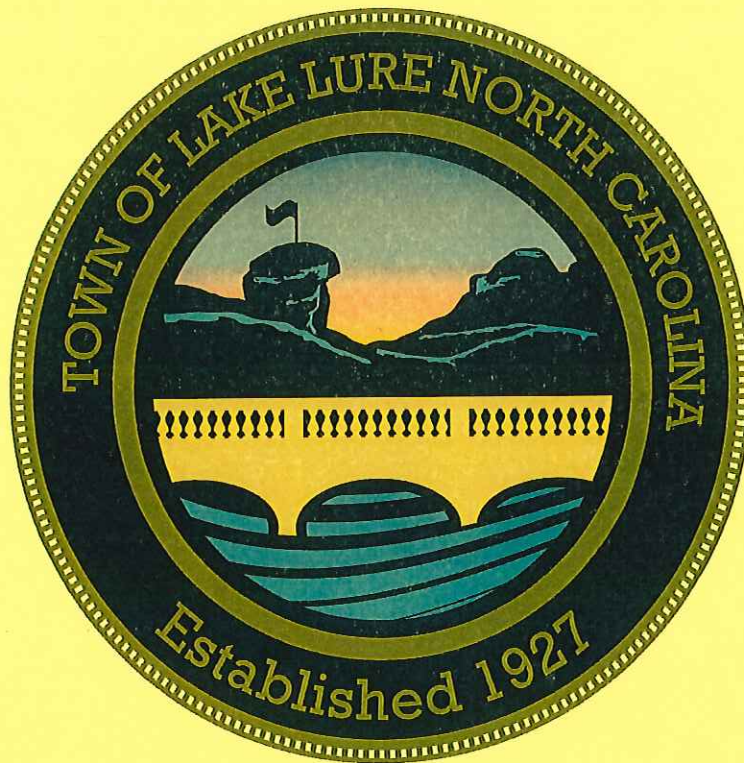


# **LAKE LURE TOWN COUNCIL REGULAR MEETING PACKET**

Tuesday, January 12, 2015



**Mayor Bob Keith**

**Commissioner John Moore**

**Commissioner Mary Ann Silvey**

**Commissioner Stephen Webber**

**Commissioner Bob Cameron**



## REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL

January 12, 2016

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. Staff Reports
6. Council Liaison Reports & Comments
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. Consent Agenda:
  - a. Approve Minutes of the December 8, 2015 Regular Meeting, the December 15, 2015 Special Meeting and the December 22, 2015 Special Meeting
  - b. Appoint Members to Serve on Behalf of the Town on the Fireman Relief Fund Board
9. Unfinished Business
10. New Business:
  - a. Appointments – Utility Board
  - b. Consider Approval of a Request from the 1927 Lake Lure Inn and Spa to Book the Town Gazebo for 26 Specified Dates in 2017

**Page 2 – Town Council Meeting Agenda  
January 12, 2016**

- c. Discussion of Traffic Speed Control on Boy's Camp Road
  - d. Consider Approval of a Utility Easement Agreement with Melvin and Judy Owensby Relating to Property Located at 1808 Memorial Highway
  - e. Review and Consider Approval of VROP-2015016 Submitted by Patricia Gergen
11. Adjournment

## *Agenda Item: 8a*

## *Agenda Item: 8b*



## LAKE LURE FIRE DEPARTMENT



PO Box 255 Lake Lure, NC 28746 Phone: 828-625-9333 Fax: 828-625-9760 Email:llfire@bellsouth.net

### Memorandum

To: Town Manager, Chris Braund  
Mayor, Bob Keith  
Town Council

*RPM*  
From: Ron Morgan, Lake Lure Fire Chief

Date: January 7, 2016

Subject: Firemen's Relief Fund Board

The Town Council is responsible to appoint two members to the Firemen's Relief Fund Board. This Board is responsible for any disbursement of funds from this account. These funds allocated from a percentage of home owners insurance premiums in the Town are allocated strictly to the Local Firemen's relief fund.

The funds can only be used to aid firefighters from Lake Lure Fire Department in financial need through no fault of their own such as one have medical issues, or suffering from injuries sustained on an incident, and now they can be used to assist with insurance or benefits for firefighters.

The two current Council appointed members are Blaine Cox, and Sam Karr. Sam Karr serves as the Treasurer to this Board. We recently reappointed these members back in October of 2015, however, the rules for the length of term for these members and the time of year for appointment has changed. We now must elect these members in January and one member must be rotate off each year. Since this is the first year for this new cycle we need to appoint one member for a one year term and another member for a two year term.

I would like to recommend Council replace Sam Karr, who is the Treasurer for this fund, with Julie Scherer our Town Accountant for a one year term. This way we can alternate between Sam and Julie every two years to maintain involvement of Town Finance Staff. I also recommend Council replace Blaine Cox with Mayor Bob Keith for a two year term. I have spoken with both of these individuals and they both have agreed to serve.

If you have any questions or concerns please feel free to contact me.

Thanks for your time and consideration.

Cc: file

## *Agenda Item: 10a*

## LAKE LURE UTILITY BOARD

### (Three Year Appointment)

*List of candidates to be considered to fill five regular position on the Utility Board*

Candidates to be considered for appointment:

1. John Chapman
2. Pat Cooke
3. John Crenshaw
4. Sheri Crenshaw
5. Debbie Frandberg
6. Richard Glassen
7. Wayne Hyatt
8. Lee Latz
9. Steve Miller
10. Roger Peterson
11. Paul Westbrock

Per the resolution adopted by town council in November of 2015, five members need to be appointed to serve on the Utility Board. Please list the five candidates that you wish to vote for.

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

The five candidates who receive the most votes will be appointed to the board. The regular term for the board is set at 3 years, but since this is a new board two members will be appointed to a regular 3 year term, two members will be appointed to serve a two year term and one member will be appointed to serve a one year term. This is just to stagger the terms. Future appointments to the board will be for three year terms.



### VOLUNTEER APPLICATION FORM

Name: John Chapman  
Address: 274 Firefly Ct - 28746 Lake Lure Resident for 19 years  
Home Phone: <sup>828</sup> 436 7009 Cell Phone: <sup>813</sup> 892 1519 Email: jchap@verizon.net  
Employer: Retired Address: \_\_\_\_\_

PLEASE CHECK THE APPROPRIATE BOX AND INDICATE A PREFERENCE IF CHECKING MORE THAN ONE

☐

Board of  
Adjustment &  
Lake Structure  
Appeals Board

☐

Zoning &  
Planning Board

☐

Lake Advisory  
Board

☐

Parks &  
Recreation  
Board

☐

ABC Board

☒

Utility  
Board  
water &  
sewer

☐

Asset  
Management  
Task Force

Rationale and qualifications for serving: I Am A recent full time resident,  
part time resident since 1996. I Am committed to  
this community by ownership of two houses, lot/boat house  
AND another vacant lot.

Other volunteer activities in which you are currently involved, including other Boards or Committees:

Recent Retired. No current activities.

Other information you feel might be pertinent, including current or prior occupation or resume:

Prior employment from risk mgmt department of Anheuser-Busch  
Companies and later Sea World Parks with duties of investigating,  
evaluation AND recommendation of financial exposures to senior  
management. Then execution of their decision.

Signature: John E Chapman Date: 11-18-2015



### VOLUNTEER APPLICATION FORM

Name: Patsy Cook  
Address: 163 Sea Wish Way Lake Lure Resident for 10 years 8 "11"  
Home Phone: 625-8714 Cell Phone: 606 4323 Email: pat@fourseasonscottages.com  
Employer: self employed Address: 163 Sea Wish Way, Lake Lure

PLEASE CHECK THE APPROPRIATE BOX AND INDICATE A PREFERENCE IF CHECKING MORE THAN ONE

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Board of  
Adjustment &  
Lake Structure  
Appeals Board

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Zoning &  
Planning Board

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Lake Advisory  
Board

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Parks &  
Recreation  
Board

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ABC Board

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Utility  
Board

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Asset  
Management  
Task Force

Rationale and qualifications for serving: Management, Financial,  
Community Service

Other volunteer activities in which you are currently involved, including other Boards or Committees:

Boardmember HNGO Chamber Gala

Other information you feel might be pertinent, including current or prior occupation or resume:

Owned, managed General Store 17yrs Abingdon, VA  
Owned, managed Vacation Rental Property in  
Town of Lake Lure 19yrs

Signature: Patsy Cook

Date: 10/30/15



### VOLUNTEER APPLICATION FORM

Name: John Crenshaw  
Address: 5370 US 64-74A Hwy Lake Lure Resident for \_\_\_\_\_ years  
Home Phone: \_\_\_\_\_ Cell Phone: 828-702-4817 Email: johncrens@44@yahoo.com  
Employer: Henderson County <sup>Eng</sup> Address: 820 North Justice St  
Hendersonville 28739

PLEASE CHECK THE APPROPRIATE BOX AND INDICATE A PREFERENCE IF CHECKING MORE THAN ONE

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Board of  
Adjustment &  
Lake Structure  
Appeals Board

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Zoning &  
Planning Board

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Lake Advisory  
Board

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Parks &  
Recreation  
Board

