



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL  
HELD MONDAY, APRIL 8, 2014, 6:00 P.M. AT THE LAKE LURE MUNICIPAL  
CENTER**

**PRESENT:** Mayor Bob Keith  
Commissioner John W. Moore  
Commissioner Mary Ann Silvey  
Commissioner Bob Cameron  
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 6:00 p.m.

**INVOCATION**

Attorney Chris Callahan gave the invocation.

**PLEDGE OF ALLEGIANCE**

Council members led the pledge of allegiance.

**APPROVE THE AGENDA**

Commissioner John Moore asked that discussion concerning asking the Board of Elections to allow early voting here at town hall as well as at the library be added to the agenda.

Commissioner Bob Cameron made a motion to approve the agenda as amended, adding discussion concerning early voting at town hall to the agenda as item 12c. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

**PUBLIC HEARING - PROPOSED ORDINANCE NO. 14-04-08: AN ORDINANCE AMENDING THE ZONING REGULATIONS TO ALLOW TWO SINGLE-FAMILY DWELLINGS AS A PERMITTED USE ON A SINGLE LOT CONTAINING 10 ACRES OR MORE IN THE R-1A AND R-1B ZONING DISTRICTS**

Mayor Bob Keith opened the public hearing regarding proposed Ordinance No. 14-04-08 and invited citizens to speak during the public hearing. No one requested to speak.

Council agreed to close the public hearing.

**CONSIDER ADOPTION OF ORDINANCE NO. 14-04-08: AN ORDINANCE AMENDING THE ZONING REGULATIONS TO ALLOW TWO SINGLE-FAMILY DWELLINGS AS A PERMITTED USE ON A SINGLE LOT CONTAINING 10 ACRES OR MORE IN THE R-1A AND R-1B ZONING DISTRICTS**

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

Community Development Director Shannon Baldwin gave an overview of proposed Ordinance No. 14-04-08.

Commissioner Mary Ann Silvey pointed out that, according to the current regulations, a property owner could do what the ordinance will allow by obtaining a conditional use permit and expressed concern about spending a lot of time in making changes and explained that she is having difficulty understanding the need for the proposed ordinance.

Commissioner John Moore stated that he feels the proposed ordinance will save time and money in the future by avoiding the expense of the conditional use permit process.

After discussion, Commissioner John Moore made a motion to adopt Ordinance No. 14-04-08 as presented. Commissioner Bob Cameron seconded the motion. Commissioner John Moore, Commissioner Diane Barrett, and Commissioner Bob Cameron voted in favor of the motion and Commissioner Mary Ann Silvey abstained. The motion carried.

**ORDINANCE NUMBER 14-04-08**

**AN ORDINANCE CONCERNING § 92.027, R-1A AND R-1B, RESIDENTIAL DISTRICT, AND § 92.107, ONE PRINCIPAL BUILDING ON A LOT; ALLOWING LOTS ZONED R-1A AND R-1B THAT ARE 10 ACRES OR MORE TO HAVE TWO PRINCIPAL RESIDENTIAL BUILDINGS, AND DEFINING “UNITY OF TITLE”.**

**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

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**WHEREAS**, Town Council finds that this Ordinance is neither consistent with, nor inconsistent with, 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 preserving the Town's community appearance and promoting Low Density Development in the R-1A and R-1B District by allowing large lots of 10 acres or more to be used for two single-family structures, allowing multiple generations of a family to live together, and support each other, while ensuring that such lots are not subsequently divided; and

**WHEREAS**, the Lake Lure Town Council, after due notice, conducted a public hearing on April 8, 2014 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 92.027 of the Zoning Regulations of the Town of Lake Lure, is hereby amended by adding the following paragraph (D) "Large Estate Lots":

(D) LARGE ESTATE LOTS

Lots that are in the R-1A or R-1B zoning district that are 10 acres or more shall be allowed two single-family principal buildings, see, § 92.107, provided the owner executes and records a Unity of Title satisfactory to the Town. Furthermore, garage apartments located on lots in the R-1A or R-1B zoning district that are 10 acres or more in size shall be considered a permitted use, and the application for a certificate of zoning compliance permit shall be processed as such.

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

**SECTION THREE.** Section 92.107 of the Zoning Regulations of the Town of Lake Lure, is hereby amended as follows":

92.107 ONE PRINCIPAL BUILDING ON A LOT.

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Every building hereafter erected or moved shall be located on a lot, and in no case shall there be more than one (1) principal building and its accessory buildings on a lot except as provided in § 92.048 and in ' 92.027(D).

