

LAKE LURE TOWN COUNCIL REGULAR MEETING PACKET

Tuesday, September 10, 2013



Mayor Bob Keith

Commissioner John Moore

Commissioner Mary Ann Silvey

Commissioner Diane Barrett

Commissioner Bob Cameron



REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL

*September 10, 2013
7:00 p.m.
Lake Lure Municipal Center*

AGENDA

1. Call to Order Mayor
Bob Keith
2. Invocation Attorney
Chris Callahan
3. Pledge of Allegiance
4. Approve the Agenda Council
5. Public Hearing – Proposed Ordinance No. 13-09-10 Concerning Fabric and Metal Structures; Permitting Such Structures in Any Zoning District Provided They are Not Within Sight Distance from any Primary Streets or Adjoining Residentially Zoned Property
6. Consider Adoption of Ordinance No. 13-09-10 Concerning Fabric and Metal Structures; Permitting Such Structures in Any Zoning District Provided They are Not Within Sight Distance from any Primary Streets or Adjoining Residentially Zoned Property
7. Public Forum: *The public is invited to speak on any non-agenda and/or consent agenda topics. Comments should be limited to less than five minutes.*
8. Staff Reports
9. Council Liaison Reports & Comments
10. Consent Agenda:
 - a. Approve Minutes of the August 15, 2013 (Regular Meeting)

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- b. Approve a Recommendation Concerning an Engineering Firm for the County's Regional Sewer Study
 - c. Approve a Request Submitted by Allison Baker to Suspend the Town Alcohol Ordinance for a Wedding Rehearsal Dinner Being Held in the Community Hall on November 29, 2013 From 7:00 p.m. Until 9:30 p.m.
 - d. Adopt Resolution No. 13-09-10 to Establish and Maintain a Capital Reserve Fund for the Town of Lake Lure
- 11. Unfinished Business
 - a. Other Unfinished Business
- 12. New Business:
 - a. Consider Approval of a Request submitted by Janet Walters on Behalf of the Board of Directors of the Lake Lure Flowering Bridge, Inc. Requesting that the Town of Lake Lure Suspend the Alcohol Ordinance to Allow the Serving of Wine During the Grand Opening of the Lake Lure Flowering Bridge
 - b. Consider Approval of Construction of a Wooden Fence Outside the Existing Chain Link Fence Around the Marina Gas Tank Using Funds Remaining from the Marina Renovation Project
 - c. Discussion Concerning Potential Amendments to the Residential Vacation Rental Ordinance
 - d. Consider Adoption of Resolution No. 13-09-10A and Resolution No. 13-09-10B Concerning Grant Application
 - e. Consider Approval of a Request Submitted By Tom Judson, Chief Executive Officer, on Behalf of Rumbling Bald Resort POA Board of Directors, Asking Council to Issue a Limited Temporary Suspension of the Town Ordinance Concerning Hunting
 - f. Consider Approval of an Agreement Concerning How the Towns and County will Work Together During the Regional Sewer Study
- 13. Adjournment

Agenda Items: 5 & 6



Community Development Department
MEMORANDUM

TO: Mayor & Town Council

FROM: Shannon Baldwin, Director

CC: Chris Braund, Town Manager

SUBJECT: Metal Structures Amendment (Ordinance No. 13-09-10)

DATE: September 5, 2013

As part of the “Becoming More Business Friendly” project emphasis and a sketch plan conference with the Lake Lure Classical Academy, the issue of using metal sheathing/siding on commercial buildings has resurfaced. As section 92.118 of the Zoning Regulations is currently written, metal sheathing/siding is NOT permitted in zoning districts other than residential. In other words, metal sheathing/siding is prohibited in commercial, governmental, and other zoning districts that are NOT zoned residential.

That having been said, the town’s “Design Guidelines for New Commercial Construction” discourages the use of metal sheathing/siding in commercial zoning districts. The amendment being proposed is a codified standard in the Zoning Regulations and will expressly permit metal sheathing/siding under certain specified conditions, if the amendment is approved by Town Council. However, safeguards are in place to either screen or soften the use of metal siding in commercial districts. The Design Guidelines will still discourage the use of metal siding. The Planning Board believes that the new approach is certainly more business friendly than what is currently on the books.

It should be noted that the proposed amendment is a break with normal protocol because the Town Council has not yet directed the Planning Board to specifically consider this particular amendment. However, the Planning Board chose to recommend this to Town Council in the overall general effort to become more business friendly in keeping with Town Council’s recently expressed desire. After a review of the attached ordinance at its August 20, 2013 meeting, the Planning Board recommends approval as submitted.

NOTICE OF PUBLIC HEARING

Notice is hereby given that at 7:00 p.m., on 10 September 2013, at the Lake Lure Municipal Center, 2948 Memorial Highway, Lake Lure, North Carolina, the Lake Lure Town Council will hold a public hearing with regard to the following matter:

Ordinance #13-09-10: An Ordinance concerning fabric and metal structures; permitting such structures in any zoning district provided they are not within sight distance from any primary streets or adjoining residentially zoned property

The public is advised that it has the right to appear at said public hearing and present information with regard to this matter. Copies of the proposed ordinance are available for public inspection at the Lake Lure Municipal Center, 2948 Memorial Hwy, 8:00 a.m. until 5:00 p.m., Monday through Fridays, holidays excepted.

ORDINANCE NUMBER 13-09-10

**AN ORDINANCE CONCERNING FABRIC AND METAL STRUCTURES;
PERMITTING SUCH STRUCTURES IN ANY ZONING DISTRICT PROVIDED
THEY ARE NOT WITHIN SIGHT DISTANCE FROM ANY PRIMARY STREETS OR
ADJOINING RESIDENTIALLY ZONED PROPERTY**

WHEREAS, N.C.G.S. 160A-381 authorizes municipalities to adopt zoning ordinances regulating, among other things, “the location and use of buildings, structures, and land”; and

WHEREAS, Town Council finds that this Ordinance is neither consistent nor inconsistent with the 2007-2027 Town of Lake Lure Comprehensive Plan; and

WHEREAS, Town Council further finds that enactment of this Ordinance is reasonable and in the public interest in that it provides opportunities for commercial uses to be developed with less expensive fabric and metal structures while, at the same time, preserving the Town’s community appearance by ensuring that such structures not be within sight distance from primary streets or adjoining residentially-zoned property; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on September 10, 2013, 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 A MAJORITY OF THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE:

SECTION ONE. This ordinance is enacted pursuant to the grants of authority contained in Section 160A-381 of the North Carolina General Statutes.

SECTION TWO. Section 92.118 of the Zoning Regulations of the Town of Lake Lure, entitled “Fabric and Metal Structures”, is hereby amended as follows:

§92.118 FABRIC AND METAL STRUCTURES

(B) Metal Structures. Metal framed structures and metal sheathing are permitted in the Town of Lake Lure in residential any zoning districts, provided that no metal sheathed walls shall be visible from any arterial primary streets or adjoining residentially zoned property. All such-proposed metal sheathed walls visible within sight distance from any arterial primary streets or adjoining residentially zoned property shall either be sheathed overlaid with wood, stone, or other natural or simulated natural material or hidden by walls, structures, buffer strips, or other structures means.

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~.]

SECTION THREE. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION FOUR. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION FIVE. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

SECTION SIX. This ordinance shall be in full force and effect from and after its enactment.

Enacted this 10 day of September, 2013.

Bob Keith, Mayor

ATTEST:

Ordinance No. 13-09-10
September 10, 2013
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Andi Calvert , Town Clerk

Approved as to content & form:

Tom McKay
Zoning & Planning Board Chairman

Michael Egan
Community Development Attorney

Agenda Item: 10a



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, AUGUST 13, 2013, 7:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

PRESENT: Mayor Bob Keith
Commissioner Mary Ann Silvey
Commissioner Bob Cameron
Commissioner John W. Moore
Commissioner Diane Barrett

Christopher Braund, Town Manager
J. Christopher Callahan, Town Attorney

ABSENT: N/A

CALL TO ORDER

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

INVOCATION

Attorney Chris Callahan gave the invocation.

PLEDGE OF ALLEGIANCE

Council members led the pledge of allegiance.

APPROVE THE AGENDA

Commissioner Bob Cameron made a motion to approve the agenda as presented.
Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

**PUBLIC HEARING PROPOSED RESOLUTION NO. 13-08-13 APPROVING THE
ISSUANCE OF NOT TO EXCEED \$9,000,000 OF THE PUBLIC FINANCE
AUTHORITY EDUCATION REVENUE BONDS (LAKE LURE CLASSICAL
ACADEMY), SERIES 2013A**

Town Manager Chris Braund gave a brief overview of proposed Resolution No. 13-08-13.

Mayor Bob Keith opened the public hearing concerning Resolution No. 13-08-13 approving the issuance of not to exceed \$9,000,000 of the public finance authority education revenue bonds (Lake Lure Classical Academy), series 2013A.

No one requested to speak during the public hearing.

