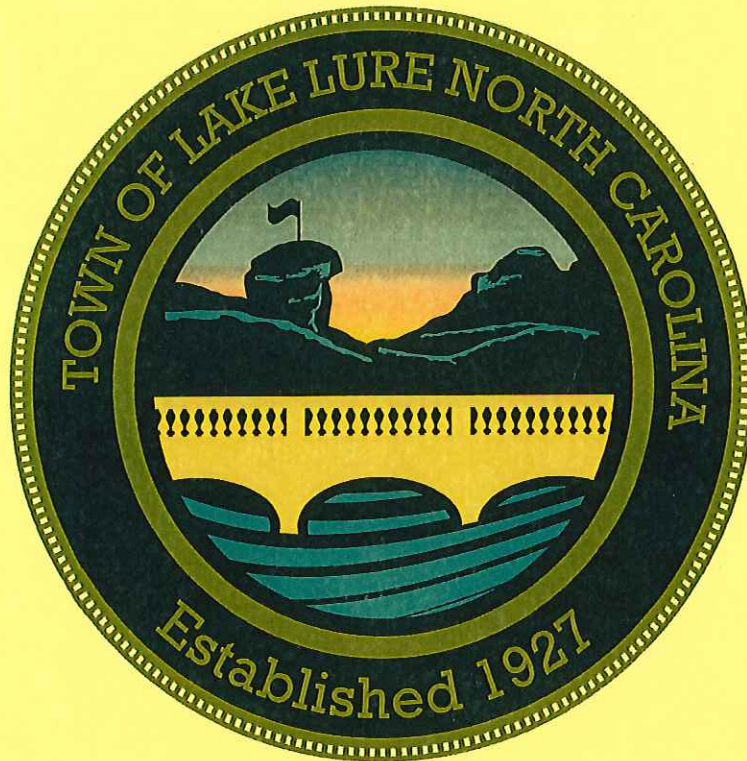


LAKE LURE TOWN COUNCIL REGULAR MEETING PACKET

Tuesday, May 13, 2014



Mayor Bob Keith

Commissioner John Moore

Commissioner Mary Ann Silvey

Commissioner Diane Barrett

Commissioner Bob Cameron



REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL

May 13, 2014

6:00 p.m.

Lake Lure Municipal Center

AGENDA

1. Call to Order Mayor
Bob Keith
2. Invocation (*Please rise and remain standing*) Attorney
Chris Callahan
3. Pledge of Allegiance
4. Approve the Agenda Council
5. Public Hearing – Proposed Ordinance No. 14-05-13: An Ordinance Amending the Zoning Regulations Concerning Notices of Violation; Modifying the Procedures for Issuing and Appealing a Notice of Violation
6. Consider Adoption of Ordinance No. 14-05-13: An Ordinance Amending the Zoning Regulations Concerning Notices of Violation; Modifying the Procedures for Issuing and Appealing a Notice of Violation
7. Public Hearing – Proposed Ordinance No. 14-05-13A: An Ordinance Amending the Zoning Regulations Concerning Signs of a Governmental Body
8. Consider Adoption of Ordinance No. 14-05-13A: An Ordinance Amending the Zoning Regulations Concerning Signs of a Governmental Body
9. 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.*
10. Staff Reports
11. Council Liaison Reports & Comments
12. Consent Agenda:
 - a. Approve Minutes of the April 8, 2014 Meeting

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- b. Approve a Request Submitted by Rose Ann Gant to Suspend the Alcohol Ordinance for a Brunch Being Held in the Community Hall June 7, 2014 Between 11:00 a.m. and 2:30 p.m. to Allow Serving of Beer and Wine at the Event
- 13. Unfinished Business
- 14. New Business:
 - a. Consider Approval of an Update to the Town's Parks, Recreation, Trails, and Open Space Plan as Recommended by the Parks & Recreation Board
 - b. Consider a Request for Adoption of Ordinance No. 14-05-13B to Demolish and Remove the Dilapidated Dwelling and Structure at 289 Marina Drive (Rutherford County Tax PIN: 1649205 and 1649851), Case # ASUD-2012001
- 15. Adjournment

Agenda Items: 5 & 6



TOWN OF LAKE LURE
Community Development Department

MEMORANDUM

TO: Town Council

FROM: Sheila Spicer, Zoning Administrator/Code Enforcement Officer *SS*

DATE: April 16, 2014

RE: Ordinance Number 14-05-13

Section 160A-388 of the North Carolina General Statutes was amended by Session Law 2013-126. These amendments in part pertain to the procedures and requirements for issuing a decision of the Zoning Administrator, and any subsequent appeal of that decision to the Board of Adjustment. In October, 2013 Town Council amended §§92.082 through 92.090 of the Zoning Regulations; these amendments were necessary to bring the Regulations in line with the recent updates to the General Statutes.