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ABC Board

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Utility  
Board

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Asset  
Management  
Task Force

Rationale and qualifications for serving: \_\_\_\_\_

Want to be a part of community & community  
decisions for positive growth & change

Other volunteer activities in which you are currently involved, including other Boards or Committees:

Involved in various church activities (Building, Nursery, youth)  
volunteer activities at work as a paramedic

Other information you feel might be pertinent, including current or prior occupation or resume:

Been paramedic for 27 years. Involved in ongoing construction  
projects for myself & others

Signature: \_\_\_\_\_

John Crenshaw

Date: 12-17-15



### VOLUNTEER APPLICATION FORM

Name: Sheri Cranshaw  
Address: 5370 us 64-74A Hwy Lake Lure Resident for \_\_\_\_\_ years  
Home Phone: \_\_\_\_\_ Cell Phone: 828-275-1683 Email: Newbeginningsfarm@gmail.com  
Employer: Northside Atlanta Address: Atlanta, NC

PLEASE CHECK THE APPROPRIATE BOX AND INDICATE A PREFERENCE IF CHECKING MORE THAN ONE

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Board of  
Adjustment &  
Lake Structure  
Appeals Board

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Zoning &  
Planning Board

☐

Lake Advisory  
Board

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Parks &  
Recreation  
Board

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ABC Board

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Utility  
Board

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Asset  
Management  
Task Force

Rationale and qualifications for serving: we want to be a part of community  
+ community decisions for positive growth + change

Other volunteer activities in which you are currently involved, including other Boards or Committees:

Involvement in women's group + other church activity voluntarily  
support for youth at youth events, nurse committees + in healthcare jobs

Other information you feel might be pertinent, including current or prior occupation or resume:

Current occupied as an RN taking care of mom + ~~babies~~  
babies on OB floor - Been a nurse for 22 years. Was a  
significant part of leadership team at PRH building New OB unit (8 years)

Signature: Sheri Cranshaw Date: 12/17/15



VOLUNTEER APPLICATION FORM

Name: Debbie Frandberg #24  
Address: 322 Vista Apt Dr Lake Lure Resident for 21 years  
Home Phone: 1025 5579 Cell Phone: 447-1524 Email: debyark13@gmail.com  
Employer: L.L. Retiree Address: Orlando, FL

PLEASE CHECK THE APPROPRIATE BOX AND INDICATE A PREFERENCE IF CHECKING MORE THAN ONE

|                                                             |                            |                          |                             |                          |                                   |
|-------------------------------------------------------------|----------------------------|--------------------------|-----------------------------|--------------------------|-----------------------------------|
| <input type="checkbox"/>                                    | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/>    | <input type="checkbox"/> | <input type="checkbox"/>          |
| Board of<br>Adjustment &<br>Lake Structure<br>Appeals Board | Zoning & Planning<br>Board | Lake Advisory<br>Board   | Parks &<br>Recreation Board | ABC Board                | Asset<br>Management Task<br>Force |
| Utility - Board ✓                                           |                            |                          |                             |                          |                                   |

Rationale and qualifications for serving: Love Lake Lure  
want to help

Other volunteer activities in which you are currently involved, including other Boards or Committees:

Barb Melicki said maybe  
would should add trash-recycle =  
will help with that

Other information you feel might be pertinent, including current or prior occupation or resume:

Tammy & Julie Hartzog - will give  
Ref.

Signature: Debbie Frandberg

Date: 10-15-15



### VOLUNTEER APPLICATION FORM

Name: RICHARD GLASSON  
Address: 231 SUNSET LOVERD, LAKE LURE, NC Lake Lure Resident for 20 years  
Home Phone: \_\_\_\_\_ Cell Phone: 704-232-2194 Email: glassernc@gmail.com  
Employer: RETIRED Address: \_\_\_\_\_

PLEASE CHECK THE APPROPRIATE BOX AND INDICATE A PREFERENCE IF CHECKING MORE THAN ONE

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Board of  
Adjustment &  
Lake Structure  
Appeals Board

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Zoning &  
Planning Board

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Lake Advisory  
Board

☐

Parks &  
Recreation  
Board

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ABC Board

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Utility  
Board

☐

Asset  
Management  
Task Force

Rationale and qualifications for serving: SEE ATTACHMENT

Other volunteer activities in which you are currently involved, including other Boards or Committees:

SEE ATTACHMENT

Other information you feel might be pertinent, including current or prior occupation or resume:

SEE ATTACHMENT

Signature: [Signature] Date: 11/17/2015

**Rationale and qualifications for serving:**

I have forty years of experience in the construction of public water and sewer systems including treatment facilities, distribution pipelines and sewer collection pipelines so I can provide Value Engineering input to project designs. I am knowledgeable in traditional and alternative project delivery methods from both the contractor and owner viewpoint permitting insight on contracting methods to be used in the best interest of Lake Lure. My four years as a member of the Charlotte Mecklenburg Utilities Citizens Advisory committee lets me bring an understanding of utility rate development, annual utility budgets, and customer relations to the utility board at Lake Lure. The building of our new home at Lake Lure involved the development of a private utility in order to connect to the Lake Lure sewer system a potential solution for many Lake Lure residents as septic systems fail in the future. My education and background is one of service to the community in fulfillment of citizen responsibility.

**Other volunteer activities in which you are currently involved, including other Boards or Committees:**

BSA Troop 133 Committee, BSA Council Shooting Sports Committee, Room in the Inn

**Other information you feel might be pertinent:**

I am a graduate of the United States Military Academy where I learned the importance of citizen duty of my community. I have recently retired from a 40 year career as a construction professional focused on public water and sewer infrastructure. My first twenty five years were focused in NC, SC, GA, and VA, the last fifteen on projects across the US. During this forty year career my responsibilities have included all aspects of public infrastructure construction, estimating, scheduling, project management, and contractor recommended changes, start up, and project close out. I have worked on both Design, Bid, Build and Design-Build project delivery and have an understanding of different project delivery methods from both the contractor and utilities viewpoint.

I also served on the Charlotte Mecklenburg Utilities Citizen Advisory committee for four years from 1998 to 2002 which included reviewing and approving annual budgets before submittal to city council, selection of consulting engineers for Utility projects, and a position as the Charlotte Mecklenburg Utilities Citizen Advisory committee representative on an ad-hoc on year committee charged with thoroughly reviewing Charlotte-Mecklenburg Utility operations and customer relations.



## VOLUNTEER APPLICATION FORM

Name: Wayne Hyatt

Address: 308 Bluebird Road Lake Lure Resident for 11 years

Home Phone: 828-625-8373 Cell Phone: 704-641-2721 Email: waterwizard@bellsouth.net

Employer: self employed Address: Same as above

**PLEASE CHECK THE APPROPRIATE BOX AND INDICATE A PREFERENCE IF CHECKING MORE THAN ONE**

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Board of  
Adjustment &  
Lake Structure  
Appeals Board

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Zoning &  
Planning Board

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Lake Advisory  
Board

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Parks &  
Recreation  
Board

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ABC Board

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Utility  
Board

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Asset  
Management  
Task Force

Rationale and qualifications for serving: Long term experience in the water and waste water industry.

Personal experience with the local waste water plant and operational issues.

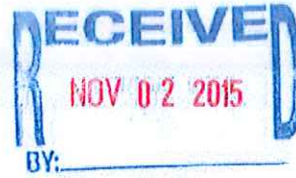
Other volunteer activities in which you are currently involved, including other Boards or Committees:

Lions Club, Fairfield Mtns. Chapel, NC Rural Water Association, and NC Water Works Operators Assc.

Other information you feel might be pertinent, including current or prior occupation or resume:

Currently involved with water and waste water industries in NC and previous town commissioner.

Signature: \_\_\_\_\_ Date: 12/31/15



### VOLUNTEER APPLICATION FORM

Name: AYRIAN 'LEE' LATZ  
Address: 320 VISTA APT. DR. #14 Lake Lure Resident for 9 years  
Home Phone: (828) 778-2284 Cell Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
Employer: \_\_\_\_\_ Address: \_\_\_\_\_

PLEASE CHECK THE APPROPRIATE BOX AND INDICATE A PREFERENCE IF CHECKING MORE THAN ONE

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Board of  
Adjustment &  
Lake Structure  
Appeals Board

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Zoning &  
Planning Board

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Lake Advisory  
Board

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Parks &  
Recreation  
Board

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ABC Board

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Utility  
Board

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Asset  
Management  
Task Force

Rationale and qualifications for serving: INTEREST IN CIVIC AFFAIRS.

HELD A VOLUNTEER POSITION AS CHAIRPERSON TO THE  
CITIZENS ADVISORY BOARD FOR ATHENS MENTAL HEALTH  
CENTER IN ATHENS, OHIO.

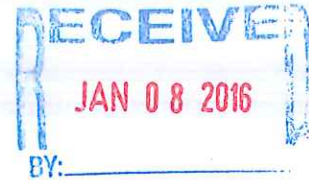
Other volunteer activities in which you are currently involved, including other Boards or Committees:

NONE AT THIS TIME. WAS A VOLUNTEER FOR THE  
H. H. G. WELCOME CENTER.