**CONSIDER ADOPTION OF PROPOSED RESOLUTION NO. 13-08-13 APPROVING
THE ISSUANCE OF NOT TO EXCEED \$9,000,000 OF THE PUBLIC FINANCE
AUTHORITY EDUCATION REVENUE BONDS (LAKE LURE CLASSICAL
ACADEMY), SERIES 2013A**

Public notices were duly published.

After discussion, Commissioner John Moore made the motion to adopt Resolution No. 13-08-13 approving the issuance of not to exceed \$9,000,000 of the public finance authority education revenue bonds (Lake Lure Classical Academy), Series 2013A understanding that the Town bears no responsibility or liability for the payment of the debt. The motion was seconded by Commissioner Mary Ann Silvey and the vote of approval was unanimous.

RESOLUTION NO. 13-07-09

**RESOLUTION APPROVING THE ISSUANCE OF NOT TO
EXCEED \$9,000,000 OF THE PUBLIC FINANCE
AUTHORITY EDUCATION REVENUE BONDS (LAKE
LURE CLASSICAL ACADEMY), SERIES 2013A**

WHEREAS, at 7:00 P.M., the Mayor announced that the Town Council (the "Council") would proceed to hold a public hearing and would hear anyone who wished to be heard on the proposed issuance by the Public Finance Authority (the "Authority"), a unit of government and a body corporate and politic of the State of Wisconsin, of not exceeding \$9,000,000 of its Education Revenue Bonds (Lake Lure Classical Academy), Series 2013A (the "Bonds");

WHEREAS, the Authority will loan the proceeds of the Bonds to Classical Academies CFA Inc., a North Carolina nonprofit corporation doing business as Lake Lure Classical

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Academy-A Challenge Foundation Academy, (the "Borrower") and the Borrower will use the proceeds of the loan from the Authority to (1) finance and refinance the costs of acquiring, constructing, equipping, improving and operating, as applicable, land and buildings used or to be used by the Borrower as school facilities to be located at the intersection of NC Highway 9 and Island Creek Road in Lake Lure, North Carolina (the "Project") (2) finance the cost of interest for approximately twelve months, (3) finance the cost of a debt service reserve fund and (4) pay certain expenses incurred in connection with the issuance of the Bonds by the Authority;

WHEREAS, pursuant to Section 66.0304(11)(a) of the Wisconsin Statutes, prior to their issuance, bonds issued by the Authority must be approved by the governing body or highest ranking executive or administrator of the political jurisdiction within whose boundaries the project is located (the "Project Jurisdiction");

WHEREAS, the Borrower has requested that the Council approve the financing and refinancing of the Project and the issuance of the Bonds in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority, dated as of September 28, 2010 (the "Joint Exercise Agreement") and Section 66.0304(11)(a) of the Wisconsin Statutes;

WHEREAS, on July 18, 2013, a notice of public hearing was published in *The Daily Courier*, setting forth a general, functional description of the type and use of the facilities to be financed and refinanced, the maximum principal amount of the Bonds, the initial owner, operator or manager of the facilities and the location of the facilities, among other things;

WHEREAS, the names, address and testimony of the persons who were present and who offered comments on the proposed issuance of the Bonds or who responded in writing to the notice of public hearing are as follows: None

WHEREAS, the Mayor inquired elsewhere in and around the meeting room to determine whether there were any other persons who wished to speak at the public hearing and the Mayor determined that no other persons who wished to speak at the public hearing were found; and

WHEREAS, the purpose of the above-described public hearing and this resolution is to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), in order to qualify the interest on the Bonds for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to the applicable provisions of the Code;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF LAKE LURE, NORTH CAROLINA:

Section 1. For the sole purpose of qualifying the interest on the Bonds for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to the

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applicable provisions of the Code, the Council hereby approves the issuance of the Bonds by the Authority for the purpose of providing funds to finance and refinance the Project, provided that in no event shall the Town of Lake Lure, the State of North Carolina or any political subdivision thereof be liable for such Bonds nor shall the Bonds constitute a debt of the Town of Lake Lure, the State of North Carolina or any political subdivision thereof. It is the purpose and intent of the Council that this resolution constitute approval of the issuance of the Bonds by the applicable elected representative of the Project Jurisdiction, which is the governmental unit having jurisdiction over the area in which the Project is located, in accordance with Section 147(f) of the Code and Section 66.0304(11(a) of the Wisconsin Statutes and Section 4 of the Joint Exercise Agreement.

Section 2. This resolution shall take effect immediately upon its passage.

ADOPTED, this the 13th day of August 2013.

PUBLIC FORUM

Mayor Bob Keith invited the audience to speak on any non-agenda items and/or consent agenda topics.

Keith Price, representing American Legion Post 243, stated that the post is working to get Rutherford County's two Congressional Medal of Honor recipients, Bryant Womack and Jerry Crump, honored by having two significant highways in Rutherford County named after them. Mr. Price explained that it is unique to have two Congressional Medal of Honor recipients associated with the same county. Mr. Price asked for the community's support in honoring these to Korean War heroes. Mr. Price also suggested that if a portion of Highways 74 and 221 were renamed it could help to eliminate the confusion associated with having multiple Highway 74s and Highway 221s in the county.

Commissioner Mary Ann Silvey stated that the highway that runs through Lake Lure is Memorial Highway and asked who it was named to honor.

After discussion, Commissioner John Moore made a motion to create a Resolution supporting American Legion post 243 in their effort to have two significant highways in Rutherford County after Congressional Honor recipients Bryant Womack and Jerry Crump. Commissioner Bob Cameron seconded the motion and the vote of approval was unanimous.

Gary McCall of 420 Boy's Camp Road asked to hold his comments until item 12b, consideration of recommendations for use of town property at 104/106 Boys Camp Road.

Mayor Bob Keith agreed to allow Mr. McCall to speak later in the meeting.

STAFF REPORTS

Town Manager Chris Braund presented the town manager's report dated August 13, 2013. (Copy of the town manager's report is attached.)

COUNCIL LIAISON REPORTS & COMMENTS

Commissioner Bob Cameron reported on the activities of the Lake Lure Board of Adjustment/Lake Structures Appeal Board. Mr. Cameron also announced that there are two vacancies on the BOA/LSA Board and encouraged citizens to submit applications to be considered for appointment to the boards.

Commissioner Mary Ann Silvey reported on the activities of the Lake Lure Lake Advisory Board and the ABC Board.

Commissioner John Moore reported the activities of the Zoning and Planning Board.

Commissioner Diane Barrett reported the activities of the Parks and Recreation Board and the activities of the Lake Lure Classical Academy School Board.

CONSENT AGENDA

Mayor Bob Keith presented the consent agenda and asked if any items should be removed before calling for action.

After discussion, Commissioner Bob Cameron made a motion to approve as the consent agenda as amended, removing item 10b for discussion. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous. Therefore, the consent agenda incorporating the following items was unanimously approved:

- a. minutes of the July 9, 2013 (Regular Meeting)
- c. the following budget amendment submitted by Finance Director Sam Karr as outlined in memo dated August 3, 2013 concerning projects not completed on June 30, 2013 (Copy of memo attached.):

	<u>Revenue</u>	<u>Appropriation</u>
<u>General Fund</u>		
Transfer from Fund Balance	\$1,500	
 Economic Development		
-Community Branding		\$1,500

End of Consent Agenda.

UNFINISHED BUSINESS:

a. CONSIDER APPROVAL OF A FIRE DEPARTMENT BUDGET AMENDMENT FOR BRUSH TRUCK EQUIPMENT

Lake Lure Fire Chief Ron Morgan gave an overview of a proposed budget amendment to fund equipment for a new brush truck as outlined in his memo to town council.

After discussion, Commissioner Bob Cameron made a motion to approve a budget amendment to transfer \$14,000 from the capital reserve account into the supplies-equipment account (218) to outfit a new brush truck with a new pump, tank, hose and reel and equipment necessary to place this unit in service. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

UNFINISHED BUSINESS:

b. OTHER UNFINISHED BUSINESS

Commissioner John Moore made a motion to request that the Zoning and Planning Board work with the HNG Chamber of Commerce to form committees to review town regulations concerning the application process used by both homeowners and businesses and their architects, engineers and general contractors and to solicit recommendations to improve the various application processes and that the Town of Lake Lure Community Development department assist the chamber and their committees in this project. And likewise, the Zoning and Planning Board will work with the HNG Chamber of Commerce to review regulations affecting businesses such as the sign ordinance.

Commissioner Moore stated that the scope of the reviews should be broad and include a review of various fees with the goal of making the application process as user friendly as possible while keeping in mind the town's responsibility to preserve the character and beauty of our community to obtain specific recommendations to improve existing ordinances and/or regulation.

Commissioner Bob Cameron seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

a. CONSIDER APPROVAL OF A REQUEST SUBMITTED BY GWYN LAMM ASKING TOWN COUNCIL TO WAIVE THE REQUIREMENT THAT HER HOME AT 228 SNUG HARBOR BE CONNECTED TO THE TOWN'S WATER SYSTEM

Gwyn Lamm provided council members a handout outlining a request asking that she not be required to connect to the town's water system. Ms. Lamm explained that she wanted to be allowed to continue to use her well located on her property at 228 Snug Harbor Circle stating that her family uses the property infrequently and that the well has been used for at least 75 years. Ms. Lamm asked to be allowed to pay the water connection fee and the minimum monthly payment, but still be allowed to use her well for water.