Staff recently discovered that the Notice of Violation procedures outlined in §92.999 of the Regulations are now in conflict with some of the recently updated sections as well as the requirements of the General Statutes. These conflicts are as follows:

- The delivery procedures outlined in § 92.999(B) are now inconsistent with the procedures in § 92.087(B).
- The 15 day time limit to appeal a Notice of Violation specified in § 92.999(C) is in conflict with §92.087(C), which allows 30 days to appeal.
- §92.999(C) currently states the Board of Adjustment shall hear an appeal within “a reasonable time”; whereas §92.087(G) mandates the Board shall hear the appeal within 45 days of the date the appeal is filed.
- The process for issuing notice of the Board of Adjustment’s decision outlined in §92.999(D) is inconsistent with the process outlined in §92.087.

Staff prepared the attached ordinance with proposed amendments to the regulations that remedy the inconsistencies and conflicts outlined above. The Zoning and Planning Board reviewed this ordinance at their regular meeting on April 15, 2014, at which time they unanimously voted to recommend its approval as presented with a finding that it is neither consistent nor inconsistent with the Town of Lake Lure 2007-2027 Comprehensive Plan. If Town Council agrees with this recommendation, the following motion is suggested:

“Finding that Ordinance #14-05-13 is neither consistent nor inconsistent with the Town of Lake Lure 2007-2027 Comprehensive Plan, I move said ordinance be adopted as presented and recommended by the Zoning and Planning Board in order to ensure that the notice of violation procedures outlined in §92.999 of the Zoning Regulations do not conflict with other Town and State requirements.”

NOTICE OF PUBLIC HEARING

Notice is hereby given that at 7:00 p.m., on 13 May 2014, at the Lake Lure Municipal Center, 2948 Memorial Highway, Lake Lure, North Carolina, the Lake Lure Town Council will hold public hearings with regard to the following matters:

Ordinance #14-05-13: An ordinance amending the Zoning Regulations concerning notices of violation; modifying the procedures for issuing and appealing a notice of violation.

Ordinance #14-05-13A: An ordinance amending the Zoning Regulations concerning signs of a governmental body.

The public is advised that it has the right to appear at said public hearings and present information with regard to this matter. Copies of the proposed ordinances 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 Friday, holidays excepted.

ORDINANCE NUMBER 14-05-13

AN ORDINANCE CONCERNING NOTICES OF VIOLATION; MODIFYING THE PROCEDURES FOR ISSUING AND APPEALING A NOTICE OF VIOLATION

WHEREAS, § 92.999 of the Zoning Regulations of the Town of Lake Lure requires the Zoning Administrator to issue a Notice of Violation for failure to take prompt corrective action of a violation of the regulations; and

WHEREAS, Session Law 2013-126 has modified the requirements and procedures for the issuance and appeal of a decision of the Zoning Administrator outlined in N.C.G.S. § 160A-388; and

WHEREAS, § 92.999 of the Zoning Regulations of the Town of Lake Lure is now in conflict with the requirements and procedures outlined in N.C.G.S. § 160A-388; 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 ensures the Zoning Regulations of the Town of Lake Lure are consistent with the North Carolina General Statutes as they pertain to the requirements and procedures for the issuance of a Decision by the Zoning Administrator and any subsequent appeal of that Decision to the Board of Adjustment; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the 13th day of May, 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 and North Carolina Session Law 2013-126.

SECTION TWO. Section 92.999 of the Zoning Regulations of the Town of Lake Lure, concerning Enforcement and Penalties, is hereby amended as follows:

§ 92.999 ENFORCEMENT AND PENALTIES

- (A) Enforcement Procedures. When the Administrator or his designee becomes aware of a violation of this Ordinance, it shall be his duty to notify the owner or occupant of the land, building, structure, sign, or use of the violation. The owner or occupant shall immediately remedy the violation.
- (B) Notice of Violation. If the owner or occupant of the land, building, structure, sign, or use in violation fails to take prompt corrective action, the Administrator or his designee shall give the owner or occupant written notice of violation (by ~~certified or registered mail to his last known address, by personal service~~ personal delivery, first class mail, and/or by posting notice conspicuously on the property) of the following:
- (1) That the activity, land, building, structure, sign, or use is in violation of the Zoning Regulations;
 - (2) The nature of the violation, and citation of the Section(s) of this Chapter violated;
 - (3) The measures necessary to remedy the violation; and
 - (4) Mechanisms available to appeal the decision of the Administrator.
 - (5) Any commencement of land clearing or removal of vegetative growth in violation of § 92.119 of these Zoning Regulations without first receiving a land disturbance permit and providing an approved site plan, or in violation of § 92.120 of these regulations without first receiving a land disturbance authorization, as required by this chapter shall subject the property owner or the owner's agent to a civil fine not to exceed \$500.00 per day for each occurrence of such a violation. The fine shall be payable immediately upon notification and shall be assessed from the date of violation. Each day of a continuing violation shall constitute a separate violation. If, following the appropriate inspections, the illegal development is found to meet all requirements of this chapter, certificates of zoning compliance shall be issued upon payment of the fine and submittal of the appropriate documents including fees. If the development does not meet said requirements, the development shall either be returned as far as possible to its original state, or be brought into compliance prior to receipt of site plan approvals.

The removal of significant trees or native shrubbery with their stumps and roots, without an approved site plan, as required by this chapter, shall subject the property owner to fines of \$500.00 for each significant tree illegally removed and \$500.00 for each 100 sq. ft. of native shrubbery, with their stumps and roots,

Ordinance No. 14-05-13

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illegally removed. If the number of significant trees and/or extent of native shrubbery previously existing on the property is not known by means of an on-site inspection, fines shall be levied based on the canopy coverage observable from existing aerial photography of the area in question. In addition to these fines, illegally removed significant trees shall be replaced at the expense of the owner or the owner's agent as set forth in § 92.119.

- (C) Appeal. Any owner or occupant who has received a Notice of Violation may appeal in writing the decision of the Administrator or his designee to the Board of Adjustment ~~within fifteen days following the date of the Notice of Violation. The Board of Adjustment (hereafter, "BOA") shall hear an appeal within a reasonable time, and it may affirm, modify, or revoke the Notice of Violation in accordance with §92.086 and §92.087 of these Zoning Regulations.~~ In the absence of an appeal, the decision of the Administrator shall be final.
- ~~(D) Notice of Decision. The decision of the BOA may be delivered to the aggrieved party either by personal service or by registered mail, certified mail return receipt requested, and by posting notice conspicuously on the property. Such Notice of Decision shall inform the recipient of the time frame within which compliance shall be required, and the remedies available to the Town as provided by State Law or by Section 92.998.~~
- (E D) Failure to comply with Notice of Violation or Decision of the Board of Adjustment. If the owner or occupant of a property fails to comply with a Notice of Violation from which no appeal has been taken, or a final decision by the BOA following an appeal, the owner or occupant shall be subject to such remedies and penalties as may be provided for by State law or by Section 92.998, above.
- (F E) Civil Penalties. Any person who violates any provision of this Chapter shall be subject to the assessment of a civil penalty in accordance with the provisions set forth herein.
- (1) Responsible Parties. The owner or occupant of any land, building, structure, sign, use of land, or part thereof, and any architect, builder, contractor, agent, or other person, who participates or acts in concert, assists, directs, creates, or maintains any condition that is in violation of this Chapter may be held responsible for the violation and subject to the civil penalties and remedies provided herein and in Section 92.998.
- (2) Issuance of Citations. No civil penalty shall be assessed under this Section until the person alleged to be in violation has been notified in accordance with paragraph (B), above. If after receiving a notice of violation the owner or other

violator fails to correct the violation, a civil penalty shall be imposed in the form of a citation. Such citation shall substantially conform to the following:

- (a) It shall be in writing;
 - (b) It shall be delivered by certified or registered mail to the last known address of the owner or occupant or such other person or by personal service or by posting conspicuously on the property;
 - (c) It shall state the civil penalty which is imposed upon the violator; and
 - (d) It shall direct the violator to pay the civil penalty within ten business days of the date of service of the citation.
- (3) Payment of Civil Penalties. The schedule for civil penalties shall be set forth in a fee schedule maintained by the Town Clerk. For each day the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalties. If the offender fails to pay any civil penalties within 30 days of service of a citation, the Town may recover such penalties in a civil action in the nature of debt. Assessment of civil penalties shall be stayed pending appeals taken to the Board of Adjustment.

[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 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.

Ordinance No. 14-05-13
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Adopted this 13th day of May, 2014.