Other information you feel might be pertinent, including current or prior occupation or resume:

LICENSED DISPENSING OPTICIAN (OPHTHALMIC) FOR  
15 YEARS. PROPERTY MGR. FOR 11 YEARS. WORKED WITH  
MENTALLY HANDICAPPED PERSONS SEVERAL FOR 18 YEARS.

Signature: Ayrian Lee Latz Date: 11/2/15



VOLUNTEER APPLICATION FORM

Name: STEVE MILLER

Address: 57 HOPE VIEW RD SWANNANOA NC 28778 Lake Lure Resident for X years

Home Phone: 828-686-6363 Cell Phone: 828-575-8161 Email: smiller@lakelure.com

Employer: LAKE LURE INN Address: 2771 MEMORIAL HWY LAKE LURE NC 28746

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Board of  
Adjustment &  
Lake Structure  
Appeals Board

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Zoning &  
Planning Board

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Lake Advisory  
Board

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Parks &  
Recreation  
Board

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ABC Board

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Utility  
Board

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Asset  
Management  
Task Force

Rationale and qualifications for serving: LAKE LURE INN AND ASSOCIATED PROPERTIES,  
THE ARCADE BUILDING, LAKE LURE TOURS ARE AMONG TOP USERS OF  
UTILITIES IN LAKE LURE, NC.

Other volunteer activities in which you are currently involved, including other Boards or Committees:

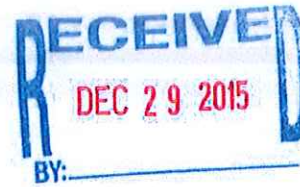
ACTIVE IN HNG CHAMBER AND HNG OUTREACH. NO CIVIC  
POSITIONS HELD.

Other information you feel might be pertinent, including current or prior occupation or resume:

TWENTY-SIX YEARS IN BANKING AT FORTUNE 500 BANKS. PARTICIPATED  
AS EXECUTIVE AND DIVISIONAL MANAGER.

CURRENTLY SERVE AS CHIEF FINANCIAL OFFICER FOR ALL WITTMER  
COMPANIES; GBW ASSOCIATES, FLORIDA + LAKE LURE TOURS, LAKE LURE INN

Signature: A: D Date: 1-8-2016



### VOLUNTEER APPLICATION FORM

Name: Roger W. Peterson

Address: 122 Raptor CT Lake Lure Resident for 10 years

Home Phone: 828.625.9785 Cell Phone: 864.303.0718 Email: petersonroger@bellsouth.net

Employer: Retired Address: \_\_\_\_\_

PLEASE CHECK THE APPROPRIATE BOX AND INDICATE A PREFERENCE IF CHECKING MORE THAN ONE

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Board of  
Adjustment &  
Lake Structure  
Appeals Board

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Zoning &  
Planning Board

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Lake Advisory  
Board

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Parks &  
Recreation  
Board

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ABC Board

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Utility  
Board

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Asset  
Management  
Task Force

Rationale and qualifications for serving: Work in Construction / public works, Retired  
professional Engineer, Retired General Contractor Lic NC / SC

Other volunteer activities in which you are currently involved, including other Boards or Committees:

Other information you feel might be pertinent, including current or prior occupation or resume:

Signature: [Signature] Date: 12-29-15

**Roger W. Peterson**  
122 Raptor Court, Lake Lure, 28746  
(864) 303-0718 petersonroger@bellsouth.net

## **Summary**

Offering 35 years of industry experience in construction management, planning, and logistics management. Accomplished in developing and maintaining effective processes to exceed organizational standards. Able to maximize relationships and build trust to exceed operational targets. Professional Engineer License: SC, NC, KS. Licensed General Contractor Qualifier for SC. Proficient in SAP WM, Microsoft Office: Word, Excel, Outlook, and Power Point.

---

### **Project Manager**

*GEM Constructors, Marion, NC*

2014-2015

Provided project management for various construction projects. Worked as a liaison between clients and GEM to provide and develop projects. Responsibilities included review of client needs, formulate a solution, assist with estimating and design of project. Presented proposal to clients then to oversee the construction of projects. Review budget and time constraints to assure the clients satisfaction. Managed projects both locally and out of state.

### **Material Control Specialist/Inventory Analyst**

*BMW Manufacturing (Tier One), Greer, SC*

2010 - 2014

Provide just in time availability of parts to support production and material planning targets in X3 plant. Perform data processing in the Material Planning System and support series production, parts run-in and parts run-out, and processing of technical changes within scope of the minimization of obsolescence costs. Perform data entry in SAP system related to direct delivery, goods transfers to warehouse/plant/other cost centers. Perform inventory research to support inventory levels, quality, finance of related inventory issues to impact plant inventory accuracy. Maintain inventory accuracy in area of responsibility via daily counts and adjustments on all BW/BD/ED parts. Maintain accurate line side inventories through daily cycle counts, hot calls for replenishment, follow up on ECP changes run in/out material, line balance, visual management, and daily kanban ordering. Communicated Line side Delivery Performance issues with Production and Logistics Leadership. Certified BMW level 4 logistics Team Trainer.

### **Owner/Construction Manager**

*Roger Peterson LLC General Contracting*

2001 - 2010

Led over 30 construction staffs and third party contractors to build the numerous retail businesses such as Lebo's Western Wear, Subway, Texaco, Exxon, and Jazzercise, etc.. Versed in contract negotiation, project estimating, building code and regulations, and site management. Consistently provided on time and under budget results for customers (\$2-5 million sales/year).

### **Owner/Construction Manager**

*Millennium Management LLC, Anderson SC*

1998 -2001

Directed the construction of convenient stores, restaurants, clothiers, and demolition. Responsible for the entire scope of projects, including profitability, contractor negotiation, vendor selection and pricing. Approved invoicing of all vendors, and secured the building permit, Certificate of Occupancy, and warranty work. Constructed \$3-5 million commercial buildings.

### **Estimator**

*Jimmie L. Davis Contractors, Anderson, SC*

1997 - 1998

Reviewed applicable data to compute cost factors and prepare estimates. Provided estimates on commercial construction projects. Met with local industrial and manufacturing clients of prospects for the purpose of pricing, acceptance of contract or offer, change orders, design modifications and addendums to contracts.

**Superintendent of Highways/Airport Manager**

*Genesee County, Batavia, NY*

1988-1997

Managed highway contracts through all phases of construction including but not limited to scheduling, billing, change orders, budgets, sub-contracts, and cost projections. Developed project construction plan, objectives and goals. Supervised staff and evaluated effectiveness of project policy, plans, and costs. Managed daily airport operation ensuring timely operation of flight and cargo services. Ensured efficient and safe airport operation on a daily basis. Reported directly to County legislature. Supervised 60 fulltime county employees on a daily basis.

**Superintendent of Highways**

*Orleans County, Albion, NY*

1984 - 1988

Responsible for the planning and budgeting related to operation of the county highway system. Secured State and Federal funding to support sustainment and improvement efforts. Reported directly to the County Legislature.

**Engineer**

*Bucher and Willis Engineer, Salina, KS*

1979 - 1984

Field Engineer for projects to support wastewater treatment plants, sewer lines, pump stations, intersection control, and fiber optic routing. Conducted bridge inspections and submitted documentation required by safety legislation and procedures. Participated in airport construction activities.

**Civil Engineer**

*Genesee County, Batavia, NY*

1977 - 1979

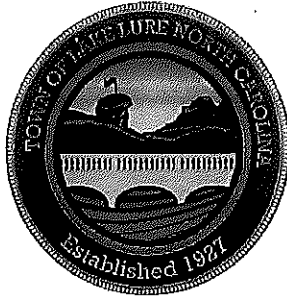
Assisted Superintendent with project design and on going maintenance county roads and bridges. Provided efficient and safe oversight of projects to ensure maintenance and improvement efforts.

**Education**

Utah State University, BS Civil and Environmental Engineering, 1976.  
Alfred State College, AAS Electro-Mechanical Tech, 1973.

**Training**

Professional Engineers License in three states retired all in 2005  
Licensed General Contractor in SC and NC from 1999 thru 2008  
Class A CDL License, NC.  
BMW Level 4 Logistics Trainer, 2012  
OSHA 10 Hour Safety Card



### VOLUNTEER APPLICATION FORM

Name: PAUL WESTBROOK  
Address: 148 COURTLAND COURT Lake Lure Resident for 3 years  
Home Phone: 828.625.2110 Cell Phone: 828.281.1835 Email: KOORBTSEW@icloud.com  
Employer: RETIRED Address: \_\_\_\_\_

PLEASE CHECK THE APPROPRIATE BOX AND INDICATE A PREFERENCE IF CHECKING MORE THAN ONE

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Board of  
Adjustment &  
Lake Structure  
Appeals Board

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Zoning &  
Planning Board

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Lake Advisory  
Board

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Parks &  
Recreation  
Board

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ABC Board

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Utility  
Board

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Asset  
Management  
Task Force

Rationale and qualifications for serving: To apply my technical and  
managerial experience to community service.