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

**SECTION FOUR.** Section 92.005 of the Zoning Regulations of the Town of Lake Lure is hereby amended to add in alphabetical sequence the following.

Unity of Title: A document recorded in the Official Property Records of Rutherford County, North Carolina, stipulating that a lot, lots or parcels of land shall be held under single ownership, shall not be eligible for further subdivision, and shall not be transferred, conveyed, or sold in any unit other than in its entirety.

**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 8<sup>th</sup> day of April, 2014.

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

Alan Toney, a candidate running for a Rutherford County district five county commissioner seat, introduced himself and explained why he would like to be considered for the office of county commissioner.

Tommy Hartzog explained that the chamber has been asked to do some research concerning the noise ordinance and asked for council's support to develop a program to better

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communicate the noise ordinance in a nice way. Mr. Hartzog presented mock signage (to be designed later) and also suggested that the police department conduct stops and potentially give warnings to violators of the noise ordinance.

Commissioner John Moore made a motion to direct the Zoning and Planning Board to work with the Hickory Nut Gorge Chamber to develop a suggested program designed to inform and educate bikers about noise levels in Lake Lure with signage that goes along with the town's branding initiative. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

### **STAFF REPORTS**

Town Manager Chris Braund presented the town manager's report dated April 8, 2014. (Copy of the town manager's report is attached.)

Commission John Moore asked that the town manager bring a balanced budget to council with a list of prioritized capital improvement projects that haven't been addressed for council members to review and consider during their budget workshops.

### **COUNCIL LIAISON REPORTS & COMMENTS**

Commissioner Bob Cameron reported the activities of the Lake Lure Board of Adjustment/Lake Structures Appeal Board.

Commissioner Mary Ann Silvey reported the activities of the Lake Lure Classical Academy School Board, Lake Lure ABC Board and the Lake Advisory 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 announced that there will be a pedestrian bridge meeting on April 24<sup>th</sup> from 3-5 p.m. at Town Hall.

### **CONSENT AGENDA**

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

Town Manger Chris Braund read a request from Shea Williams on behalf of Larkin's on the Lake requesting that the peddling and alcohol ordinance be suspended for an event. Commissioner John Moore made a motion to add the item to the consent agenda. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

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Commissioner Bob Cameron made a motion to approve the consent agenda as amended. Commissioner Mary Ann 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 March 11, 2014 meeting;
- b. suspension of the alcohol ordinance for the Lake Lure Newcomers Club for an event being held in the community hall June 28, 2014 between 4:00 p.m. and 8:00 p.m. to allow them to serve beer and wine at the event;
- c. direct the Zoning and Planning Board to study the Zoning Regulations and draft potential amendments to §92.999 of the Zoning Regulations to remedy Board of Adjustment procedures conflicts;
- d. a budget amendment to move the remaining balance of \$48,200 from Hydro-electric operational budget (#56-80000-697) to the Capital Reserve Fund-Silt Removal (#40); and
- e. a request submitted by Larkin's on the Lake to suspend the alcohol and peddling ordinances on May 6, 2014 from 5:30 p.m. to 10:00 p.m. to allow selling or beer and wine at a chamber fundraising event to be held on the beach.

**End of Consent Agenda.**

**UNFINISHED BUSINESS:**

**a. OTHER UNFINISHED BUSINESS**

There was no other unfinished business.

**NEW BUSINESS:**

**a. CONSIDER ADOPTION OF RESOLUTION NO. 14-04-08 PETITIONING THE NORTH CAROLINA GENERAL ASSEMBLY TO AMEND THE TOWN OF LAKE LURE, NORTH CAROLINA, TOWN CHARTER, REFERENCING A NEW OFFICIAL BOUNDARY MAP**

Community Development Director Shannon Baldwin gave an overview of proposed Resolution No. 14-04-08 petitioning the North Carolina General Assembly to amend the Town of Lake Lure, North Carolina, town charter, referencing a new official boundary map.

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Council members discussed the town boundary map and the amount of work that town staff has put into insuring that the boundary map is as accurate as possible.