Bob Keith, Mayor

ATTEST:

Andi Calvert, Town Clerk

Approved as to content & form:

J. Chris Callahan
Town Attorney

Agenda Items: 7 & 8



TOWN OF LAKE LURE
Community Development Department

MEMORANDUM

TO: Mayor & Town Council

FROM: Shannon Baldwin, Community Development Director

DATE: May 5, 2014

RE: Ordinance Number 14-05-13A

At its last meeting held April 16th, the Planning Board discussed sign the review and approval process as it relates to Federal and State signage. This proposed amendment clarifies Federal, State, and Town authority relative to the town review and approval (or exemption) process for government signs. The Planning Board recommends approval of Ordinance Number 14-05-13A as submitted.

[Recommended Motion: I move Town Council approve Ordinance Number 14-05-13A, an amendment to the Zoning Regulations recommended by the Planning Board drafted to clarify which government signs are subject to the town review and approval process and which ones are exempt.]

ORDINANCE NUMBER 14-05-13A

**AN ORDINANCE AMENDING THE ZONING REGULATIONS CONCERNING SIGNS
OF A GOVERNMENTAL BODY**

WHEREAS, the Zoning and Planning Board has recommended modifications to the Zoning Regulations of the Town of Lake Lure as noted in the title of this ordinance; 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, the Lake Lure Town Council, after due notice, conducted a public hearing on the 13th day of May, 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. Section 92.154 of the Zoning Regulations of the Town of Lake Lure, entitled “Signs Exempt from Regulations”, is hereby amended in subsection (B) as follows:

- (B) Signs of a governmental body, including traffic warning or regulatory signs and devices. These signs shall also include other governmental signs including building identification, directional, information, and welcome signs. Signs of a governmental body other than the Town of Lake Lure require Town Council approval unless otherwise exempted by federal or state law.

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

SECTION TWO. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 92.999 of the Zoning Regulations.

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.

Ordinance No. 14-05-13A

May 13, 2014

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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 the date of its adoption.

Enacted this 13th day of May, 2014.

Bob Keith, Mayor

ATTEST:

Andi Calvert , Town Clerk

Approved as to form:

Chris Callahan, Town Attorney

Agenda Item: 12a



**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 8th day of April, 2014.

PUBLIC FORUM

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 24th 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 8th 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:

Andrea H. Calvert
Town Clerk

Mayor Bob Keith

Agenda Item: 12b

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

Date of Request: June 7, 2014

By: Rose Ann Gant

Describe Request: Wedding Party Brunch

As attached letter states, they will be hosting a brunch and would like to have the alcohol ordinance suspended during the hours of 11 am - 2:30 pm in the Municipal Hall on June 7th.

This being with the understanding that it is for beer and wine only and all alcohol must remain inside the building at all times.

Reviewed by: Sean Humphries
Police Chief

Comments from LLPD:

Note: Complete form and return to Town Clerk
Form: ADM-9-00



ROSE ANN GANT

March 4, 2014

To the Honorable Mayor of Lake Lure, NC
and to the Town Council of Lake Lure, NC

I and my family are hosting a Brunch on June 7th, 2014, for my granddaughter Jordan Gant who is to be married at the Gazebo that same afternoon. We respectfully request a special permit to serve beer and/or wine in the Community Hall during the following hours: 11 a.m. - 2:30 p.m. I am aware of the restrictions and expect to be in complete compliance.

Thank you for your consideration.

Yours very truly,
Rose Ann J. Gant
(Mrs. Roger Gant, Jr.)

Mrs. Roger Gant, Jr.
2842 Forestdale Dr
Burlington, NC 27215-4645

hannegant@gmail.com

We would like to have the alcohol ordinance suspended during the hours of 11 am and 2:30 pm to serve beer and wine. We understand that all alcohol must stay inside the building at all times.

Thank you.

RAG

Agenda Item: 14a

Andi Calvert

From: Ed Dittmer [eddittmer@bellsouth.net]
Sent: Monday, April 07, 2014 11:21 AM
To: Andi Calvert
Subject: Revision to Parks, Recreation, Trails, and Open Space Plan
Attachments: Proposed change to P & R Plan 2014.doc

Hi Andi,

At last Thursday's Parks & Rec Board meeting, the Board approved the attached revision to update the Town's Parks, Recreation, Trails, and Open Space Plan. I know it is too late for Council to consider and approve the revision at tomorrow's meeting, but would you have it on the agenda for their May meeting? Thanks.

