporarily or permanently extends beyond the boundaries established in §94.05 and restricts the passage of boats.~~
- (H) The permanent mooring of more than 3 motorized boats at any one lake structure or combination of lake structures (other than a marina or cluster mooring facility) adjacent to one upland lot with the minimum required width of 100 front ft. at shoreline.
- (I) The permanent mooring of more than 2 motorized boats at any one lake structure or combination of lake structures (other than a marina or cluster mooring facility) adjacent to one upland lot that is a lot of record with a width of less than 100 front feet and more than 80 front feet at shoreline.
- (J) The permanent mooring at a cluster mooring facility of more than 3 motorized boats per 100 front ft. at shoreline of upland lot(s) adjacent to a cluster mooring facility.
- (K) The permanent mooring at a marina of more than 5 motorized boats per 100 front ft. at shoreline of upland lot(s) adjacent to a marina.

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- (L) The permanent mooring of any commercial boats at a lake structure with an upland lot that is not zoned in accordance with or having a conditional use permit to comply with Section 1.59 of the Lake Use Regulations requirements for lake commercial licensing and supporting criterion.
- (M) The use of any lake structure as a temporary or permanent living quarters.
- (N) The rental of more than one mooring at a dock, boathouse or any other lake structures in the manner of a marina when the adjacent upland lot is zoned R-1.

SECTION NINE. Revise those portions of Section 94.16 as follows:

§ 94.16 VARIANCES

- (A) (A) ~~Because of great differences in lot size, property topographies, location of adjacent homes, shoreline and road contours, location of ledges and other variables, the Lake Structures Appeals Board may grant a variance in special situations if the board believes equity so demands and no neighbor (adjoining property owner or other land owner whose projected boundary lines are affected) will have his view of the lake from his house obstructed or the ability to construct or alter lake structures within his projected boundaries impaired. A variance from the maximum height of structures may not be considered. Any exception to these regulations shall consider the health, safety, and welfare of the general public. Upon application, the Lake Structures Appeals Board may grant in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship. The variance may be permitted as long as the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Lake Structures Appeals Board that special or unusual conditions exist.~~
- (C) Requests for variance shall be filed with the Zoning Administrator Community Development Administrator not less than 14 calendar days prior to the meeting of the Lake Structures Appeals Board at which the request is to be heard. The application shall be accompanied by a survey of the property involved and sufficient information in the form of a written description and plans drawn to scale to show the purpose of the variance.
- (C) Upon acceptance of a complete application, the Zoning Administrator shall send notice of the hearing to all abutting property owners as well as any property owners that the Administrator determines would be affected by the grant of the variance.

SECTION TEN. Add a new Section 94.17 as follows:

§ 94.17 COMPLIANCE

In the event any lake structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or used in violation of these regulations, the Community Development Administrator or any other appropriate town authority, or any person who would be damaged by

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such violation, in addition to other remedies, may institute an action for injunction, or mandamus, or other appropriate action or proceedings to prevent such violation.

SECTION ELEVEN. The Community Development Administrator shall make all the necessary corrections and additions to the Lake Structures Regulations and shall henceforth enforce the regulations hereby amended.

SECTION TWELVE. This ordinance shall be effective upon its adoption.

Adopted this 12th day of April, 2005.

ATTEST:

Mary Flack, MMC
Town Clerk

Jim Proctor
Mayor

Approved as to form:

J. Christopher Callahan
Town Attorney

NEW BUSINESS:

d. Consider a Request from Genevieve Helms on Behalf of Lake Lure Adventure Company to Moore Five Boats Adjacent to Lake Structure

Town Council reviewed a request from Genevieve Helms on behalf of Lake Lure Adventure Company to moor five boats adjacent to their lake structure. Ms. Helms asked that Town Council make an exception or grant a variance to the regulations which only allow three boats to be moored at their lake structure, based on the fact of historic use of the property as commercial and the cost of mooring the boats elsewhere.

Mayor Proctor suggested that Lake Lure Adventure Company petition to have the area considered as a marina. Mayor Proctor said the regulations stipulate a limit on the number of marinas and that limit has been reached, but given the property's proximity to an existing marina (Dam Marina) there may be a possible solution. It was suggested by town council members that Mrs. Helms submit her request to the Lake Advisory Committee.

NEW BUSINESS:

e. Consider Awarding a Bid for the 2005 FEMA Dredging Project

Town Manager Place read into the record his memorandum of April 6, 2005 regarding bids for the 2005 FEMA dredging project. (Copy of memorandum attached).