Commission John Moore stated that he met with Ms. Lamm's son at the property and his main concern was that destructing the land between the house and the meter would cause more erosion on the steep bank at the property and potentially kill the ivy that is holding the ground back and trees on the property.

After discussion, Commissioner John Moore proposed that Ms. Lamm be allowed to pay the connection fee and the minimum water rate for six months out of the year, but be allowed to continue using the well.

Town Manager Chris Braund cautioned that there are a number of customers in Lake Lure and Chimney Rock Village that also use their properties infrequently, but since they are connected to the town waster system they are required to pay at least the base water rate the entire year. Mr. Braund suggested that allowing Ms. Lamm to only pay for water six months out of the year may set a precedent and other water customer may ask to do the same.

After further discussion, Commissioner John Moore made a motion to allow Ms. Lamm to pay half of the current tap fee (the same rate that has been negotiated and paid her neighbors) and pay the base water rate each billing cycle, but be allowed to continue use of her well and not connect to the town's water system until the well that is currently being used on the property is no longer usable. Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

c. CONSIDER APPROVAL OF REQUESTS RELATING TO THE 4TH ANNUAL DIRTY DANCING FESTIVAL

Commissioner Mary Ann Silvey stated that town council has approved a reduced fee schedule for non-profits and suggested that town council stick with the schedule instead of completely waiving the rental fee for the Dirty Dancing Festival.

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After discussion, Commissioner John Moore made a motion to waive the rental fee for the event stating that the Dirty Dancing Festival is a benefit to the community and the town has always endorsed the event. The motion did not carry.

After further discussion, Commissioner Mary Ann Silvey made a motion to approve the request regarding the 4th Annual Dirty Dancing Festival at Lake Lure being held August 16-17, 2013 as outlined in a letter submitted by Jo Beyersdorfer dated July 28, 2013 to: (1) suspend the town peddling ordinance during the festival, (2) use of certain town property, (3) use the parking lot for dance lessons and restrict parking spaces at Morse Park Meadow's parking lot for the event entertainers, vendors, staff, and volunteers along with customers for Lake Lure Tours, (4) suspend the town's alcohol ordinance in order to sell beer and wine in Morse Park Meadows within a fenced perimeter during the festival, (5) approve entertainment permits and a fabric structure permit for the event as presented, but require that the preapproved reduced rental rate of \$100 be paid for use of Morse Park Meadow. Commissioner Bob Cameron seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

**b. CONSIDER APPROVAL OF RECOMMENDATIONS FOR TOWN PROPERTY AT
104/106 BOYS CAMP ROAD**

Charlie Ellis, member of the Zoning and Planning Board, presented information concerning property purchased by the town at 104/106 Boys Camp Road and reviewed excerpts from Resolution No. 13-07-09 concerning the property. Mr. Ellis explained that a small task force has been created to aid in determining what should be done with the property and presented recommendations from the group as outlined in memo dated August 8, 2013. (Copy of memo attached.)

Mr. Ellis stated that the task force reached the conclusion that, due to safety concerns, violations, encroachments, the building's non-compliance with disability act, and other concerns, the building should be demolished. Mr. Ellis suggested that after the property is cleared that the group work with the community to determine what the best use for this property is.

Commissioner John Moore asked if the pavilion in between the buildings could be saved. Mr. Ellis stated that the committee does suggest leaving the pavilion, at least temporarily, as long as it could support its own weight when the other buildings are removed.

Gary McCall of Boys Camp Road stated that there were conflicts between information presented at the previous meeting and what was described at this month's meeting. Mr. McCall stated that the group's study should have been done before the property was purchased by the town. Mr. McCall question the amount of funds available in the reserve fund and stated that Raleigh suggests that 50 percent of the operating budget be kept in reserve and that he would like to see the reserve fund up to the suggested percentage. Mr. McCall stated that he would like for

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the mayor to take a public position at meetings prior to decisions being made by council. Mr. McCall suggested that a public hearing be held to determine what the town citizens would like to see done with the property.

Barbara Searcy of 201 Havnaers Point Circle stated that council members rushed into the purchase and made a “really bad decision”. Ms. Searcy stated that every building in Chimney Rock is old, but they are not being demolished. Ms. Searcy pointed out that there are no stores in Lake Lure and suggested that town council should find a way to draw in more sales tax instead of relying on property owner’s taxes so heavily.

Stephen Webber of 266 Burnt Ridge Road suggested that if the buildings are demolished there may be items, such as the mill stones outside, which may be salvageable.

Commissioner John Moore made a motion to approve the recommendations to demolish the buildings on the property and see what can be salvaged from the structures. Commissioner Bob Cameron seconded the motion and the vote of approval was unanimous.

ADJOURN THE MEETING

With no further items of discussion, Commissioner Bob Cameron made a motion to adjourn the meeting at 8:55 p.m. Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

ATTEST:

Andrea H. Calvert
Town Clerk

Mayor Bob Keith

Agenda Item: 10b



Odom
Engineering
PLLC

152 East Main Street • Forest City, NC 28043

Phone (828) 247-4495 • Fax (828) 247-4498

August 20, 2013

Carl Classen
Rutherford County Manager
Rutherford County Annex
289 N. Main St.
Rutherfordton, NC 28139

RE: Recommendation for Engineering Firm Selection for Joint County/Municipal Sewer Study

Dear Carl,

After receiving qualification statements from seven engineering firms to complete the Joint County/Municipal Sewer Study, three firms were invited for interviews. These firms were McGill & Associates, Black & Veatch and W.K. Dickson. Interviews were conducted on the afternoon of August 15th with representatives from each of the partnering entities (the Towns of Forest City, Lake Lure, Spindale and Rutherfordton and Rutherford County) participating in the interviews. At the completion of the interviews, the group selected W.K. Dickson to complete this study. Therefore, I recommend that the County enter into contract with W.K. Dickson to complete the study in accordance with the RFQ submitted to all firms.

Please feel free to contact me if you have any questions.

Sincerely,

David Odom, P.E

Agenda Item: 10c

TOWN OF LAKE LURE
REQUEST FOR SUSPENSION OF TOWN ORDINANCES
REVIEW BY POLICE DEPARTMENT

Date of Request: Sept. 5, 2013

By: Allison Baker

Describe Request:

They would like to serve beer and wine during their son's wedding rehearsal dinner that will be held in the Lake Lure Municipal Hall during the hours of 7:00 to 9:00 on November 29, 2013. Please see attached

Reviewed By: *Sean Humphries*

Comments from LLPD:

Lake Lure Town Council
Lake Lure Town Hall
P.O. Box 255
Lake Lure, NC 28746

September 5, 2013



Dear Town Council Members:

We would like to request permission to serve alcoholic beverages in the Community Center Building of Lake Lure during our son's wedding rehearsal dinner event on November 29, 2013. We will be using the building to entertain approximately 70 guests and the event will be catered by the local Lake Lure Smokehouse BBQ. We will serve only beer and wine (in moderation). The majority of our guests are staying at the Lake Lure Inn and we are hoping for nice weather so that we can walk between the rehearsal at the Inn and this rehearsal dinner event. The event set up will begin in the late afternoon, but the dinner itself will be from ~~7:30~~ ^{7 - 9:30} until 9:30pm.

We are a well behaved bunch and the groom (our son) is a naval officer. We expect to have a great time sharing the joy of NC BBQ with all of the wedding party and out of town guests, clean up and then go home.

Thank you for your consideration!

A handwritten signature in cursive script that reads "Allison Baker".

Bret and Allison Baker

3039 Hebron Road
Hendersonville, NC 28739
(828) 775-6231
ncbakers@bellsouth.net

Agenda Item: 10d



Finance Director
MEMORANDUM

TO: Town Council

FROM: Sam A. Karr, Finance Director *sak*

DATE: September 6, 2013

SUBJECT: Resolution for consideration Capital Reserve Fund

The attached resolution is for approval authorizing the establishment of a Capital Reserve Fund. As you may recall, during budget approval, we earmarked 3 cents of property tax for capital improvements to be included in a Capital Reserve Fund. The Capital Reserve funds are used by local governments to officially earmark funds to be used for capital purposes, funds may be allowed to accumulate over a period of years to assist in the financing of large dollar expenditures, and the type of capital expenditure can be altered, but once money is transferred into a capital reserve fund, it **must** be used for capital purposes. The Town intends to fund the Capital Reserve Fund mainly from tax transfers, but may use any excess from General and Water & Sewer funds. The Capital Reserve Fund will allow the Town a more practical method of financial large dollar capital purchases and improvements such as equipment replacement, and engineering to support grants and loans.