Ed Dittmer

March 2014

PROPOSED AMENDMENT TO TOWN OF LAKE LURE PARKS, RECREATION, TRAILS AND OPEN SPACE PLAN

Page i

Update this page to reflect current Parks and Recreation Board members by deleting Todd Dunnuck, Bill Miller, and Chuck Watkins and by adding Jonathan Hinkle, Jim Walters, and Jessica Kendall.

Table of Contents

Pages ii and iii - Update pages as necessitated by the changes below.

Plan Introduction. Purpose and Scope, and Methodology

Pages 1-3 – No changes recommended

Section 1 – Review of Physical, Demographic and Historical Characteristics

Pages 4-11 – No changes recommended

Section 2 – Inventory and Analysis of Existing Parks and Recreation Facilities

Pages 12- 14 – No changes recommended

Page 15- Replace current narrative on Washburn Marina with the following:

Washburn Marina

Washburn Marina is a Town owned facility adjacent to Morse Park and offers a variety of boating and lake based recreation opportunities. The marina is operated through a concession agreement with a private company with the Town receiving a percentage of the charged revenues. The marina is available for use year round and requires a user fee depending on what activity is used. The marina is in excellent condition, having undergone a complete renovation in 2012 that included new floating aluminum docks accommodating 78 boat slips for rent. The seawall and wharf were also replaced and a new covered seating area for people waiting to take lake boat excursion tours has also been attached to the ticket and rental office. A landscaped waiting area under a pergola with tables and chairs has been added adjacent to the ticket office. Private boat permits for same day use on the lake are available for purchase at the ticket office.

Washburn Marina amenities include:

- Boat slips (for season or daily rental)
- Boat launch (no charge)
- Gasoline, ice, and snack purchase
- Restrooms (free)
- Picnic table and seating areas (free)
- Boat and kayak rental
- Lake tour excursions (for fee)

Pages 15 and 16 – Replace current Morse Park narrative with the following:

Morse Park
Gardens/Meadow/Wetlands/Riverside

Morse Park is a popular large community park located adjacent to the Town Center at the far west end of the lake consisting of approximately 23 acres (including the Lake Lure Municipal Center and the Lake Lure and Blue Ridge Foothills Visitor Center). The park is owned by the Town and is open year round, offering passive outdoor recreation activities opportunities for residents and visitors alike.

Morse Park facilities include:

- Approximately one mile of walking paths
- Landscaped gardens with a large pond
- Large covered pavilion (for special events such as concerts and weddings)
- Multi-purpose event field for festivals and soccer play (with goal nets)
- Two regulation tennis courts and an outdoor basketball court
- Children's playground (including swings, slides, and climbing apparatus)
- Four covered picnic tables with grills and trash receptacles
- Docks for temporary boat tieup and water access for fishing
- Wetland area for waterfowl and songbird viewing
- Temporary boat trailer storage
- Restrooms (at Visitor Center and Washburn Marina ticket office) and porta-johns
- Parking spaces for 196 vehicles in Morse Park, with an additional 40 parking spaces available at the Municipal Center on weekends

Morse Park has undergone a transformation in recent years which has corrected drainage problems in the Meadow and diverted stormwater successively from the parking areas via buried piping and gravity flow to newly created ponds in the three wetland areas of the park before exiting to the lake. This project expanded the useable event and athletic space in the Meadow and allowed for wetland restoration and enhancement. Additional landscaping was also completed.

Page 16 – Replace current Lake Lure Golf Course narrative with the following:

Lake Lure Golf Course

The Lake Lure Golf Course is a municipal 9 hole course located along US 64/74A in the southern section of the Town. This course was reportedly designed by Donald Ross, a renowned early golf course architect. The course was built in the late 1920s and underwent a complete renovation in 2009/2010 and has been under professional golf course management since then. The course is currently in its best condition in years, but current economic conditions and long wet summers have led to uncertainty in continued golf course operation vis-à-vis taxpayer support, and the possibility of the course being used for other purposes has been investigated. Use of the existing extensive cart paths for walking paths and exercise stations is being considered.

Page 17 – **Donald Ross Nature Trail Park** – No recommended changes

Page 17 - Replace current Buffalo Creek Park narrative with the following:

Buffalo Creek Park

The Town of Lake Lure acquired through a NC PARTF grant in 2010 a 200 acre mountain parkland bordering Buffalo Creek Road at the far north end of the Town. In 2012 the Town obtained two additional grants to develop the park. An initial 5 miles of type 2 trails for hiking and mountain biking use have been professionally constructed, with a beautiful wooden bridge built over Buffalo Creek and two smaller bridges built over other water ravines. A temporary public trailhead off Buffalo Creek Road into the park with six parking spaces has been built by the Town and a much larger private trailhead has been built by Rumbling Bald Resort for their residents and guests on adjacent Resort property, with the two trailheads connected by a half mile of type 1 trail. In 2013 the Town of Lake Lure received another grant to expand the trail system westward some five miles to Eagle Rock within the bounds of Chimney Rock State Park. Carolina Mountain Land Conservancy has been actively cooperating with the Town of Lake Lure in bringing this enhanced hiking and mountain biking trail system to a reality.