Other volunteer activities in which you are currently involved, including other Boards or Committees:

RUMBLING BAZZ RESORT COMMITTEES: 1) FINANCE, chair, 2) Budget,  
3) STRATEGIC PLANNING

Other information you feel might be pertinent, including current or prior occupation or resume:

Ph.D. MATERIALS SCIENCE & ENGINEERING, 8 PATENTS  
SENIOR STAFF ENGINEER, SHELL OIL COMPANY, CORPORATE RESEARCH 15 YR  
DIRECTOR, FIBER GLASS SCIENCE + TECHNOLOGY, PP6 INDUSTRIES 15 YR

Signature: Paul Westbrook Date: 01/05/2016

## *Agenda Item: 10b*

**Lake Lure Properties, LLC  
The 1927 Lake Lure Inn and Spa  
625 Oak Street  
Green Cove Springs, FL 32043**

The Town of Lake Lure  
Mr. Chris Braund, Town Manager  
Lake Lure Town Hall  
U.S. 64 / 74 – Memorial Highway  
Lake Lure, NC 28746

January 12, 2016

**Request for Town Council approval of 2017 advance booking of The Lake Lure  
Town Pavilion (Gazebo) by The 1927 Lake Lure Inn and Spa**

Lake Lure Properties, LLC (The 1927 Lake Lure Inn and Spa) wishes to reserve the  
Town Gazebo for the following dates in 2017:

|              |             |             |               |
|--------------|-------------|-------------|---------------|
| Sat 5.06.17  | Sat 6.03.17 | Sat 9.02.17 | Sat 10.07.17  |
| Sat 5.13.17  | Sat 6.10.17 | Sun 9.03.17 | Sun 10.08.17  |
| Sat. 5.20.17 | Sat 6.17.17 | Sat 9.09.17 | Sat 10.14.17  |
| Sat 5.27.17  | Sat 6.24.17 | Sat 9.16.17 | Sat 10.21.17  |
| Sun 5.28.17  | Sat 8.05.17 | Sat 9.23.17 | Sat 10.28.17  |
|              | Sat 8.19.17 | Sat 9.30.17 | Sat. 11.04.17 |
|              | Sat 8.26.17 |             | Sat 11.11.17  |
|              |             |             | Sat 11.11.17  |

**PAYMENT REQUEST**

Lake Lure Properties, LLC requests that the Lake Lure Town Council approve a term of sale for payment of the rental fees at the 2016 rate of \$500 for these 2017 Gazebo use dates as follows:

- Full Payment will be remitted to the Town of Lake Lure by March 30, 2016.
- This is a total of \$12,500 in guaranteed revenue for the Town of Lake Lure in 2016.
- If a rate increase on the Gazebo space is approved, the Inn will remit payment for the increase amount, multiplied by the number of dates listed above.
- Any Additional Gazebo dates requested by Lake Lure Properties, LLC outside of the pre-reserved dates above, will be paid in full at the time of contract payment receipt from the Inn's client for their respective date. Dates reserved in this manner will follow the rate increase plan outlined above, if any increase.

If multiple events are held on the same day, the Inn will remit to the town an additional event fee (the 2017 gazebo rental rate).

**Rationale:**

The Inn commits a large amount of time and revenue towards marketing the Lake Lure Gazebo at Wedding Festivals, online, through direct emails to brides, during facility tours, etc.

### INTERESTED PARTIES

- 3,000-5,000 online-registered brides per year through the Inn's website.
- 6,000 potential bride-tourists at Inn's wedding festivals introduced to Lake Lure Gazebo.
- Approximately 35,000 wedding guests (quality tourists) attended the Inn's gazebo ceremonies and receptions from 2009-2015, and rented rooms/cabins, ate meals at local restaurants, shopped in local establishments, etc.
- 250 Inn property tours per year, all including marketing of the Town's Gazebo and the Inn's reception spaces.

### MARKETING TIME

The Inn spends approximately 5,000 hours per year, marketing the Gazebo and the Inn Weddings.

- An average of 5 tours per week x 52 weeks = 260 tours, each an hour long
- Wedding festivals: prep day + festival = 24 hours x 5 festivals = 120 hours for wedding festivals
- Labor Hours
  - 6,000 registered users x 3 email responses each = 18,000 emails: 3,000 hours
  - Individual emails = 35 hours per week x 52 weeks: 1,820 hours

Weddings account for a large portion of the quality tourists' dollars spent with Lake Lure businesses.

Revenue to the local businesses from Inn brides (per Gazebo Wedding, based on 100 guests):

- 100 room nights x area average \$100/night = \$10,000
- Offsite meals at \$10 per meal x 2 meals x 150 persons = \$3,000
- Approximately 150 quality wedding tourists frequenting area attractions during each visit= \$?

The Inn has proven this pre-booking marketing strategy to be a successful, working model to drive business to the Hickory Nut Gorge and local businesses, and increasing revenues for business members of the Gorge, both in the High Season (May – October), and Low Season (November – April).

Thank you for your consideration in this matter,

LAKE LURE PROPERTIES, LLC  
The 1927 Lake Lure Inn and Spa

George Wittmer, Managing Member  
Patrick Bryant, Events and Catering Department Manager, Hotel Representative

## Andi Calvert

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**From:** Michelle Jolley  
**Sent:** Friday, January 8, 2016 9:24 AM  
**To:** Andi Calvert  
**Subject:** 2017 Gazebo dates from LL Inn

All of the dates are available except for Saturday, August 19, 2017. The Dirty Dancing festival has that date reserved.

Thanks,

**Michelle Jolley**  
*Customer Service Clerk*

2948 Memorial Highway  
Lake Lure, NC 28746

**Office:** 828.625.9983, Ext. 100  
**Web:** [townoflakelure.com](http://townoflakelure.com)



## *Agenda Item: 10d*



## Office of the Town Manager

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**TO:** Mayor and Commissioners  
**FROM:** Chris Braund  
**DATE:** December 15, 2015  
**RE:** Manhole Easement at Owensby Property (1808 Memorial Highway)

In November, you were copied on a letter from Melvin and Judy Owensby requesting that the Town remove our sewer manhole on their property or to provide compensation for the easement rights. I provided you an email briefing along with advice from the Town Attorney (copied for your review below).

Commissioner Cameron agreed to meet with Melvin to find out what would be acceptable as compensation for an easement. They discussed the sum of \$4,000 and a couple of requested modifications to the draft easement agreement that had been reviewed by the Owensby's. With input from the Town Attorney, I made these revisions to the draft easement agreement (attached for your review).

The purpose of this easement will be to:

- Strengthen the Town's authority to access and maintain its utility line in this area
- Convey to the Town's goodwill to the Owensby's as a gesture to make amends for perceived unfair treatment in the past
- Avoid the cost of responding to a lawsuit

If the Council authorizes and appropriates funds, we will execute the easement agreement that covers the existing manhole and sewer main.

Thanks –

Chris

November 10<sup>th</sup> e-mail:

Here is some background on this situation, what has prompted it and advice from the Town Attorney.

#### **The Sewer Line and Manhole in Question**

- It was installed, we think, at least 15 years ago, coinciding with sewer connections/repairs in the vicinity of Thelma's old store.
- The main line runs parallel to Memorial Highway, connecting several manholes down the way toward the lake.
- Melvin claims that this manhole was installed outside of the road right-of-way (his measurements and his understanding of the right-of-way)
- Melvin was present at the time of the installation, was a close friend and business partner of Thelma's and would have likely been aware of the installation discussions and options.
- Melvin subsequently placed landscaping timbers around the manhole and has lived with it for all these years (see attached photos)
- In the six years I've been in Town Hall and have worked with Melvin on a number of issues, the placement of this manhole was never mentioned.



#### **Recent Conversations**

- In the past, Melvin has raised numerous issues and been critical of the Town's ordinances and enforcement, asserting that he is repeatedly and unfairly held to higher standards than others in town. He has a litany of slights that stretch back years.
- The Town staff have patiently worked with him on all issues, including getting text amendments approved.
- Recently, he has been more critical and less satisfied with responses from the Town. Conversations have become less productive.
- For some time now, he has been discussing with staff his plans to install a carport next to his house. His planned location is within the side yard setback, but it is close enough that it triggers the requirement in the zoning regulation that he provide a post-construction foundation survey to certify that the placement of the carport is indeed within the setback. This survey is estimated to cost around \$350 and is required in order to get a Certificate of Occupancy on the completed structure. On principle, Melvin doesn't think this should be a requirement of a carport that is planned to be inside the setbacks.

- Melvin is adamant that he shouldn't have to pay for a survey. This regulation cannot be waived by the Zoning Administrator, so we were at an impasse.
- Shannon and I and Sheila met with Melvin and it was clear that his carport project was being held up by his dispute over \$350...and nothing more. I suggested that, if the Town could find another way to pay the \$350 for the survey, would that allow everyone to move forward?
- At this meeting, Melvin introduced the issue of the Town's manhole being on his property without written permission and that the Town should have gotten an easement from him—but never did.
- We offered that, if indeed an easement was called for, then we could solve two things at once: the Town could pay him for an easement and he could use these funds to obtain a survey. He acknowledged that this would be acceptable, but he'd need to see the terms of the easement.
- I agreed to draft one for his review. I had Chris Callahan prepare a standard utility easement agreement with a compensation amount of \$350. I delivered it to Melvin and asked him to review and provide feedback. At that time, he indicated that he and Judy had changed their mind and probably weren't going to go the easement route. I told him that's fine, he has a draft if he ever wants to proceed.
- About 7-10 days later, Melvin came in and said that the easement would be unacceptable—he mentioned a clause about maintenance/landscaping and the amount of the fee. I asked him to suggest terms that would be acceptable, but he did not respond. He said he felt that, by the Town's response, he guessed he'll have to make the town move the manhole—and he showed me a cost estimate from Myron Steppe (\$6,000 to \$7,000, as I recall). I again asked him about the circumstances under which the manhole was installed by the town, on his property, when he was there, but without written permission. He got further agitated and we ended the conversation.
- A few days later, I received his letter.