After discussion, Commissioner Cox made a motion to award a bid for the 2005 FEMA

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Dredging Project to Lake Norman Dredging and Marine Construction of Moorsville, North Carolina in the amount of \$500,000.00 (lowest bidder) and authorize the town manager to negotiate a contract. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

f. Appoint Town Representatives to Serve on the Isothermal RPO Technical Coordinating Committee and the Isothermal Transportation Advisory Committee

Town Manager Place read into the record his memorandum of March 29, 2005 regarding representation on Isothermal Rural Planning Organization. (Copy of memorandum attached).

After discussion, Commissioner Cox made a motion to appoint Town Manager H. M. Place III to serve as the town's representative on the Isothermal Rural Planning Organization's Technical Coordinating Committee, appoint Mayor Jim Proctor to serve as the town's representative on the Isothermal Rural Planning Organization's Transportation Advisory Committee and appoint Mayor Pro tem Dick McCallum to serve as the town's alternate representative during the mayor's absence from the TAC meetings. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

g. Consider a Request from Bill and Nancy McNary to Purchase Certain Town Property

Town Manager Place read into the record his memorandum of March 22, 2005 regarding an offer from Bill and Nancy McNary to purchase town property. (Copy of memorandum attached).

After discussion, Commissioner Cox made a motion to authorize the advertisement of an offer of \$1,500.00 received from Bill and Nancy McNary for upset bids to purchase certain town owned property (.74 acre tract; tax map 502-1-1 and recorded in Deed Book 497, Page 305, Rutherford County Registry) adjacent to Sunset Cove Road and declare this property to be surplus to the needs of the town with the stipulation that the description for this particular property be provided by the buyer. Commissioner McCallum seconded the motion and the vote of approval be unanimous.

NEW BUSINESS:

h. Consider a Request from Rudy and Susan Esposito to Purchase Certain Town Property

Town Manager Place read into the record his memorandum of March 22, 2005 regarding an offer from Rudy and Susan Esposito to purchase town property. (Copy of memorandum attached).

After discussion, Commissioner Watkins to authorize the advertisement of an offer of \$29,500.00 received from Rudy and Susan Esposito for upset bids to purchase certain town

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owned property (.3 acre parcel adjacent to Memorial Highway US64/74A; tax map 516-1-12) and declare this property to be surplus to the needs of the town contingent upon an appraisal and survey being provided prior to advertisement. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

STAFF REPORTS

Town Manager Place reported on the following:

1. Mr. Place said he will begin contacting property owners to get easement right-of-ways for the new water line around Tryon Bay Circle.
2. Mr. Place stated that he has received appraisals for three town-owned parcels that were commissioned pursuant to offers to purchase. They include a small lake (river) front piece adjacent to the campground previously owned by Lou Hughes, a strip of golf course property running from the Camp Lurecrest access road down to the lake, and a lot across Charlotte Drive from the golf course. He town council authorized the appraisals for the river front and golf course parcels in 2002. Mr. Place said he contacted a local appraiser in January 2003 to do the surveys, but after almost two years of delay on his part, Mr. Place offered the job to Gene Booth of Rutherfordton.

Mr. Place explained that Mr. Hughes had asked to purchase the river front parcel because of his pool deck and sign encroached on town property. Mr. Hughes offered the town \$2,000.00 for this particular parcel, but in the interim since then, Mr. Hughes sold the campground making his offer moot. Mr. Place said according to the appraisal this parcel is worth between \$2,000.00 and \$10,000.00, depending on the purchaser (Copy of letter from Gene Booth attached regarding appraisals).

Mr. Place reported on the status of the golf course property. He informed town council members that he had several discussions with Jerry Martin, Camp Lurecrest's executive director, about a sale or swap of the land in exchange for their installing an alternate water supply (pumps, pipes, etc.) for the golf course. Mr. Place said Mr. Martin is aware of the appraisal and that he expects to hear from Mr. Martin in the near future. No specific offer has been made at this time to purchase this particular piece of property. Mr. Booth appraised this parcel at \$78,000.00.

Mr. Place said the town received an offer of \$4,000.00 from Paul Everhart and David Ray last July, 2004 to purchase a lot (golf course property) across from Charlotte Drive. The Lake Lure Golf Course Advisory Committee has recommended that this lot be retained by town as a buffer from the driving range.

After discussion, town council directed the town manager to contact adjacent property owners to see if there is an interest for small lake (river) front piece adjacent to the campground previously owned by Lou Hughes, and a strip of golf course property running from the Camp Lurecrest access road down to the lake.

Town Council members agreed to retain the golf course property across from Charlotte Drive as recommended by the Lake Lure Golf Course Advisory Committee.