Page 17 – Replace current Flowering Bridge narrative with the following:

Lake Lure Flowering Bridge

In 2011 a new US64/74A/NC9 vehicular bridge was opened across Broad River at the western end of the Town Center and ownership of the adjacent old historic bridge was transferred to the Town of Lake Lure. A non-profit citizen group has been formed and the group of volunteers has landscaped the old bridge and its approaches with year-round plantings to make the Flowering Bridge “a gateway to something beautiful.” The Town Center Walkway has been extended across the now pedestrian bridge, with plans to extend it to the town limits with Chimney Rock

Village. A lot with unsightly vacant commercial buildings adjacent to the bridge has been purchased by the Town and the buildings torn down to provide a parking area for bridge visitors. The Flowering Bridge has become a very popular attraction for both residents and visitors.

Page 17 – Replace current Town Center Walkway narrative with the following:

Town Center Walkway

The Town Center Walkway is a popular level walking path constructed with paver stones in the Town Center area of the Town of Lake Lure. Phase 1 of the walkway from Jack London Road to the Broad River Bridge was completed in 2008 to include the existing Town Center boardwalk. Plans are underway to extend the Walkway eastward along Memorial Highway to the temporary Lake Lure Classical Academy campus and on to the U. S. Post Office and westward across the Lake Lure Flowering Bridge over Broad River to town limits to connect with a continuation of the Walkway to the village center planned by Chimney Rock Village.

Page 17 and 18 – Remove the narrative on **Other Town Center Walking and Hiking Trails** since these trails are not currently available, but planned for the future, and will be addressed in **Section 4 Recommendations and Implementation**

Page 18 - Leave unchanged the narratives discussing **Rumbling Bald Resort** and **Chimney Rock State Park**.

Page 18 - Leave unchanged the **Section 2 Summary** narrative.

Pages 19-25 - Leave unchanged the **Section 3—Community Survey and Needs Assessment** narrative.

Section 4---Recommendations and Implementation

Pages 26-30 - Leave the narrative unchanged covering **Introduction, Funding Sources, Capital Improvement Program (CIP), User Fees and Sponsorships, General Tax Revenues, Grant Programs, and Partnerships**

Page 30 –**Information and Communication** – Replace the current narrative with the following:

Information and Communication (High Priority) – The Town of Lake Lure should continue its efforts to create means of information sharing with Lake Lure residents and visitors on what parks and recreational facilities and opportunities are available in the Lake Lure area. Posting the Parks, Recreation, Trails, and Open Space Plan and minutes of the Parks and Recreation Board minutes on the Town website helps spread the word on current and planned facilities. The

Town efforts to create other means of information sharing through the use of brochures, signage, website notices and newsletters should be continued. The Town should continue to work closely with the Rutherford County Tourism Development Authority (TDA) to ensure that information on what parks and recreation facilities and opportunities are available in the Lake Lure area and where they can be accessed, as well as what events are currently happening or planned in Lake Lure, are available to staff at the TDA-manned Lake Lure and Blue Ridge Foothills Visitor Center so that they can accurately inform visitors. These measures will help Lake Lure residents and visitors know what, where, when, and how when it comes to parks and recreation questions.

Page 30 – **Future Development of Parks Facilities**

Add the following Recommendation before **Community Recreation Center**:

Morse Park Pedestrian Bridge and Town Center Walking and Hiking Trails (High Priority) –A potential additional location for hiking trails in the Town Center is on Town owned property on the slopes above the east side of the Town Center Bay incorporating the beautiful upland Point of Rocks area. Plans currently being pursued by the Town to construct a pedestrian bridge from Morse Park Gardens east of the Pavilion to the Point of Rocks area across the channel to connect the pathways in Morse Park Gardens with new hiking trails in this Town-owned upland terrain that would allow a connection to the Town Center Walkway. Once completed, this pedestrian bridge will allow pedestrian traffic flow around the Town Center area and potentially be an economic boost to the Town much as the Flowering Bridge has become

There are several other potential opportunities for walking and hiking on Town owned land or along public rights of way in the Town Center area of Lake Lure. Plans should proceed on the development of a system of hiking trails in the Luremont area, utilizing Town owned property and public rights of way originally laid out and platted for trails in the 1920s by Earl Draper, the planner of the original Town of Lake Lure. Eventually, up to 3 miles of potential hiking trails in the Luremont area of Town Center are available, with potential connection to trails in the Cane Creek Mountain area of Chimney Rock State Park and potentially to connect with the Bottomless Pools.