#### Chris Callahan's Analysis

- I asked Chris to comment on aspects of this situation.
- *Do we know what the highway right-of-way is and can verify whether the manhole is within it or not?*
- *What are the strengths or weaknesses of Melvin's claim that he is, this many years later, owed an easement by the Town?*

See below:

-----Original Message-----

From: James C. Callahan [mailto:revchris@me.com]

Sent: Tuesday, November 10, 2015 11:58 AM

To: Chris Braund

Subject: Melvin Owensby

I just ran this "hypothetical" to four trial lawyers in McDowell County during a break without mentioning names:

1. Manhole and sewer line put in, maybe 8 to 10 feet on someone's property.
2. Ten years ago.
3. Might be in the highway right of way.

What's it worth.

General consensus, NONE of them would take [Melvin's] case EVEN if Melvin wanted to PAY their per hour fee.

Issues of:

Implied consent when he didn't object.

Laches,  
Statute of Limitations.

At best the case is worth very little, maximum value of liability they guessed is \$5K and none of them would even take the case.

Chris C.

**Options for Next Steps**

It's an unfortunate situation and it seems that the more we try to listen and propose solutions for Melvin, the more he disengages and gets upset with the Town. We could:

1. Do nothing. See if he secures an attorney and files a suit against the Town. Defend it or negotiate a settlement.
2. Reiterate that we have already begun discussions regarding an easement and have provided a draft document. We are awaiting a counteroffer from the Owensby's.
3. If a counteroffer is received, evaluate the amount that he is requesting for the easement and compare to the cost of moving the manhole. Negotiate accordingly.

**Town of Lake Lure  
Rutherford County  
North Carolina  
Utility Easement Agreement**

This Utility Easement Agreement hereinafter called the "**Agreement**" is entered into by and between **Melvin and Judy Owensby**, the Grantors, and the **Town of Lake Lure**, the Grantee, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Grantor(s)** owns of record certain real property located within the Town Limits of Lake Lure, NC, located on 1808 Memorial Highway and identified by the Rutherford County GIS mapping system as parcel pin # 1616343, and described in Deed Book 603, Deed Page 168 as recorded in the Rutherford County registry of Deeds.

**NOW THEREFORE**, in consideration of the mutual covenants, conditions and promises herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged,

- 1) **GRANTOR CONVEYANCES**. In consideration of the mutual promises and the delivery of other good and valuable consideration, the receipt of which is hereby mutually acknowledged, Grantor hereby grants, transfers, bargains, sells and conveys in fee simple to the Grantee the following:

**Permanent Easement** – A permanent easement and right-of-way twenty [20] feet in width under, upon, over, through and across the Property for the purposes of constructing, operating, maintaining, inspecting, repairing and/or replacing the Water and/or Sewer Pipelines including surface access appurtenances such as valves, fire hydrants, sewer manholes and other structures required for the operations of the pipelines, the location of which is as follows:

- ☐ Sewer line running adjacent to Memorial Highway within a corridor 0 to 18 feet from the edge of the road
- ☐ Access manhole 18 to 20 feet from the edge of the road, adjacent to driveway and surrounded by landscaping timbers.

Grantor shall have no structure erected, constructed and/or placed upon Permanent Easement (signs are acceptable). Grantor shall include the right of the Grantee to cut trees and other vegetation that, in the sole opinion of the Grantee, are necessary to be removed to maintain the easement for future access for repairs, maintenance and/or replacement of Grantee's pipelines. Town of Lake Lure agrees that Grantors' existing pecan tree which Grantor believes marks a property line will not be removed by the Town of Lake Lure under this easement.

Additionally there is a manhole which currently has cross-tie landscaping timbers around it. Town of Lake Lure agrees to replace these at its expense if they have to be removed or damaged during work on the sewer line.

- 2) **RETAINED RIGHTS**. Grantor retains the right to use the Permanent Easement for any purpose not inconsistent with the operation, construction, maintenance, inspection, repair

and/or replacement of the Pipelines. Provided, Grantor shall not erect, construct or place any structure within the Permanent Easement that, in the opinion of the Grantee, will or might block, obstruct, delay or interfere with access to the Pipelines by the Grantee and shall not plant trees in the Permanent Easement, the roots of which, in the opinion of the Grantee, will or might damage the Pipelines. Grantor shall not place fill over the Pipelines that contains organic or inorganic debris, but may place fill over the Pipelines but only as is acceptable to the Grantee.

- 3) **AGREEMENT CONSIDERATIONS** The grantee in exchange for these easements shall provide the grantor with the following considerations:

**\$4,000 easement fee**

- 4) **PARTIES**. The rights and duties arising from this instrument shall inure to the parties and to their respective heirs, successors and/or assigns and any reference to "Grantor" or "the Grantee" shall be construed to include their respective heirs, successors and/or assigns as the case may be.

**IN WITNESS WHEREOF**, the GRANTOR(s) has executed this instrument this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

***NOTICE: No stamp or corporate seal is allowed over any typed information.***

Individuals, general partnerships

Corporation/limited partnership

\_\_\_\_\_  
Signer's Name:

\_\_\_\_\_  
Corporation/Partnership Name

\_\_\_\_\_  
Signer's Name:

\_\_\_\_\_  
Signer's Name, Title:

\_\_\_\_\_  
Signer's Name:

\_\_\_\_\_  
Signer's Name, Title:

\_\_\_\_\_  
Signer's Name:

\_\_\_\_\_  
Signer's Name, Title:

(if executed by a corporation  
affix corporate seal)

North Carolina

Rutherford County

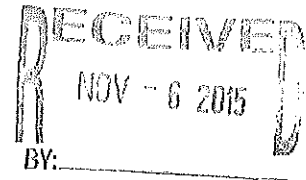
I, \_\_\_\_\_ (Type or Print Name), a Notary Public for \_\_\_\_\_ County, North Carolina, hereby certify that on this day, the foregoing instrument was produced to me in \_\_\_\_\_ County, North Carolina, before me, \_\_\_\_\_ and \_\_\_\_\_, as Grantor(s), personally appeared and executed and acknowledged the foregoing instrument, and the Grantor(s) is/are known to me and known to me to be the person(s) described in the foregoing instrument.

WITNESS my hand and official stamp or seal, this the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

My Commission Expires - \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Melvin & Judy Owensby  
1808 Memorial Highway  
Lake Lure, NC 28746  
828-388-3888

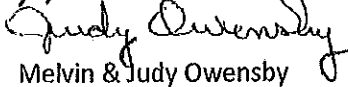


November 6, 2015

Town of Lake Lure  
Attention: Chris Braun  
Lake Lure Town Manager

This letter is to officially notify the Town of Lake Lure that you are in violation of your right away setbacks for sewer manholes and lines. You are currently encroaching on our property located at 1808 Memorial Highway without our permission or written consent. Please contact us at your earliest convenience to discuss removal of the sewer manhole and lines or compensation for the easement rights.

Sincerely,

  
  
Melvin & Judy Owensby

## *Agenda Item: 10e*



## TOWN OF LAKE LURE *Lake Operations Department*

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### MEMORANDUM

To: Lake Advisory Board

Cc: Dean Givens, Director of Lake Operations; Chris Braund, Town Manager

From: Clint Calhoun, Lake Structure Administrator

Subject: Vacation Rental Operators Permit Application for Patricia Gergen

Date: December 2, 2015

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An unusual request is being brought before the Lake Advisory Board in the form of a vacation rental operators permit application. Under normal circumstances, VROP applications are presented to the Board of Adjustment, who then can issue or deny a permit. The Board of Adjustment's authority only extends to rental requests on land, per the Zoning Regulations. Those regulations defer decisions regarding the L-1 zoning district (the lake) to the Lake Structure Appeals Board (lake structure variances and decktop accessory structures) and the Lake Advisory Board (commercial structures). That authority is outlined in the Lake Structure Regulations.

When vacation rental regulations were being written, it was not anticipated that there would be any vacation rentals in the L-1 district, primarily because current regulations do not allow homes to be constructed over the lake, but there are homes (less than 5) that are constructed over the lake that existed prior to the Lake Structure Regulations being enacted. As such, gray area exists with regard to vacation rentals over the lake. There are no rules for vacation rentals in the Lake Structure Regulations, but rather than deny the application outright, staff has been instructed to process the application as we would any other VROP application. Because vacation rentals are considered as commercial operations on the lake, this is being brought before the Lake Advisory Board for a recommendation to Town Council, to approve or deny the VROP application.