RESOLUTION NO 13-09-10

**RESOLUTION TO ESTABLISHED AND MAINTAIN A CAPITAL RESERVE
FUND FOR THE TOWN OF LAKE LURE**

WHEREAS, under North Carolina General Statute 159-18 the Town is authorized to establish and maintain a capital reserve for any purposes for which bonds may be issued; and

WHEREAS, the Town Council deems it in the best interest of the citizens of the Town of Lake Lure to established a capital reserve to fund future capital improvements; and

WHEREAS, this Capital Reserve Fund shall be established to provide funds for future capital improvements, equipment replacement, and engineering to support infrastructure grants and loans.

WHEREAS, the Town shall maintain a five-year capital improvement program to be reviewed annually during the budget process to determine and prioritize capital needs. During the annual budget process for FY 2013/14, the Town Council earmarked .03 cents of the total property tax levied to fund the Capital Reserve. The Council recommends an annual contribution to this fund.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL, TOWN OF LAKE LURE, NORTH CAROLINA, AS FOLLOWS:

Section 1. The Town Council hereby creates a Capital Reserve Fund as allowed under NCGS 159-18.

Section 2. This fund will remain operational until the Town Council decides to disband the fund.

Section 2. The fund may be used for capital improvements expenses and engineering support for grants and loans for any town infrastructure, including water and sewer utilities.

Section 3. All contributions to or appropriations from the fund shall be approved by the Town Council.

The motion to adopt this Resolution was made by Council Member _____; seconded by Council Member _____, and was passed unanimously by those members present at the meeting of the Town Council, Lake Lure, North Carolina, held on the 10th day of September, 2013.

Resolution No. 13-09-10

September 10, 2013

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Mayor Bob Keith

ATTEST:

Andrea H. Calvert, Town Clerk

Agenda Item: 12a

TOWN OF LAKE LURE
REQUEST FOR SUSPENSION OF TOWN ORDINANCES
REVIEW BY POLICE DEPARTMENT

Date of Request: October 19, 2013

By: Janet Walters

Describe Request: The Lake Lure Flowering Bridge Treasurer is requesting that the Alcohol Ordinance be suspended from 4:30 to 6:30 pm on October 19, 2013 so that they may serve wine on and around the Lake Lure Flowering Bridge during the Grand Opening.

Reviewed By: *Gene Humphreys*

Comments from LLPD:

It would be my suggestion to allow alcohol on the bridge only, and not the surrounding areas.

form: S/ Linda/ Admin/ ordinance suspension

Andi Calvert

From: JANET WALTERS [gullahgal@gmail.com]
Sent: Friday, September 06, 2013 9:42 AM
To: townclerk@townoflakelure.com
Subject: Grand Opening of the Lake Lure Flowering Bridge

Mayor Keith and Lake Lure Town Council,

As Chair of the Organizing Committee for the Grand Opening of the Lake Lure Flowering Bridge, on behalf of the Board of Directors of the Lake Lure Flowering Bridge, Inc., I am requesting that the Town of Lake Lure suspend the Alcohol Ordinance to allow the serving of wine on and around the Lake Lure Flowering Bridge during the two hour period from 4:30PM to 6:30PM on Saturday, 19 October 2013.

Saint Paul Mountain Vineyards, a new Henderson County winery, has graciously offer to donate a case of wine for the event and to take the opportunity to introduce their products to the local populace. A representative of the company will be on site pouring the wine, in relatively small amounts, to control the distribution. We have contacted one other local vineyard, and expect that they may also be willing to participate.

In the event of inclement weather, the event will be held in the large meeting room at the back of Town Hall.

Thank you in advance for your consideration.

Sincerely,
Janet Walters
Treasurer, Lake Lure Flowering Bridge, Inc.

TOWN OF LAKE LURE
REQUEST FOR SUSPENSION OF TOWN ORDINANCES
REVIEW BY POLICE DEPARTMENT

Date of Request: Sept. 6, 2013

By: Janet Walters

Describe Request: The Lake Lure Flowering Bridge Treasurer is requesting that the Alcohol Ordinance be suspended from 4:30 to 6:30 pm on October 19, 2013 so that they may serve wine on and around the Lake Lure Flowering Bridge during the Grand Opening.

Reviewed By:

Comments from LLPD:

form: S/ Linda/ Admin/ ordinance suspension

Agenda Item: 12b

Andi Calvert

From: Ed Dittmer [eddittmer@bellsouth.net]
Sent: Thursday, September 05, 2013 9:01 AM
To: 'Chris Braund'
Cc: Andi Calvert
Subject: Wooden Fence Around Gas Tank in Morse Park

Chris,

At last month's P & R Board meeting, the Board approved going ahead with the construction of an 8½ foot high wooden palisade fence outside the existing chain link fence to hide the unpleasant gas tank serving the Marina in Morse Park. I have coordinated with Dean Givens, Clint Calhoun, and Ron Morgan who are onboard with the proposal, with Dean having no objection to be funded from the Marina project funds. We have an initial cost estimate of \$4,750.00. Per Sheila, any structure on GU property requires Council approval. Can this be put on the consent agenda for next week's Council meeting? Thanks.

Ed Dittmer

Agenda Item: 12c

MEMORANDUM

To: The Honorable Mayor and Commissioners

From: Michael Egan, Community Development Attorney

Date: 31 August 2013

Subject: Residential Vacation Rental Ordinance

PROJECT HISTORY

The Residential Vacation Rental Ordinance (RVRO) first became effective on 1 January 2010. Pursuant to that ordinance residential vacation rentals were made permitted uses subject to special requirements and were processed administratively by the staff of the Community Development Department. Subsequently, several property owners sued the Town and challenged the RVRO. This litigation was resolved by means of a settlement and consent judgment whereby the lawsuit would be dismissed if the Town were to amend the RVRO to, among other things, (1) remove certain requirements for vacation rental operating permits (VROPs), (2) provide for a vested status for previously permitted residential vacation rentals and for others in operation prior to 1 January 2010, and (3) provide that future applications for a VROP would be processed in the same manner as conditional use permits.

Town Council did enact these amendments to the RVRO on 28 February 2012, and applications for VROPs have been processed as conditional use permits since that time. Conditional use permits, inasmuch as they require fact-finding and the exercise of discretion, can only be issued after a quasi-judicial hearing. The Town's Zoning Regulations assign that task to the Board of Adjustment (BOA). Since the RVRO was amended in February of last year, the BOA has averaged hearing between one and two of these per month. As a result some Board members expressed a desire that the RVRO be amended to provide for staff-level review and approval. Consequently, Board Chair Stephen Webber wrote a letter to Town Council requesting that the Town study the matter and consider whether to amend the RVRO in such fashion. Town Council then referred the matter to the Zoning & Planning Board for a recommendation.

The Zoning & Planning Board reviewed and discussed this issue over the course of four months. The first draft presented to the ZPB proposed a “hybrid” approach whereby residential vacation rentals would be permitted uses subject to the issuance of a VROP. This approach called for the Zoning Administrator to issue a notice of administrative decision to the applicant and neighboring property owners and afforded those parties the opportunity to appeal that decision to the BOA. The draft still imposed a requirement that residential vacation rentals be compatible with adjoining properties but included a presumption of compatibility when an application for a VROP otherwise complied with the requirements of the Zoning Regulations. This presumption was subject to challenge in a quasi-judicial hearing before the BOA. The principal changes to the VROP procedures would have been (1) to allow for simpler and faster processing of permit applications in those instances where no neighbors object to the permit and (2) to shift the burden of persuasion from the applicant to a neighboring property owner since the nature of the hearing before the BOA would be an appeal rather than a conditional use permit.

At its June meeting the ZPB seemed to give guidance to staff to change the draft ordinance to treat residential vacation rentals as any other permitted use. This was done and presented to the Board at its July meeting. Two natural consequences of this approach are that no notice of the permit application would be provided to neighboring property owners and there would be no opportunity for neighboring property owners to request and participate in a hearing before the Board of Adjustment. These consequences seemed to give some members of the Board pause. As a result, staff was requested to prepare two drafts for the Board’s consideration in August: one changing VROPs from a conditional use to a permitted use subject to special requirements and the other leaving them as conditional uses.

The Zoning & Planning Board did review the two drafts at its August meeting following which Mr. Ellis made the following motion:

I move the Zoning & Planning Board to find that both Ordinances Concerning Residential Vacation Rentals are consistent with the 2007-2027 Town of Lake Lure Comprehensive Plan for the reasons set forth in the preambles of such Ordinances. I further move this Board to recommend

that Town Council determine which of these Ordinances best serves the public interest and to enact that Ordinance.

This motion was adopted by unanimous vote of the members present.

ANALYSIS OF ORDINANCE MAKING RESIDENTIAL VACATION RENTALS PERMITTED USES SUBJECT TO SPECIAL REQUIREMENTS

Based on the experience of the Board of Adjustment hearing VROP applications over the course of several years, Board Chair Stephen Webber proposed a number of changes to the contents of the permit application and to the operational requirements for VROPs. Both drafts referred by the Zoning & Planning Board, the one making residential vacation rentals permitted uses and the one leaving them as conditional uses, contain Mr. Webber's recommendations. These changes are contained in §§ 92.042(D) and (F). The two drafts differ only in the requirements for processing VROPs. One converts them to permitted uses subject to special requirements in which case the Zoning Administrator makes the final decision on the application. The other leaves the processing of applications as it currently is, i.e., by means of a quasi-judicial hearing and decision by the Board of Adjustment.