Page 30 – Replace the narrative on **Community Recreation Center** with the following:

Community Park and Recreation Center (High Priority)- The Town of Lake Lure should actively pursue the development of recreational and athletic facilities on Town owned property off Island Creek Road to include playground and ball field facilities, restrooms, picnic areas, and an expansion of walking and hiking trails to connect with the existing trail system in Donald Ross Nature Trail Park. The Town has offered long-term leases of land on this property needed for both the construction of a permanent K-12 public charter school (Lake Lure Classical Academy) planned for as early as 2015 and potentially for a YMCA type recreational complex hopefully to follow as soon as possible thereafter which would complement each other, with the latter also providing a needed program of after-school care and activities. In the event that a YMCA recreational complex does not materialize, the Town should partner with other local governments and potentially use PARTF (NC Parks & Recreation Trust Fund) and other grants to build and operate an indoor Community Recreation Center on the Island Creek Road property

that could also include under the same roof both a county branch library and a senior center to support both the school and the predominant demographic group in the Town---its seniors. A public charter school has the potential to dramatically change the demographics of the Town and the Town needs to provide adequate public park facilities to support such a change which will complement and support both the public charter school and a YMCA/Regional Recreation Center. The ball fields, for example, could support senior softball/baseball leagues (whether run by a future Parks and Recreation Department or by a YMCA), as well as supporting school athletic and recreational activities, and the public playground and nature trails could be used as well by the school children. The Mountains Branch Library on county owned land on Bills Creek Road is woefully undersized for the amount of use it receives, and the Town should consider offering to Rutherford County government a portion of the Island Creek Road property in order to build a suitably sized library (perhaps in partnership with Polk County government) for the citizens of western Rutherford County and northern Polk County, which would be more centrally located for the residents of Lake Lure and Chimney Rock Village and also support the nearby public charter school.

Page 31 – Replace the narrative on **Buffalo Creek Parkland and Trail Development** with the following:

Buffalo Creek Park and Trail Development (High Priority) – The Town of Lake Lure has successfully obtained grants since 2010 in cooperation with Carolina Mountain Land Conservancy (CMLC) to purchase and develop a 200 acre tract of bottomland and upland terrain on Buffalo Creek and Weedpatch Mountain on the northeast border of the Town bordering Rumbling Bald Resort. To date, a challenging 5+ mile trail system professionally designed and constructed for dual hiking and mountain biking use is nearing completion, with three bridges and a small temporary public trailhead parking area off Buffalo Creek Road. The Town should continue to pursue acquisition of additional property on Buffalo Creek Road to accommodate a large enough parking area at this public trailhead. The Town has been working with Rumbling Bald Resort on their construction of a private trailhead parking area to access the park for their residents and guests from their property. An additional Recreational Trails Program (RTP) grant was obtained in 2013 to extend the trail system westward across CMLC property some 5 miles to connect with the overlook destination of Eagle Rock on Shumont Mountain within Chimney Rock State Park. The Town should continue its goal of making Buffalo Creek Park a multi-day hiking and mountain biking attraction to spur tourism by the construction of at least a 20 mile trail system within the bounds of Buffalo Creek Park. The park should accommodate both casual ADA accessible walking Type 1 trails as well as more demanding Type 2 and Type 3 hiking and mountain biking trails in stacked loops, to include a through trail route for the Lake Lure Summits Trail (described below). The Town should also work with climber groups to develop the potential of the large boulder field and cliff faces in the park. Development of the Buffalo Creek parkland should maximize the use of grant funding and volunteer labor wherever possible, as well as active partnerships with Rumbling Bald Resort, the NC State Parks Division, and regional land conservation groups and hiking/outdoor groups.

Pages 31, 32, and 32 – Recommend leaving narrative on **Enhancement of Walking and Hiking Opportunities and Parkland Linkage** unchanged and add a new bullet recommendation:

Strategically Located Parks and Facility Development (High Priority) - The Town of Lake Lure should additionally look for other opportunities for parkland, greenway, or open space acquisition for future development to serve the needs of town residents and guests in other areas not now served by nearby parks and recreation facilities.