The application before the Board is from Patricia Gergen, who would like to rent her house (constructed over the lake) located at 1942 Memorial Highway. The upland lot is zoned R-4, a district that allows for commercial operation under the Lake Structure Regulations. The request is to rent the main cottage (over the lake) which has one bedroom, and a guest cottage (on land) which has two bedrooms. The property is on Town sewer and a parking plan is provided. The property has also been registered with the TDA, assuming the permit application is granted. The application appears to be complete and letters have been sent to neighboring property owners as would occur under the VROP rules found in the Zoning Regulations.

In reviewing the application, it was found that an issue is created because the request covers two zoning districts. The main cottage which is in the L-1 district is governed by the Lake Structure Regulations. The guest cottage is in the R-4 district and is therefore governed by the Zoning Regulations. This creates a bit of a conflict. Based on discussion with Sheila Spicer, the Town Zoning Administrator, the Lake Advisory Board does not have the authority to grant a vacation rental operators permit for any structure that is not in the L-1 district, therefore the LAB should only focus on the main cottage and should not consider any request for anything located in the R-4 district. A separate application would need to be submitted to the Zoning Administrator for the upland request. An e-mail from Sheila is attached that explains in detail the rationale supporting this direction. Additionally, Linda Mullen, a neighbor to the Gergen property has sent an e-mail objecting to the issuance of a VROP. Those reasons are outlined in the attached e-mail.

This application equates to a change of use from residential to commercial. Section 94.12 states that "The Lake Structure Administrator and the Lake Advisory Board shall review each lake structure permit application for any new or existing structure that is to be built or converted for commercial or multi-dwelling use. The application review will confirm that the proposed facility conforms to these regulations, evaluate its impact on the lake's carrying capacity, and determine that the location will not be adverse to navigation and boating safety or to any nearby residential area with single family dwellings. A recommendation based on this review will then be submitted to Council. The Council shall approve or deny the request after examining the report."

Staff makes the following findings:

- The application appears to be complete.
- The rental agent will be Carole McKay, Lake Country Vacation Rentals
- The application requests rental of structures that are in two different zoning districts, R-4 and L-1. The LAB does not have the authority to consider or issue approval for any commercial structures on land and therefore shall only consider the portion of the application that is in the L-1 district.
- The application indicates an occupancy of 6 for the entire rental application, with two bedrooms in the guest cottage and one in the main cottage. The number assumes one couple per bedroom, therefore the LAB should consider limiting the occupancy of the main cottage to two based on the number of bedrooms shown in the application.
- The property is on Town sewer and has an engineer's certification but a neighbor has issues with the way access to sewer was obtained. The neighbor is opposed to issuance of a vacation rental operator permit until a community sewer association can be formed to handle repairs or problems that may occur with the line (see attached e-mail).
- The applicant is showing parking enough for 4 vehicles. The site plan indicates that parking on the lot itself may be limited to 4-wheel drive only. Additional parking is shown in the DOT right-of-way.
- A non-motorized boat is shown on the application for use by renters. No proof of boat permits has been provided with the application.
- The property has been registered with the TDA and a standard rental agreement has been provided.
- There does not appear to be any apparent impact to the lake's carrying capacity, nor will it be adverse to navigation or boating safety or to any nearby residential area with single family dwellings as there are other rentals in the neighborhood.

The LAB must decide, based on staff review and the board's own deliberation, to recommend to Town Council to approve or deny the application. Staff is available if there are questions regarding the information submitted.

Respectfully submitted,  
Clint Calhoun, Lake Structure Administrator

**TOWN OF LAKE LURE**  
**Vacation Rental Operating Permit Application**

Permit Fee \$255.00

Permit No. VROP-2015 016

|                                               |                      |
|-----------------------------------------------|----------------------|
| Approved: _____                               | Zoning Administrator |
| Rejected: _____<br>(see attached explanation) | Date: _____          |

Please complete all sections of form.

**PERSON MAKING APPLICATION:**

Name: Patricia Gergen

Address: P.O. Box 22204, Sarasota, FL 34276-5204

Daytime Phone: (941) 650-9395 Email Address: pattydan@verizon.net

Name and phone number of operator if other than applicant:

We are planning to rent our cottage through Carole McKay when we have it approved and ready (828) 625-9119

**INFORMATION REGARDING PROPERTY:**

Map Page 511 Block 1 Lot 73 & 74

Tax PIN: 16-25506 + 07

Street address 1942 Memorial Hwy

Owner Patricia Gergen + Daniel Hopkins

Address P.O. Box 22204

Sarasota, FL 34276-5204

Daytime Phone (941) 650-9395

Marketing name of rental property (if applicable) \_\_\_\_\_

Current zoning R-4  
(1 in main cottage, 2 small BRS in guest cottage)

Number of Bedrooms 3

Proposed Occupancy 6

Lake Access: Yes ☒ No ☐

Boat Offered with Rental: Yes ☒ No ☐  
(non-motorized)

**24/7 CONTACT PERSON:**

Name Carole McKay, Lake Country Vacation Rentals & Prop. Mgmt

Address 2792 Memorial Hwy, Lake Lure

Phone Number (828) 243-1557

Physical Location (Est. time to property) 15-20 minutes

**TYPE OF WATER AND SEWER SYSTEMS:**

Water system: Public (Town) ☒ Private (CWS) \_\_\_\_\_  
 Individual well: \_\_\_\_\_ Other: \_\_\_\_\_  
 Sewer system: Public (Town) ☒ Private (CWS) \_\_\_\_\_  
 Septic tank: \_\_\_\_\_

**FINDINGS OF FACT:** The Board of Adjustment is required to make certain findings of fact. To assist the board in their deliberations, the applicant is required to submit the following statements of fact, to the best of the applicant's ability and knowledge. (Please do not leave these blank: the applicant is required to submit information specific to the request describing how the proposed use will meet each finding.)

- (1) **Public Safety.** The proposed use will not materially endanger the public safety, if located and developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: automotive ingress and egress, traffic flow, traffic control, pedestrian and bicycle ways, lake use, and fire suppression. (See attached plans, if applicable)

*Our cottage has been updated and conforms with all ordinances. There is safe off road parking which does not impede access of neighbors or emergency vehicles. There are walkways and there are docks for lake access. We provide up-to-date fire extinguishers.*

- (2) **Public Health.** The proposed use will not materially endanger the public health, if located and developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: water supply, water distribution, sewer collection, and sewer treatment. (See attached plans, if applicable)

*Public health will not be at risk. There is town water and we recently updated our sewer system. Attached is the engineer's certification and proof of the town's inspection. An enclosed trash receptacle will be provided.*

- (3) **Protection of Property Values.** The proposed use will not substantially injure the value of adjoining or abutting property, if developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: lighting, noise, odor, and landscaping. (See attached plans, if applicable)

*Seasonal rental is common on our lake so seasonal rental of our cottage will not affect property values. We will assure there is appropriate outdoor lighting. There should be no reason for odors.*

- (4) **Standards and Requirements.** The proposed use will meet all standards and requirements specified in the regulations, if located and developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where

applicable: parking spaces, loading zones, sign design, and street design. (See attached plans, if applicable)

our property conforms with zoning regulations. Parking is adequate. Guests will be given specific instructions regarding property use and parking.

- (5) **Comprehensive Plan and Neighborhood Character.** The location and character of the proposed use and structures will be harmony with the neighborhood character and in general conformity with the applicable elements of the Land Use Plan and other officially adopted plans of the Town of Lake Lure, if developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: site layout and treatment, building design, relationship of building(s) to site, and harmony of buildings and uses with neighborhood character. (See attached plans, if applicable)

our cottage has been updated and conforms with the other homes on our ave, other homes on our ave serve as vacation rentals

I hereby swear (affirm) that this application for a Residential Vacation Rental Operating Permit, along with all supporting documentation, is accurate and correct to the best of my understanding and knowledge and I agree to comply with all requirements of the Town of Lake Lure Zoning Regulations. I also acknowledge that I am aware of the occupancy restrictions on the use of the property as a residential vacation rental and agree to abide by those restrictions. I understand an initial inspection will be conducted by the Town of Lake Lure to ensure compliance with town regulations prior to the approval of this permit.

Patricia Bergen  
Signature of Applicant

10-5-15

Date of Original Application

Signature of Property Owner (if other than applicant)

If applicant is not the owner, attach a signed authorization letter for applicant to act as agent at Board of Adjustment hearing.