Following is a brief analysis of the Ordinance Making Residential Vacation Rental Permitted Uses Subject to Special Requirements.

§92.042(A). Changes the zoning classification of residential vacation rentals from a conditional use to a permitted use subject to the special requirement of obtaining a VROP in order to operate such a use. In order to obtain a VROP, an applicant would need to demonstrate compliance with the application requirements contained in Paragraph (D) and the operational requirements in Paragraph (F). The conditional use permit standards contained in § 92.046(D), including public safety, public health, the protection of property values, and comprehensive plan consistency, would no longer apply. As with all other permitted uses, neighboring property owners would not be notified that the Town was considering issuing a VROP.

§92.042(C). Deletes the requirement that applications for a VROP be processed in the manner of a conditional use permit, and replaces it with a paragraph reciting the

standards for issuance of a VROP, to wit, applicants must “demonstrate compliance with the application requirements contained in paragraph (D) and the operational requirements contained in paragraph (F)....”

§92.042(D). Augments the requirements for a VROP application in the following ways:

- ❖ More complete information regarding the address of the property.
- ❖ If the property is to be managed by an agent, a signed letter authorizing such person to act as the operator of the residential vacation rental.
- ❖ More complete information concerning parking, including a requirement that all on site parking be contained within the boundaries of the property and off shared rights-of-way or the street.
- ❖ Proof that any septic system serving the property is designed to serve, at a minimum, the number of bedrooms intended for occupancy.

§92.042(E). Replaces the paragraph entitled “Inspections” with one entitled “Permit Review Process.” A physical inspection continues to be a part of this process.

§92.042(F). Adds two new operational requirements:

- ❖ The property is to be equipped with operable smoke detectors.
- ❖ Specifies that changes to the criteria whereby an applicant satisfied the requirements for a VROP necessitate updating that permit.

ANALYSIS OF ORDINANCE LEAVING RESIDENTIAL VACATION RENTALS AS CONDITIONAL USES

This draft incorporates the identical changes to §§92.042(D) and (F) analyzed above. The remainder of the RVRO would remain as it is.

Although it was omitted from the drafts considered by the Zoning & Planning Board, Chairman Webber had recommended an additional procedural change to the

regulations. § 92.046(B)(1) of the Zoning Regulations require the Town's Development Review Committee (DRC) review applications for conditional use permits and make recommendations concerning such applications. Virtually without fail, in the context of reviewing VROPs, the only attendee at DRC meetings has been the Zoning Administrator. Because of this history, and in the interest of administrative efficiency, Chairman Webber felt this requirement should be eliminated. An amendment accomplishing this objective is included in the Suggested Motions portion of this memorandum.

SUGGESTED MOTIONS

Motion Recommending Enactment of the Ordinance Changing the Zoning Classification of Residential Vacation Rentals from a Conditional Use to a Permitted Use Subject to Special Requirements.

I move Town Council to find that the Ordinance Concerning Residential Vacation Rentals; Amending §92.042 of the Zoning Regulations of the Town of Lake Lure to Change the Process for Obtaining a Vacation Rental Operating Permit from a Conditional Use to a Permitted Use Subject to Special Requirements; and Adding New Requirements Applicable to Residential Vacation Rentals Including Changes to the Contents of the Application for a Vacation Rental Operating Permit and to the Operational Requirements for Residential Vacation Rentals is reasonable and in the public interest and is consistent with the 2007-2027 Town of Lake Lure Comprehensive Plan for the reasons set forth in the preamble of such Ordinance. I further move Council to enact said Ordinance.

Motion(s) Recommending Enactment of the Ordinance Leaving Residential Vacation Rentals as Conditional Uses.

Preliminary Motion Deleting the Requirement for DRC Review.

I move Council to amend the Ordinance Concerning Residential Vacation Rentals; Amending §92.042(d) of the Zoning Regulations of the Town of Lake Lure to Modify the Contents of the Application for a Vacation Rental Operating

Permit; and Amending §92.042(f) of Such Regulations to Modify the Operational Requirements for Residential Vacation Rentals by adding a Section Nine thereto reading as follows:

§ 92.042(C)(2) of the Zoning Regulations of the Town of Lake Lure be amended by adding the proviso that no Development Review Committee meeting is necessary when reviewing applications for a vacation rental operating permit.

Principal Motion.

I move Town Council to find that the Ordinance Concerning Residential Vacation Rentals; Amending §92.042(d) of the Zoning Regulations of the Town of Lake Lure to Modify the Contents of the Application for a Vacation Rental Operating Permit; and Amending §92.042(f) of Such Regulations to Modify the Operational Requirements for Residential Vacation Rentals is reasonable and in the public interest and is consistent with the 2007-2027 Town of Lake Lure Comprehensive Plan for the reasons set forth in the preamble of such Ordinance. I further Council to enact said Ordinance [as amended].

**AN ORDINANCE CONCERNING RESIDENTIAL VACATION RENTALS;
AMENDING §92.042(D) OF THE ZONING REGULATIONS OF THE TOWN OF
LAKE LURE TO MODIFY THE CONTENTS OF THE APPLICATION FOR A
VACATION RENTAL OPERATING PERMIT; AMENDING §92.042(F) OF SUCH
REGULATIONS TO MODIFY THE OPERATIONAL REQUIREMENTS FOR
RESIDENTIAL VACATION RENTALS**

WHEREAS, N.C.G.S. 160A-381 authorizes municipalities to adopt zoning ordinances regulating, among other things, “the location and use of buildings, structures, and land”; and

WHEREAS, N.C.G.S. 160A-174 authorizes municipalities to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city; and

WHEREAS, Policy LU-1-23 of the 2007-2027 Town of Lake Lure Comprehensive Plan states the following:

“Study the impacts (e.g. economic, quality of life, etc.) of vacation rentals, particularly those along the lakefront, to determine the need for controls (e.g. additional regulations) or other measures to ensure that the value and enjoyment of all lakefront properties are maintained and adopt controls for vacation rentals as determined by the study recommendations. Once regulatory controls have been put in place, the Town should then study the effects of those controls and of the impacts of residential vacation rentals on single-family residential zoning districts. Should those studies indicate that the controls are not proving effective in preserving the character of the Town's single-family residential neighborhoods, then the Town should proceed to prohibit vacation rentals in those zoning districts whose primary purpose is for single-family dwellings and should take the steps necessary to amortize vacation rentals within such districts”;

and

WHEREAS, Ordinance No. 09-10-01, enacted by Town Council on 13 October 2009, adopted the Residential Vacation Rental Ordinance, thereby recognizing residential

vacation rentals as a use within the Town of Lake Lure and establishing regulatory controls concerning such use, including the necessity for such uses to obtain vacation rental operating permits; and

WHEREAS, the Residential Vacation Rental Ordinance was amended on 28 February 2012 to provide, among other things, that applications for residential vacation rental operating permits would be deemed to be in the nature of applications for conditional use permits requiring a hearing before the Town's Board of Adjustment; and

WHEREAS, the Town's experience with processing vacation rental operating permits as conditional use permits has demonstrated that it is an effective and balanced means of recognizing the property interests of applicants while addressing the potential impacts of residential vacation rentals on single-family neighborhoods; and

WHEREAS, the Board of Adjustment, assisted by Town Staff, has identified certain provisions which would improve the efficiency of processing applications for vacation rental operating permits and which would address issues which have the potential to impact single-family neighborhoods; and

WHEREAS, Town Council finds that this Ordinance is consistent with the 2007-2027 Town of Lake Lure Comprehensive Plan and particularly with Policy LU-1-23, thereof, as stated above; and

WHEREAS, Town Council further finds that enactment of this Ordinance is reasonable and in the public interest in that it improves the efficiency of the processing of applications for vacation rental operating permits and furthers the Town's policy of ensuring that residential vacation rentals are operated in a manner which preserves the character of the Town's single-family neighborhoods without unduly burdening applicants; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the _____, 2013, 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 A MAJORITY OF THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE:

SECTION ONE. This ordinance is enacted pursuant to the grants of authority contained in Sections 160A-174 and 160A-381 of the North Carolina General Statutes.

SECTION TWO. Section 92.042(D) of the Zoning Regulations of the Town of Lake Lure, concerning the contents of an application for a vacation rental operating permit, is hereby amended as follows:

- (D) *Contents of Application.* The application for a vacation rental operating permit shall contain the following information.
- (1) The address of the property. The property identification data, including the address of the property, tax parcel identification number (PIN), current zoning district, map page, block, and lot number.
 - (2) Name and contact information for the owner of the property. If there is more than one owner, all must be listed.
 - (3) Name and contact information for the operator if other than the owner. If someone other than the owner will be managing the residential vacation rental, the owner must provide a signed letter authorizing such person to act as the operator.
 - (4) A site plan showing the off-street parking area(s) for the property and demonstrating that all on-site parking is contained within the boundaries of the property. The application shall also contain information regarding any off-site parking for extra vehicles and guests of the tenants, such as a real estate office parking lot, or some other approved parking area. Parking is not allowed in shared rights-of-ways or on the street.
 - (5) The number of bedrooms on the property intended to be used for occupancy.