After discussion, Commissioner John Moore made a motion to adopt Resolution No. 14-04-08 and direct the town attorney to draft a cover letter to Representative Mike Hager explaining that the town is not aware of any controversy or any property owner who disagrees with this boundary map, but ask that if Mr. Hager receives any information that a property owner or resident feels contrary to this map being our town boundary, that he please let us know immediately. Commissioner Bob Cameron seconded the motion and the vote of approval was unanimous.

### **RESOLUTION No. 14-04-08**

#### **A RESOLUTION PETITIONING THE NORTH CAROLINA GENERAL ASSEMBLY TO AMEND THE TOWN OF LAKE LURE, NORTH CAROLINA, TOWN CHARTER, REFERENCING A NEW OFFICIAL BOUNDARY MAP**

**WHEREAS**, the Town of Lake Lure was created March 7, 1927 when “An Act To Incorporate The Town of Lake Lure in Rutherford County” was ratified by the North Carolina General Assembly; and

**WHEREAS**, the Charter of the Town of Lake Lure was revised and consolidated by an act of the North Carolina General Assembly May 15, 1987 referencing an official map entitled “Boundary Map of the Town of Lake Lure, NC”; and

**WHEREAS**, the Town of Lake Lure Town Council reviewed and adopted a new map March 11, 2014 entitled the “Boundary Map of the Town of Lake Lure, NC” and directed town staff to prepare the necessary documents for submission to the North Carolina General Assembly so that the “Boundary Map of the Town of Lake Lure, NC” becomes the official boundary map; and

**WHEREAS**, the Town of Lake Lure Town Clerk has said boundary map, approved by the Lake Lure Town Council March 11, 2014, in her possession for future reference and has entered it into the permanent records of the Town of Lake Lure; and

**WHEREAS**, Town of Lake Lure Community Development Director caused a mylar copy of said boundary map with the exact same boundary to be created; and

**WHEREAS**, Town of Lake Lure Town Clerk attests on the face of said mylar copy that it is the same boundary map as the boundary map reviewed and adopted by the Town of Lake Lure Town Council March 11, 2014; and

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**WHEREAS**, Town of Lake Lure Community Development Director caused a mylar copy of said boundary map with the exact same boundary as approved by Town Council to be recorded at the Rutherford County Register of Deeds at Plat Book 35 Book 30 (copy attached for reference);

**WHEREAS**, Town of Lake Lure Town Attorney advises that the General Assembly be petitioned to amend the Town of Lake Lure Town Charter which references the official boundary map to reference a new official boundary map recorded at Plat Book 35 Page 30 at the Rutherford County Register of Deeds; and

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA** requests the General Assembly amend the Town of Lake Lure Town Charter to reference the new boundary map created March 10, 2014, approved by Town Council March 11, 2014, and recorded March 27, 2014 at the Rutherford County Register of Deeds Office at Plat Book 35 Page 30 entitled "Boundary Map of the Town of Lake Lure, NC."

This resolution shall be effective upon its adoption.

Adopted this 8<sup>th</sup> day of April, 2014

**NEW BUSINESS:**

**b. CONSIDER APPROVAL OF ROAD REPAIR AT THE DAM. ALSO, CONSIDER APPROVAL OF A BUDGET AMENDMENT FOR THE PROJECT**

Town manager Chris Braund gave an overview of a proposed repair project at the dam access road and gave background concerning the current condition of the road.

Council members discussed the presented proposal and asked questions relating to the project.

Commissioner Mary Ann Silvey made a motion to accept a proposal from Harrison Construction in the amount of \$168,527, as recommended by Harlow L. Brown, PE representing Brown Consultants and authorize the road repair at the dam access road and approve a budget amendment to increase Hydro-electric revenues by \$168,527 and add \$168,527 to capital outlay (#56-80000-572) Road Repair. Commissioner Bob Cameron seconded the motion, but asked that council members be allowed to review the contract before the agreement is executed. The vote of approval was unanimous.



**NEW BUSINESS:**

**c. DISCUSSION CONCERNING ASKING THE BOARD OF ELECTIONS TO ALLOW  
EARLY VOTING AT TOWN HALL AS WELL AS AT THE LIBRARY**

Commissioner John Moore suggested that council ask the board of elections to consider allowing early voting at Lake Lure Town Hall.

After discussion, Commissioner Bob Cameron made motion to explore possibilities and send a request from council asking the board of elections to consider town hall as a polling place for early voting. Commissioner John Moore 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 7:42 p.m. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

ATTEST:

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Andrea H. Calvert  
Town Clerk

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Mayor Bob Keith