**ADDITIONAL INFORMATION:** (Application is not complete until all requested information is submitted.)

- ☒ Site Plan showing off-street parking (drawn to scale)
- ☒ Adequate sewer supporting documentation (if connected to Town sewer)
- ☒ Copy of standard rental agreement that includes Town of Lake Lure contract addendum information

☐ Copy of Town of Lake Lure commercial boat license (if rental includes the use of a boat) - applied for

☒ Proof of TDA registration and payment of taxes for prior year - Jeanette Basgra Lake Country handles

☒ Postage fee for mailing notice of the hearing to each adjacent property owner. (Town staff will provide the amount due based on the number of adjacent property owners.) sending e-mail New Main's Commercial meeting

# FAST TRACK ENGINEERING CERTIFICATION

Permit No: Patricia L. Gargen  
Project: Gargen Pump Station PS-04

Permit No. WQ0033086  
Issue Date: 12/09/2013

Complete and submit this form to the permit issuing regional office with the following:

- One copy of the project record drawings (plan & profile views and detail drawings of sewer lines) of the wastewater collection system extension. Final record drawings should be clear on the plans or on digital media (CD or DVD disk) in pdf format. Record drawings should indicate the design and the marked up changes during construction.
- Supporting design calculations (selected pumps, system curve, operating point, available storage if portable generator(s) or storage greater than longest past three year outage reliability option selected) for any pump stations permitted as part of this project
- Changes to the project should be clearly identified on the record drawings or in written summary form. Permit modifications are required for any changes resulting in non-compliance with this permit, regulations or minimum design criteria. Modifications should be submitted prior to certification.

This project shall not be considered complete nor allowed to operate until the Division has received this Engineer's Certification and all required supporting documentation. Therefore, it is highly recommended that this certification be sent in a manner that provides proof of receipt by the Division.

## PERMITTEE'S CERTIFICATION

I, Patricia L. Gargen, the undersigned agent for the Permittee, hereby state that this project has been constructed pursuant to the applicable standards & requirements, the Professional Engineer below has provided applicable design/construction information to the Permittee, and the Permittee is prepared to operate & maintain the wastewater collection system permitted herein or portions thereof.

Printed Name, Title

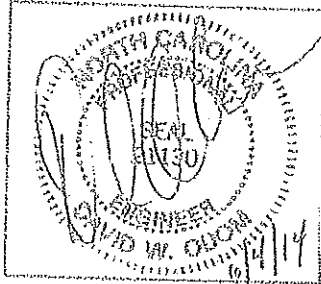
Signature

Date

## ENGINEER'S CERTIFICATION

David Odum ☐ Partial ☒ Final  
as a duly registered Professional Engineer in the State of North Carolina, having been authorized to observe (☒ periodically, ☐ weekly, ☐ full time) the construction of the subject project for the Permittee hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance of this permit; 15A NCAC 02T; the Division's Gravity Sewer Minimum Design Criteria adopted February 12, 1996 as applicable; the Division's Minimum Design Criteria for the Fast-Track Permitting of Pump Stations and Force Mains adopted June 1, 2000 as applicable; and other supporting materials.

North Carolina Professional Engineer's  
Seal, signature, and date:



SEND THIS FORM & SUPPORTING DOCUMENTATION  
WITH REQUIRED ATTACHMENTS TO THE FOLLOWING ADDRESS

WATER QUALITY REGIONAL SUPERVISOR  
ASHEVILLE REGIONAL OFFICE  
2000 US HWY 70  
SWANNANOVA, NC 28778

The Permittee is responsible for tracking all partial certifications up until a final certification is received. Any wastewater flow made tributary to the wastewater collection system extension prior to completion of this Engineer's Certification shall be considered a violation of the permit and shall subject the Permittee to appropriate enforcement actions.

DWR Use Only:

Flow from this project is tributary to: NC0025984

Patty Gergen

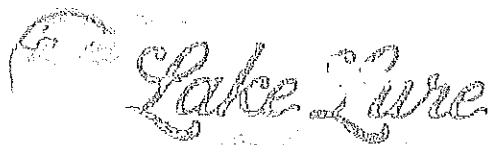
From: Lake Lure Customer Service <cs@townoflakelure.com>  
Sent: Thursday, May 29, 2014 12:21 PM  
To: 'Patty Gergen'  
Subject: RE: Gergen Sewer

Donnie has gone out and inspected the sewer connection and all is good he said.

Thank you!!

Linda Ward  
Customer Service Supervisor

2948 Memorial  
Lake Lure, NC 28746  
Office: 828-625-9983, Ext. 129  
Web: [townoflakelure.com](http://townoflakelure.com)  
"Where Customer Service Rocks and Runs Deep!"



From: Patty Gergen [mailto:[pgergen@townoflakelure.com](mailto:pgergen@townoflakelure.com)]  
Sent: Wednesday, May 28, 2014 8:04 AM  
To: 'Lake Lure Customer Service'  
Subject: RE: Gergen Sewer

Hi Linda,  
Did Donnie make it there and is everything ok?

From: Lake Lure Customer Service [mailto:[cs@townoflakelure.com](mailto:cs@townoflakelure.com)]  
Sent: Tuesday, May 27, 2014 10:42 AM  
To: 'Patty Gergen'  
Subject: RE: Gergen Sewer

Thank you for letting me know, Donnie will be going out sometime today.

Linda Ward  
Customer Service Supervisor

2948 Memorial Hwy  
Lake Lure, NC 28746  
Office: 828-625-9983, Ext. 129  
Web: [townoflakelure.com](http://townoflakelure.com)  
"Where Customer Service Rocks and Runs Deep!"

## GUEST RENTAL AGREEMENT

RENTAL AGREEMENT MUST BE SIGNED & RETURNED TO CONFIRM RENTAL AGREEMENT BETWEEN TENANT AND LAKE COUNTRY VACATION RENTALS, AS AGENT. THIS IS A VACATION RENTAL AGREEMENT UNDER THE NORTH CAROLINA VACATION RENTAL ACT (NCVRA). THE RIGHTS AND OBLIGATIONS OF THE PARTIES TO THIS AGREEMENT ARE DEFINED BY LAW AND INCLUDE UNIQUE PROVISIONS PERMITTING THE DISBURSEMENT OF RENT PRIOR TO TENANCY AND EXPEDITED EVICTION OF TENANTS. YOU'RE SIGNATURE ON THIS AGREEMENT OR PAYMENT OF MONEY OR TAKING POSSESSION OF THE PROPERTY AFTER RECEIPT OF THE AGREEMENT, IS EVIDENCE OF YOUR ACCEPTANCE OF THE AGREEMENT AND YOU'RE INTENT TO USE THIS PROPERTY FOR A VACATION RENTAL.

Lake Country Vacation Rentals will conduct all brokerage activities in regard to this agreement without respect to the race, color, religion, sex, national origin, handicap or familial status of any party or prospective part to the agreement.

This agreement entered by and between LAKE COUNTRY VACATION RENTALS, as AGENT for the OWNER of the property referred to herein and the undersigned "TENANT", whether one or more to rent the premises as described above. In consideration of the mutual covenants and conditions herein, LAKE COUNTRY VACATION RENTALS, solely on the behalf of the OWNER, does hereby lease and rent to the TENANT, the property named herein on the following terms and conditions in addition to the provisions set forth as attached and on [www.LakeCountryNC.com](http://www.LakeCountryNC.com)

This Agreement is for the period set forth above. This Agreement must be signed and returned with the advance rent payment (deposit) of 50% to Agent within three (3) days of making the reservation. If this Rental Agreement is not returned and signed within the three (3) days, as reflected above, the reservation will be cancelled automatically.

1. **OCCUPANCY:** Occupancy of the Property is limited to only families and mature persons over the age of 25. Occupancy is limited to the number as stated above. Violation of this provision will result in immediate eviction without refund of any monies previously paid, except as required by NCVRA.

2. **SECURITY DEPOSIT:** TENANT understands and agrees that TENANT is responsible for any damages to the Premises during the period of tenancy, including damages to both indoor and outdoor furnishings, equipment, and household items which result from the action or inaction of the TENANT, excluding normal wear and tear. Burns of any kind, or stains to carpets and furnishings are not considered normal wear and tear. TENANT agrees to be responsible for any items found missing from Premises following tenancy. Each home is carefully inspected upon check-out. Damages incurred including reasonable attorney's fees and unauthorized utility charges, will be charged to the credit card on file.

3. **ACCIDENTAL RENTAL DAMAGE INSURANCE:** Each rental home will be covered for up to \$1,500.00 in accidental damages by Lake Country Vacation Rentals; so long as the damage is deemed an accident and is reported by guest BEFORE CHECK-OUT. In addition, a verified and valid credit card is required and will remain on file until 45 days after check-out to cover any damages not reported or that exceeds \$1,500.00.

Any damages incurred not covered by Lake Country Vacation Rentals, or not reported by guest, will be itemized and sent to guest no later than 30 days after check-out. Guest will have 10 days to respond and make payment. If response is not received or payment made, then credit card on file will be charged for damages.