- 1 (6) If the property is served by the Town's sewer system, a certificate from a
2 qualified licensed professional that the connection to the Town's system is
3 operational and free of detectable leaks.
4
- 5 (7) If the property is served by a septic system, proof that the septic system is
6 designed to serve, at a minimum, the number of bedrooms intended for
7 occupancy; e.g., a four-bedroom vacation rental operating permit cannot
8 be approved for a property that has a septic system designed for a three-
9 bedroom property. This requirement can be satisfied by either a copy of
10 the county health department operation permit issued when the septic
11 system was approved for use or proof of an adequate existing wastewater
12 system inspection from the county health department or a qualified
13 licensed professional.
14
- 15 (8) If the residential vacation rental includes the use of a boat on Lake Lure,
16 proof of a valid Town commercial boat license.
17
- 18 (9) Proof that the property is registered with the Rutherford County Tourism
19 Development Authority or, for a new business, that an application has
20 been submitted, and that all room occupancy and tourism development
21 taxes for the prior year have been paid.
22
- 23 (10) A copy of the standard rental agreement used for the residential vacation
24 rental which contains information required by this section.
25
- 26 (11) An acknowledgment that the applicant is aware of the occupancy
27 restrictions on the use of the property as a residential vacation rental and
28 the applicant's agreement to abide thereby.
29
- 30 (12) A statement by the operator, under written oath, that the information in
31 the application is correct. This statement is on the application form.

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~.]

SECTION THREE. Section 92.042(F) of the Zoning Regulations of the Town of Lake Lure, concerning the operational requirements for residential vacation rentals, is hereby amended as follows:

(F) ***Operational Requirements.*** The following operational requirements shall apply to all residential vacation rentals.

(1) ***Occupancy Limits.*** On those occasions when the property is being utilized for vacation rental activity, the overnight occupancy shall not exceed two persons per bedroom plus four additional persons. For any permits issued subsequent to 28 February 2012, occupancy shall be the lesser of the total determined by the foregoing formula or twelve persons. Bedrooms used in calculating occupancy limits shall be taken from the application as affirmed by the owner/manager.

(2) ***Signs.*** In the R-1, R-1A, R-1B, R-1C, R-1D and M-1 zoning districts, residential vacation rental properties shall not have any signs visible from the exterior of the premises which advertise the use of the property as a residential vacation rental, other than as required by this section. In the remaining zoning districts, residential vacation rental properties may have signage as authorized by Article 10 of these regulations.

(3) ***Display of Contact Information.*** Residential vacation rental operators shall prominently display on the exterior of the residential vacation rental property the name and 24-hour per day, 365 days-per-year telephone number for the residential vacation rental operator who will take and resolve complaints regarding operation of the residential vacation rental property and its occupants and guests. The Town will prescribe the form of this display which shall also include a telephone number to report violations of this section to the Zoning Administrator.

(4) ***Parking.*** Occupants or guests of any residential vacation rental property shall not park vehicles on the property other than within parking area(s) designated on the application for the residential vacation rental. Vehicles parked in undesignated areas, or in the street so as to violate the town's

street ordinances, shall be subject to towing at the vehicle owner's expense.

(5) *Trash Disposal.* Household trash must be bagged and disposed of in trash receptacles. Trash receptacles shall be the size and number authorized by existing refuse contracts and shall be animal resistant.

(6) *Smoke Detectors* The property shall have operable smoke detectors.
Regular maintenance of these detectors shall be in accordance with
N.C.G.S. Chapter 42A (Vacation Rental Act), section 42A-31(Landlord and
Tenant Duties).

(7) *Permit Validity and Updates.* Permits are approved when residential
vacation rentals meet all requirements set forth in this section. Therefore,
permits shall remain valid as long as the criteria that satisfied those
requirements remains unchanged. Changes to the criteria that satisfied
the requirements for a vacation rental operating permit automatically
necessitate an update to the permit. Examples of such changes, without
limitation, are changes in ownership, operational management, or
Tourism Development Authority status. Applicants for vacation rental
operating permit updates shall pay a fee as set forth on the Town's
adopted fee schedule.

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~.]

SECTION FOUR. In administering this Ordinance, the Town shall have all the remedies and enforcement powers contained in Article 13 of the Zoning Regulations, as supplemented herein, and as provided by the General Statutes.

SECTION FIVE. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION SIX. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court

of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION SEVEN. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

SECTION EIGHT. This ordinance shall be in full force and effect from and after its enactment.

Enacted this _____ day of _____, 2013.

Bob Keith, Mayor

ATTEST:

Andi Calvert , Town Clerk

Approved as to content & form:

Tom McKay
Zoning & Planning Board Chairman

Michael Egan
Community Development Attorney

**AN ORDINANCE CONCERNING RESIDENTIAL VACATION RENTALS;
AMENDING §92.042 OF THE ZONING REGULATIONS OF THE TOWN OF LAKE
LURE TO CHANGE THE PROCESS FOR OBTAINING A VACATION RENTAL
OPERATING PERMIT FROM A CONDITIONAL USE TO A PERMITTED USE
SUBJECT TO SPECIAL REQUIREMENTS; ADDING NEW REQUIREMENTS
APPLICABLE TO RESIDENTIAL VACATION RENTALS INCLUDING CHANGES
TO THE CONTENTS OF THE APPLICATION FOR A VACATION RENTAL
OPERATING PERMIT AND TO THE OPERATIONAL REQUIREMENTS FOR
RESIDENTIAL VACATION RENTALS**

WHEREAS, N.C.G.S. 160A-381 authorizes municipalities to adopt zoning ordinances regulating, among other things, “the location and use of buildings, structures, and land”; and

WHEREAS, N.C.G.S. 160A-174 authorizes municipalities to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city; and

WHEREAS, Policy LU-1-23 of the 2007-2027 Town of Lake Lure Comprehensive Plan states the following:

“Study the impacts (e.g. economic, quality of life, etc.) of vacation rentals, particularly those along the lakefront, to determine the need for controls (e.g. additional regulations) or other measures to ensure that the value and enjoyment of all lakefront properties are maintained and adopt controls for vacation rentals as determined by the study recommendations. Once regulatory controls have been put in place, the Town should then study the effects of those controls and of the impacts of residential vacation rentals on single-family residential zoning districts. Should those studies indicate that the controls are not proving effective in preserving the character of the Town's single-family residential neighborhoods, then the Town should proceed to prohibit vacation rentals in those zoning districts whose primary purpose is for single-family dwellings and should take the steps necessary to amortize vacation rentals within such districts”;

and

WHEREAS, Ordinance No. 09-10-01, enacted by Town Council on 13 October 2009, adopted the Residential Vacation Rental Ordinance, thereby recognizing residential vacation rentals as a use within the Town of Lake Lure and establishing regulatory controls concerning such use, including the necessity for such uses to obtain vacation rental operating permits; and

WHEREAS, the Residential Vacation Rental Ordinance was amended on 28 February 2012 to provide, among other things, that applications for residential vacation rental operating permits would be deemed to be in the nature of applications for conditional use permits requiring a hearing before the Town's Board of Adjustment; and

WHEREAS, designating residential vacation rentals as permitted uses subject to special requirements would provide clear standards for applicants for vacation rental operating permits and would expedite the processing of such applications by doing away with the need for a hearing before the Board of Adjustment; and

WHEREAS, the Town's experience with processing vacation rental operating permits as conditional use permits has demonstrated that such practice imposes an unnecessary burden on applicants which does not substantially further the goals of Ordinance No. 09-10-01 or Policy LU-1-23 of the Town's Comprehensive Plan; and

WHEREAS, the Board of Adjustment, assisted by Town Staff, has identified certain provisions which would improve the efficiency of processing applications for vacation rental operating permits and which would address issues which have the potential to impact single-family neighborhoods; and

WHEREAS, Town Council finds that this Ordinance is consistent with the 2007-2027 Town of Lake Lure Comprehensive Plan and particularly with Policy LU-1-23, thereof, as stated above; and

WHEREAS, Town Council further finds that enactment of this Ordinance is reasonable and in the public interest in that it improves the efficiency of the processing of applications for vacation rental operating permits without contravening the Town's policy of ensuring that residential vacation rentals are operated in a manner which preserves the character of the Town's single-family neighborhoods without unduly burdening applicants; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the _____, 2013, 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 A MAJORITY OF THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE:

SECTION ONE. This ordinance is enacted pursuant to the grants of authority contained in Sections 160A-174 and 160A-381 of the North Carolina General Statutes.

SECTION Two. Section 92.042 of the Zoning Regulations of the Town of Lake Lure, entitled "Residential Vacation Rentals", is hereby amended as follows:

§92.042 Residential Vacation Rentals.