2. The Rutherford County Transportation Committee plans to lobby the state regarding the construction dates for the widening of US 221 to four lanes. At present, the NCDOT

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Traffic Improvements Program shows the segment of that highway from the South Carolina line to a point north of Rutherfordton to begin construction in 2009 (project R-2233). The committee hopes to have the portion of that road south of US 74 split away from the rest of the project and advanced in the TIP to begin as early as possible to provide much needed access from I-85 in SC to the industrial park in the south county. Part of their logic is that the segment north of US 74 requires a complete realignment through town, a complicated and costly project. Harold Stallcup, the chairman of the committee has asked each municipality in the county to send a letter to the NCDOT in support of this proposal. Mr. Place agree to draft a letter for the mayor's signature.

A motion was made by Commissioner Cox to direct the town manager to draft a letter to send to the the North Carolina Department of Transportation regarding the construction of US 221 and authorized the mayor to sign on behalf of the town. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

3. Mr. Place said the Capital Improvement Plan (CIP) requests from the department heads have all been reviewed and he is in the process of preparing the detail sheets for your consideration. Mr. Place requested that town council schedule a special workshop meeting to review a draft CIP with town staff members.

After discussion, Commissioner Watkins made a motion to scheduled a special workshop meeting on Wednesday, April 27, 2005, following the Lake Lure Marine Commission meeting, after 1:00 p.m. in the council meeting room of the Lake Lure Municipal Center to review a draft Capital Improvements Program with town staff members. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

4. Mr. Place said the town received a request from the Veterans Hospital and Mr. Lin Reed to waived the prohibition of fishing from the dock behind town hall. They are sponsoring a disabled veterans fishing tournament this coming Saturday and use of the dock with its access ramp will be a great benefit to many of the participants. The staff have no objection to this request.

After discussion, Commissioner Hullender made a motion to approve the request from Beverly Bradigan and Lin Reed on behalf of the hospitalized veteran patients at the Veterans Affairs Medical Center at Asheville, North Carolina to suspend the town's regulations prohibiting fishing from the dock behind town hall for a disabled veteran's fishing tournament being held on Saturday, April 16, 2005. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

5. Mr. Place said the town has received a request from Dick and Joy Knight to authorize the renaming of their street from Isaac Walton Court to Knight Hollow Lane. Mr. Place explained that this is a short cul-de-sac running south from Memorial Highway, beside the log home sales office, across from Dr. Burch. This little road does not even show up on the street maps and serves only the Knight's house at the end, at least for now. Mr. Place said Fire Coordinator Ron Morgan and Police Chief Mike Bustle do not object to this change nor does he. Mr. Place said neither name is listed in the Rutherford E-911 directory. Mr. Place asked town council to authorize the change.

A motion was made by Commissioner Watkins to approve the request from Dick and Joy Knight to rename their street from Isaac Walton Court to Knight Hollow Lane. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

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6. Mr. Place said he spoke with Debbie Vick, the NCDOT Enhancement Unit Project Manager regarding the town pedestrian walkway project. The application was approved a year ago and the plans were submitted for review by McGill, Associates last fall, but the town has not had any official word about the status of the review. Ms. Vick informed Mr. Place that they are still waiting for comments from the district engineer to determine if the new bridge construction will impact or be impacted by the walkway project. Mr. Place said hopefully, Ms. Vick will get the project underway, soon.
7. Mr. Place said the county was getting ready to take new aerial photos. Community Development Administrator Shannon Baldwin informed him that the state has stepped in and will take this program over for the entire area, and not just Rutherford County. Mr. Place said this came about after the considerable damage sustained last year by multiple storms that affected this region. The state has determined that accurate up-to-date photogrametric maps are essential to emergency management planning and they will pay the bill for the counties. The photos have been taken and a representative of Rutherford County indicated that the town may have access to them as early as this fall.
8. Mr. Place distributed a summary of boat permits showing that as of today, the town has issued 533 permits of all various types. (Copy of summary attached).
9. Mr. Place said the Lake Lure Inn has reopened this past weekend after extensive remodeling.

COUNCIL COMMENTS

Council members commented on the improvements made to the Lake Lure Inn. Mayor Proctor gave an update on the status of the state park for the gorge. On March 24, a Senate bill to authorize additions to the North Carolina parks system passed unanimously. Senator Walter Dalton, acted as co-sponsor for the bill. Bobby England is one of the primary sponsors of an identical companion bill in the State House, which is still pending. Currently, the Nature Conservancy owns and protects several pieces of property in the Hickory Nut Gorge, the most prominent being the 800 acre in Rumbling Bald Preserve.

Commissioner Cox reported on storm damage and trees down around the lake.

ADJOURNMENT

With no further items of discussion, Commissioner Cox made a motion to adjourn the meeting at 9:32 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

Mayor Jim Proctor