Pages 33,34, and 35 – Recommend no change to the narratives on **Senior Programming, Alternative Programming and Activities, Site Specific Planning for Lake Lure’s Parks and Recreation Facilities, Personnel and Maintenance, Standards for New Development, and Coordinate Efforts with Lake Advisory Board**

Agenda Item: 14b



TOWN OF LAKE LURE
Community Development Department

MEMORANDUM

TO: Town Council

FROM: Sheila Spicer, Zoning Administrator/Code Enforcement Officer *SAS*

DATE: May 12, 2014

RE: Ordinance Number 14-5-13B

Case number ASUD-2012001 is an ongoing abandoned structure/unfit dwelling case that first started in response to a citizen complaint received on November 5, 2012. Since that time, staff has attempted to gain compliance as outlined in Chapter 90 of the Town Code of Ordinances.

A hearing on the case was held on March 26, 2013, at which time the property owner, Ms. Rita Mae Swanson-Robinson, was present and represented by her attorney. A Findings of Fact and Order was issued with a compliance deadline of August 29, 2013. Ms. Swanson-Robinson, her attorney, and Mike Egan, Community Development Attorney, met to work out the terms of an agreement that, in part, extended the compliance deadline to December 1, 2013. Ms. Swanson-Robinson and Chris Braund, Town Manager, signed this agreement on July 17, 2013.

In a further attempt to gain compliance, civil penalties have been assessed since February 17, 2014 in the amount of \$100.00 per day. To date, the civil penalties for this case equal \$5900.00, none of which have been paid.

Pursuant to §90.07 of the Town of Lake Lure Abandoned Structures/Unfit Dwellings Regulations, the attached ordinance is presented for your consideration in order to gain compliance with the regulations in this case. If adopted, the Town will seek bids for the demolition of the structures, and a lien will be placed on the property for the costs of demolition and removal.

ORDINANCE NO. 14-05-13B DIRECTING THE CODE ENFORCEMENT OFFICER TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED

File No. ASUD-2012001

WHEREAS, the Town Council of the Town of Lake Lure finds that the structures described herein are unfit for human habitation under the Town Abandoned Structures/Unfit Dwellings Regulations and that all of the procedures of the Abandoned Structures Code have been complied with; and

WHEREAS, these structures should be removed or demolished as directed by the Code Enforcement Officer and should be placarded by placing thereon a notice prohibiting use for human habitation; and

WHEREAS, the owner of these structures has been given a reasonable opportunity to bring the structure up to the standards of the Abandoned Structures/Unfit Dwellings Regulations in accordance with NCGS 160A-443(5) pursuant to an order issued by the Code Enforcement Officer on April 1, 2013, and the owner has failed to comply with the Order; and,

WHEREAS, the owner of these structures has failed to comply with an agreement signed by the owner and the Town that extended the compliance deadline stipulated in the Order to December 1, 2013.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Lake Lure, that:

Section 1. The owner of such building(s), dwelling(s) and premises is hereby ordered to vacate any occupants and/or personal property therein on or before June 13, 2014.

Section 2. The Code Enforcement Officer is hereby authorized and directed to place placards containing the legend:

"This building is unfit for human habitation. The use or occupation of this building for human habitation is prohibited and unlawful."

on the structures located at the following address:

289 Marina Drive (Rutherford County Tax ID #: 1649205 and 1649851)

Section 3. The Code Enforcement Officer is hereby authorized and directed to proceed to remove or demolish the above described structures in accordance with the order to the owner thereof dated the 1st day of April 2013, and in accordance with the Abandoned Structures/Unfit Dwellings Regulations and NCGS 160A-443.

Section 4. (a) The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the County Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of N.C.G.S. Chapter 160A.

(b) Upon completion of the required removal or demolition, the Code Enforcement Officer shall sell the materials of the dwelling and credit the proceeds against the cost of removal or demolition. The Code Enforcement Officer shall certify the remaining balance to the Tax Collector. If a surplus remains after the sale of the materials and satisfaction of the cost of removal or demolition, the Code Enforcement Officer shall deposit the surplus in the Superior Court where it shall be secured and disbursed in the manner provided by N.C.G.S. 160A-443(6).

Section 5. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

Section 6. This Ordinance shall become effective upon its adoption.

ADOPTED this 13th day of May, 2014.

ATTEST:

Andrea Calvert
Town Clerk

Bob Keith
Mayor

Approved as to content and form:

J. Christopher Callahan
Town Attorney