(A) *Use Recognized.* Residential vacation rentals are hereby recognized as a permitted use, subject to special requirements, within the planning jurisdiction of the Town of Lake Lure. The special requirement associated with residential vacation rentals is the need to obtain a vacation rental operating permit in accordance with the procedures and standards contained in this section. Except as provided herein, on and after 1 January 2010, it shall be a violation of these Zoning Regulations to operate a residential vacation rental without a vacation rental operating permit from the Town.

(B) *Exceptions.* The following activities and / or uses shall not be deemed residential vacation rentals and the requirements of this section shall not apply to them.

(1) Incidental residential vacation rentals, defined to mean no more than two such rentals in any calendar year where the total annual rental period for both rentals does not exceed two weeks.

(2) Rentals of property in any hotel, lodge, motel, bed & breakfast establishment, or boarding & rooming house, with a valid certificate of zoning compliance.

(C) *Vacation Rental Operating Permits.* Every residential vacation rental not excepted as above shall require a vacation rental operating permit issued pursuant to the regulations contained herein. The vacation rental operating permit may also function as a certificate of zoning compliance for a residential vacation rental.

Any Vacation Rental Operating Permit issued prior to 28 February 2012 is recognized as having a vested status to operate under the ordinance as amended on 28 February 2012. Additionally, anyone that can establish via Tourism and Development Authority tax records or other suitable proof that they were engaged in vacation rental activity at their home prior to January 1, 2010 (the effective date of the ordinance) would also have vested status. Any future revisions and amendments to this Ordinance shall not apply to those vested residences. This status is transferable; although, a new vacation rental operating permit must be obtained in the name of the new owner. This status is forfeited if there is no vacation rental activity at the home for a period of five years.

(1) *Application.* In order to obtain a vacation rental operating permit the owner or the operator shall submit an application for each such residential vacation rental which complies with the requirements of §92.042(D) below, and shall pay all applicable fees in accordance with the Town's adopted fee schedule.

(2) ~~*Procedure.* From and after the effective date of this Ordinance, applications for a vacation rental operating permit shall be deemed in the nature of a conditional use permit and shall be processed in accordance with §92.046 of these Zoning Regulations except that no sketch plan conference shall be necessary.~~

Standards. Applicants for a vacation rental operating permit shall demonstrate compliance with the application requirements contained in paragraph (D) and the operational requirements contained in paragraph (F), below.

(D) *Contents of Application.* The application for a vacation rental operating permit shall contain the following information.

- (1) The address of the property. The property identification data, including the address of the property, tax parcel identification number (PIN), current zoning district, map page, block, and lot number.
- (2) Name and contact information for the owner of the property. If there is more than one owner, all must be listed.
- (3) Name and contact information for the operator if other than the owner. If someone other than the owner will be managing the residential vacation rental, the owner must provide a signed letter authorizing such person to act as the operator.
- (4) A site plan showing the off-street parking area(s) for the property and demonstrating that all on-site parking is contained within the boundaries of the property. The application shall also contain information regarding any off-site parking for extra vehicles and guests of the tenants, such as a real estate office parking lot, or some other approved parking area. Parking is not allowed in shared rights-of-way or on the street.
- (5) The number of bedrooms on the property intended to be used for occupancy.
- (6) If the property is served by the Town's sewer system, a certificate from a qualified licensed professional that the connection to the Town's system is operational and free of detectable leaks.
- (7) If the property is served by a septic system, proof that the septic system is designed to serve, at a minimum, the number of bedrooms intended for occupancy; e.g., a four-bedroom vacation rental operating permit cannot be approved for a property that has a septic system designed for a three-bedroom property. This requirement can be satisfied by either a copy of the county health department operation permit issued when the septic

system was approved for use or proof of an adequate existing wastewater system inspection from the county health department or a qualified licensed professional.

(8) If the residential vacation rental includes the use of a boat on Lake Lure, proof of a valid Town commercial boat license.

(9) Proof that the property is registered with the Rutherford County Tourism Development Authority or, for a new business, that an application has been submitted, and that all room occupancy and tourism development taxes for the prior year have been paid.

(10) A copy of the standard rental agreement used for the residential vacation rental which contains information required by this section.

(11) An acknowledgment that the applicant is aware of the occupancy restrictions on the use of the property as a residential vacation rental and the applicant's agreement to abide thereby.

(12) A statement by the operator, under written oath, that the information in the application is correct. This statement is on the application form.

(E) ~~**Inspections.** In conjunction with an application for a vacation rental operating permit, the Town shall conduct an initial inspection to confirm compliance with the requirements of this section.~~

Permit Review Process. Completed applications shall be reviewed by the Town to determine if they comply with the requirements contained in this section. This review shall include a physical site inspection. An application is considered complete when it satisfies the requirements of §92.042(D), above.

(F) **Operational Requirements.** The following operational requirements shall apply to all residential vacation rentals.

- (1) *Occupancy Limits.* On those occasions when the property is being utilized for vacation rental activity, the overnight occupancy shall not exceed two persons per bedroom plus four additional persons. For any permits issued subsequent to 28 February 2012, occupancy shall be the lesser of the total determined by the foregoing formula or twelve persons. Bedrooms used in calculating occupancy limits shall be taken from the application as affirmed by the owner/manager.
- (2) *Signs.* In the R-1, R-1A, R-1B, R-1C, R-1D and M-1 zoning districts, residential vacation rental properties shall not have any signs visible from the exterior of the premises which advertise the use of the property as a residential vacation rental, other than as required by this section. In the remaining zoning districts, residential vacation rental properties may have signage as authorized by Article 10 of these regulations.
- (3) *Display of Contact Information.* Residential vacation rental operators shall prominently display on the exterior of the residential vacation rental property the name and 24-hour per day, 365 days-per-year telephone number for the residential vacation rental operator who will take and resolve complaints regarding operation of the residential vacation rental property and its occupants and guests. The Town will prescribe the form of this display which shall also include a telephone number to report violations of this section to the Zoning Administrator.
- (4) *Parking.* Occupants or guests of any residential vacation rental property shall not park vehicles on the property other than within parking area(s) designated on the application for the residential vacation rental. Vehicles parked in undesignated areas, or in the street so as to violate the town's street ordinances, shall be subject to towing at the vehicle owner's expense.
- (5) *Trash Disposal.* Household trash must be bagged and disposed of in trash receptacles. Trash receptacles shall be the size and number authorized by existing refuse contracts and shall be animal resistant.

(6) *Smoke Detectors* The property shall have operable smoke detectors. Regular maintenance of these detectors shall be in accordance with N.C.G.S. Chapter 42A (Vacation Rental Act), section 42A-31(Landlord and Tenant Duties).

(7) *Permit Validity and Updates.* Permits are approved when residential vacation rentals meet all requirements set forth in this section. Therefore, permits shall remain valid as long as the criteria that satisfied those requirements remains unchanged. Changes to the criteria that satisfied the requirements for a vacation rental operating permit automatically necessitate an update to the permit. Examples of such changes, without limitation, are changes in ownership, operational management, or Tourism Development Authority status. Applicants for vacation rental operating permit updates shall pay a fee as set forth on the Town's adopted fee schedule.

(G) ***Contract Addendum.*** Every residential vacation rental contract shall contain an addendum, in a form prepared by the Town, setting forth the requirements of this section and other applicable provisions of law. The operator shall obtain a signed acknowledgment from the renter(s) that they have received such addendum prior to delivering possession of the residential vacation rental property. This requirement shall be deemed satisfied if the provisions of the addendum are included as part of the rental contract.

(H) ***Duties of the Operator to Respond to Complaints.*** To assure prompt response to complaints and issues concerning a residential vacation rental, the operator shall comply with the following:

- (1) Maintain a call center that is staffed by a live person and fully responsive at any time that the property is used as a Residential Vacation Rental.
- (2) Continuously maintain on file with the Town the operator's current address, telephone number, and facsimile number and/or email address.

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~]

SECTION THREE. In administering this Ordinance, the Town shall have all the remedies and enforcement powers contained in Article 13 of the Zoning Regulations, as supplemented herein, and as provided by the General Statutes.

SECTION FOUR. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION FIVE. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION SIX. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

SECTION SEVEN. This ordinance shall be in full force and effect from and after its enactment.

Adopted this ____ day of _____, 2013.

Bob Keith, Mayor

ATTEST:

Andi Calvert , Town Clerk

Approved as to content & form:

Tom McKay
Zoning & Planning Board Chairman

Michael Egan
Community Development Attorney

Agenda Item: 12d

Agenda Item: 12e



September 5, 2013

Town of Lake Lure,

On behalf of the Board of Directors, the POA is requesting the Town Council issue a limited temporary suspension of the ordinance on hunting so that the Resort can manage the Canada Geese population at the POA.

Over the last few years the Town and POA have experienced a steady increase in the population of Canada Geese. According to a search of the internet, each goose produces 1.5 pounds of feces per day. Given the high number of Canada Geese found within the POA, it is only a matter of time before someone gets sick from this unsanitary mess. Both the Town and the POA have implemented such measures as the oiling of eggs, flashing lights, loud noises, and a chase dog all in an effort to manage the population. Not from lack of effort, we continue to see a sharp upward trend in the population.

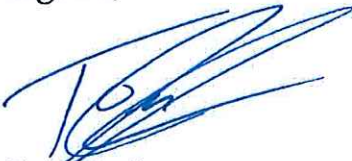
The POA is requesting the Town Council issue a limited temporary suspension of the ordinance on hunting. Provided below are the provisions of this request:

1. Hunting of Canada Geese will take place only during the NC State authorized hunting season of September 2nd to September 30th.
2. Hunting will take place only on POA owned property.
3. No firearms will be used, only bow hunting will take place.
4. The POA will designate a single employee to perform the hunting. This individual will have a NC hunting license and a Federal Duck Stamp.

5. All targets must be on the ground, with the shot taken at a downward angle.
6. No bait will be used to attract the Canada Geese.
7. Spectators are strictly prohibited. The designated hunter is allowed up to two assistants, but only the designated hunter is permitted to hunt.
8. Any mess is to be cleaned up immediately and in an appropriate manner.
9. The designated hunter will comply with the daily bag and possession requirements.
10. Hunting will take place between a half hour before sunrise and a half hour after sunset.

Thank you for your consideration regarding this matter. If you have any questions, please feel free to contact me directly at (828) 694-3031.

Signed,



Tom Judson
Chief Executive Officer

Agenda Item: 12f

STATE OF NORTH CAROLINA
COUNTY OF RUTHERFORD

INTERLOCAL AGREEMENT
JOINT SEWER STUDY

THIS AGREEMENT is entered into and effective the _____ day of _____, 2013, by and between the County of Rutherford, hereinafter referred to as the "County"; the Town of Forest City, hereinafter referred to as "Forest City"; the Town of Lake Lure, hereinafter referred to as "Lake Lure"; the Town of Rutherfordton, hereinafter referred to as "Rutherfordton"; and the Town of Spindale, hereinafter referred to as "Spindale" (Forest City, Lake Lure, Rutherfordton and Spindale are collectively hereinafter referred to as the "Towns").

WITNESSETH;

THAT WHEREAS, there are seven (7) existing public sewer treatment systems, including Wastewater Treatment Plants (hereinafter referred to as "WWTP"), located within Rutherford County and each of the Towns that collectively and individually have or may have excessive capacity and low revenues due to the loss of industry over the course of the past number of years, the said existing public sewer treatment systems being: Cliffside Sanitary District WWTP; Rutherfordton WWTP; Spindale WWTP; Lake Lure WWTP; Forest City Second Broad River WWTP; Forest City Riverstone WWTP; and the Forest City Dan River WWTP; and

WHEREAS, the County and the Towns each desire to evaluate potential consolidation of sewer treatment systems, including the potential abandonment of inefficient WWTP's; and

WHEREAS, the County and the Towns have each agreed to enter into a joint sewer study (hereinafter referred to as the "Joint Sewer Study"), and to request funding for such a joint sewer study; and

WHEREAS, the North Carolina Rural Economic Development Center, Inc., has awarded five grants in the amount of Seventeen Thousand Five Hundred Dollars (\$17,500.00) each to the Town of Forest City, the Town of Lake Lure, the Town of Rutherfordton, the Town of Spindale and Rutherford County for a total of Eighty-Seven Thousand Five Hundred Dollars (\$87,500.00) to pay for of the estimated costs for the Joint Sewer Study, which they entitle "Rutherford County Municipalities Joint Sewer Study" (hereinafter referred to as the "Rural Center Grant") to facilitate this purpose; and

WHEREAS, the County has approved a total of Forty-Four Thousand Seven Hundred Eight Dollars (\$44,708.00) as matching funds required by the Rural Center Grant; and

WHEREAS, Forest City has approved a total of Twenty Thousand Five Hundred Fifty-Three Dollars (\$20,553.00) as matching funds required by the Rural Center Grant; and

WHEREAS, Lake Lure has approved a total of Seven Thousand Five Hundred Five Dollars (\$7,505.00) as matching funds required by the Rural Center Grant; and

WHEREAS, Rutherfordton has approved a total of Seven Thousand Six Hundred Thirty-Nine Dollars (\$7,639.00) as matching funds required by the Rural Center Grant; and

WHEREAS, Spindale has approved a total of Seven Thousand Ninety-Five Dollars (\$7,095.00) as matching funds required by the Rural Center Grant; and

WHEREAS, the County and the Towns have agreed that the County shall administer the funds for the Joint Sewer Study, including the Rural Center Grant and the matching funds approved by the County, Forest City, Lake Lure, Rutherfordton and Spindale; and to take certain other actions pursuant to the terms and conditions of this Interlocal Agreement.

NOW, THEREFORE, in consideration of the mutual and public benefits herein deemed to exist, and pursuant to the authority granted by Article 20, Part 1, of Chapter 160A of the North Carolina General Statutes, the parties agree as follows:

1. The funds awarded through the Rural Center Grant shall be held by the County for the purposes of administering the Joint Sewer Study, and the County and each of the Towns shall transfer the matching funds each approved in accordance with the requirements of the Rural Center Grant for the Joint Sewer Study to the County, which shall collectively be held in a fund reserved for the purpose of the Joint Sewer Study (said fund shall be hereinafter referred to as the "Joint Sewer Study Fund"). Notwithstanding amounts that may be shown in Rural Center commitments executed by the parties, which may differ from the below amounts for grant administration purposes, the amount of the contribution for each party hereto shall be as follows:

Party	Share for Joint Sewer Study Fund
County of Rutherford	\$44,708.00
Town of Forest City	\$20,553.00
Town of Lake Lure	\$7,505.00
Town of Rutherfordton	\$7,639.00
Town of Spindale	\$7,095.00

The apportionment of costs and revenues among the parties hereto shall be in the same pro-rata share as the initial matching funds from each party excepting the amount of the Rural Center Grant.

2. The County shall administer the Rural Center Grant and conduct the Joint Sewer Study on behalf of each and all of the parties hereto in accordance with the grant

requirements and this Interlocal Agreement. The County, through the County Manager, shall: retain the Contractor and such other professionals necessary to conduct the Joint Sewer Study; hold and administer the Joint Sewer Study Fund, including paying any and all expenses and costs necessary to fulfill its administration of the Rural Center Grant and conduct of the Joint Sewer Study from the Joint Sewer Study Fund; and generally do and perform such other acts necessary, in the discretion of the County through the County Manager, to complete the Joint Sewer Study in compliance with the Rural Center Grant and this Interlocal Agreement. Each of the parties hereto must agree to the Contractor retained to conduct the Joint Sewer Study.

3. Each of the parties, in accordance with its own procedures, shall appoint one (1) individual to represent that body to each of the others in a Joint Sewer Study committee (hereinafter referred to as the "Committee"). The Committee shall, by majority vote, determine any and all substantive decisions to be made with regard to the nature of the Joint Sewer Study, including but not limited to; selection of the Contractor, direction to be given to the Contractor and scope of the Joint Sewer Study. The Committee may advise the County Manager as to the administration of the Rural Center Grant. The Committee shall meet in person on a quarterly basis and may meet through electronic mail, telephone conference, or other electronic means in between quarterly meetings.

4. Any and all results of the Joint Sewer Study shall be considered the joint property of each of the parties hereto, each of which shall be entitled to full copies of any final report.

5. The County shall use its best efforts in a timely, but fiscally prudent, manner to obtain all permits and approvals as may be necessary to complete the Joint Sewer Study, and to remain in compliance with the requirements of the Rural Center Grant and with any and all other applicable laws and regulations.

6. This Interlocal Agreement shall exist and continue until the Joint Sewer Study is completed [or until the ____ day of _____, 20____].

7. This Interlocal Agreement contains the entire agreement and understanding between each of the parties hereto and there are no verbal or other written terms of any kind which constitute a part of this Interlocal Agreement.

8. Each of the parties hereto confirms that the person executing this Interlocal Agreement on its behalf has been duly authorized by its official governing body to execute it on behalf of such party and that such authority is reflected in the official minutes of the proceedings of each such party.

9. No waiver of any default by any party hereto of any of the terms, covenants or conditions hereof to be performed, kept and observed shall be construed to be a waiver of any subsequent default.

IN WITNESS WHEREOF the parties hereto, after receiving approval by their respective Boards, have signed and sealed this agreement to be effective the day and year first above written.

County of Rutherford

Town of Forest City

By: _____
Board Chairman

By: _____
Mayor

Attest: _____
County Clerk

Attest: _____
City Clerk

(County Seal)

(Town Seal)

Town of Lake Lure

Town of Rutherfordton

By: _____
Mayor

By: _____
Mayor

Attest: _____
City Clerk

Attest: _____
City Clerk

(Town Seal)

(Town Seal)

Town of Spindale

By: _____
Mayor

Attest: _____
City Clerk

(Town Seal)