4. **TRIP INTERRUPTION INSURANCE:** TENANT may elect to purchase Trip Interruption Insurance. The fee is 7% of the rental rate. Lake Country Vacation Rentals receives a portion of this fee for processing the insurance purchase. The policy covers standard trip interruption due to medical emergencies, mandatory evacuation days due to weather, and a 24-hour emergency and medical hotline. A detailed pamphlet is attached. **To decline the Trip Cancellation/Interruption Insurance Protection, please deduct the insurance premium from your advance rent. INITIAL HERE**

### 5. FUNDS RECEIVED:

- a. All monies received by Agent in connection with this rental agreement shall be deposited in a non-interest bearing Trust Account with TD Bank in North Carolina.
- b. A confirmation deposit in the amount of 50% of the Rental Rate is due, along with the signed rental agreement. The remaining balance must be paid in full 60 days prior to check in. Unless FLEX PAY has been approved or notified by the tenant 60 days prior to arrival we will automatically charge the credit card on file for the balance. All payments must be made by cash, Visa, MasterCard, bank check or money order. Personal or company checks for payment of any additional fees or for last minute bookings are only acceptable if received 30 days prior to arrival.
- c. The amount of the Security Deposit, the Cleaning Deposit and Pet Deposit, (if leasing a pet friendly home), is set forth herein. A valid credit card is kept on file for the duration of the tenancy. Agent may

charge the credit card for any damages, extra cleaning beyond normal, for pet damages or extra cleaning, the amount of any unpaid long distance or per call telephone charges and additional television charges that are not specifically described in this Agreement. Security Deposit, Cleaning Deposit and Pet Deposit addendum are attached and made a part of this agreement. Security Deposit, Cleaning Deposit and Pet Deposit guidelines may also be viewed at [www.LakeCountryNC.com](http://www.LakeCountryNC.com)

**6. CHECK-IN:** Check-in is the date set forth above. Normal check-in time is between 4pm and 6pm. If the tenant plans to check-in after 6pm, (Late Check-in), tenant agrees to notify LAKE COUNTRY VACATION RENTALS to make the necessary arrangements by noon of day prior to scheduled check-in. Specific instructions for operation of our late check-in box at one of our two check-in locations, will be given upon notification by TENANT, which shall be no later than 12:00pm (Noon) on the day of check-in. Directions to check-in locations may be viewed at

[www.LakeCountryNC.com](http://www.LakeCountryNC.com) Unless otherwise requested by TENANT in writing, please make sure all guests of TENANT are aware that you, the leaseholder, must check in BEFORE anyone can proceed to the rental home. Failure to abide by this requirement will adversely affect and delay the check-in process.

**7. CHECK-OUT:** Check-out time and date is set forth above. TENANT must be completely checked out of the rental property, and have all keys returned to the rental office no later than 10:00 am. Tenant may be charged one (1) additional day rental if property is occupied after 10:00 am. Prior to check-out, TENANT is responsible for: Properly bagging and emptying trash to outside containers, following recycling requirements as posted in the rental home, empty and clean out refrigerator, make sure dishes, pots, pans and all cutlery have been cleaned and properly stored in it's original station, loosely fold used sheets and towels and leave on bathroom floor, make sure pillows, mattress pads, shams and coverlets are clean and left neatly folded on the bed, unless they have been soiled, then neatly fold and leave in a separate stack on floor of bathroom.,

**8. KEYS:** Up to two sets of keys will be issued to tenant at check-in. TENANT will be assessed a \$15.00 replacement charge for each key lost or not returned to LAKE COUNTRY VACATION RENTALS on check-out day.

**9. FURNISHINGS, EQUIPMENT AND APPLIANCES:** TENANT acknowledges that the rented premise is a privately owned dwelling & neither the AGENT nor the OWNER shall be responsible for providing any additional furnishings or equipment not available presently in the rental property. Most rental homes are supplied with grills. Moving grill's location and/or neglecting to clean grill after use, will subject TENANT to a deduction in the cleaning and/or security deposit. Seasonal items such as fireplaces, hot tubs, or boats may not be operational or available except during the appropriate season (Fireplaces may be used October-March, Hot Tubs may be year-round, and Boats are made available Memorial Day through November 15)

**10. PERSONAL ITEMS:** Items left by a tenant on the property after check out are not the responsibility of AGENT or OWNER. A \$10.00 Service Charge plus cost of mailing are required if Tenant requests Agent to pick-up and mail items. The costs may be charged to the credit card on file.

**11. OWNER'S and AGENT'S OBLIGATIONS:** OWNER and LAKE COUNTRY VACATION RENTALS

agree to provide the Premises in fit and habitable condition. If at the time Tenant is to begin occupancy of the Premises, AGENT cannot provide the Premises in a fit and habitable condition or substitute a reasonably comparable property in such condition, AGENT shall refund to TENANT all payments made by the Tenant, which shall be the sole remedy. In no event shall OWNER or AGENT be liable for any consequential damage including, but not limited to, any expense incurred as a result in the TENANT'S moving or renting other property at additional cost. Should the rental home sustain a failure of a system or amenity, including but not limited to a boat, water, septic, heat pump, electrical, mechanical, hot tub, whirlpool tub, or any electronics, AGENT will make every attempt to secure timely repairs, however no rebates or refunds will be given. AGENT or authorized employee or vendor and OWNER have the right of entry at any reasonable time to inspect or secure repairs.

**12. TENANT'S OBLIGATIONS:** During occupancy, TENANT agrees to comply with all obligations imposed by the NCVRA, (North Carolina Vacation Rental Act), with respect to maintenance of the home, including but not limited to keeping the home as clean and safe as the conditions of the home permit and causing no unsafe or unsanitary conditions in the common areas and remainder of the premises that guest uses. TENANT agrees to comply with all obligations of the policies of LCVR as stated herein and on [www.LakeCountryNC.com](http://www.LakeCountryNC.com), and those policies imposed by the Town of Lake Lure as attached and which can be viewed on [www.TownofLakeLure.com](http://www.TownofLakeLure.com). TENANT agrees not to use the premises for any activity or purpose that violates any criminal law or governmental regulation. TENANT agrees that occupancy is restricted to family groups only and to the number of occupants as noted on the front of the rental agreement. TENANT also agrees to notify AGENT in writing of the need of replacement of or repairs of smoke detectors, and replacing the batteries as needed during the tenancy. TENANT'S breach of any duty contained in this paragraph shall be considered material and shall result in the termination of TENANT'S tenancy.

**13. SURRENDER OF PREMISES:** TENANT agrees to leave the home in a clean condition and to abide by the cleaning guidelines as attached and as stated on [www.LakeCountryNC.com](http://www.LakeCountryNC.com). AGENT will provide a general cleaning of the premises at each tenant's departure. TENANT is required to properly bag and empty trash to outside containers, follow recycling requirements as posted in the rental home, empty and clean out refrigerator, make sure dishes, pots, pans and all cutlery have been cleaned and properly stored in it's original station, loosely fold used sheets and towels and leave on bathroom floor, make sure pillows, mattress pads, shams and coverlets are clean and left neatly folded on the bed, unless they have been soiled, then neatly fold and leave in a separate stack on

floor of bathroom. If additional cleaning is needed to ready for the next rental as a result of guests stay, then TENANT will be responsible for payment of additional cleaning fees at AGENT'S discretion.

**14. PETS:** No pets shall be permitted on the Property unless otherwise specifically stated herein. If Pets are permitted, there should be no more than one (1) dog on the grounds and TENANT shall pay a non-refundable pet fee of \$75.00, together with applicable sales tax. An additional \$350.00 pet security and cleaning deposit is required with a valid credit card maintained on file during the duration of tenant's stay and may be charged for damages or extra cleaning resulting from occupancy by a pet. Pet guidelines are attached and made part of this agreement and may be viewed at [www.LakeCountryNC.com](http://www.LakeCountryNC.com)

**15. SMOKING:** Smoking is not permitted inside any of our properties. Homes where smoking is also prohibited anywhere on the grounds of the property are designated SMOKE FREE. If a violation of this paragraph occurs, then a minimum fee of \$500.00 for smoke remediation will be charged to TENANT and may be charged to the credit card on file.

**16. INDEMNIFICATION AND HOLD HARMLESS; RIGHT OF ENTRY; ASSIGNMENT.** TENANT agrees to indemnify and hold harmless LAKE COUNTRY VACATION RENTALS and the OWNER from and against any liability for personal injury or property damage sustained by any person (including TENANT'S guests) as a result of any cause, unless caused by the negligent or willful act of LAKE COUNTRY VACATION RENTALS or the OWNER, or failure of AGENT or OWNER to comply with NCVRA. Tenant agrees that AGENT, the OWNER or their respective representatives may enter the Premises during reasonable hours to inspect the Premises to make such repairs, alterations or improvements thereto as AGENT or OWNER may deem appropriate, or show the Premises to prospective purchasers. TENANT shall not assign Agreement or sublet the Premises in whole or part without written permission of AGENT.

**17. EXPEDITED EVICTION:** If the tenancy created hereunder is for thirty (30) days or less, the expedited eviction procedures set forth in the Vacation Rental Act will apply. TENANT may be evicted under such procedures if TENANT (a) holds over in possession after TENANT'S tenancy has expired, (b) commits a material breach of any provisions of the Agreement (including any addendum or attachment hereto) that, according to its terms would result in the termination of TENANT'S tenancy; (c) fails to pay rent as required by this Agreement; or (d) has obtained possession of the Premises by fraud or misrepresentation.

**18. ADDITIONAL PROVISIONS AND DISCLOSURES:** (a) TENANT acknowledges that the reservation fee of \$25.00 plus tax, is non-refundable and non-transferable. (b) TENANT acknowledges that LAKE COUNTRY VACATION RENTALS may have ownership interest in some rental properties. (c) AGENT will assess the TENANT a \$35.00 fee on any returned check. (d) Current taxes total 11.75%, (6.75% North Carolina Sales Tax and 5% Rutherford County Occupancy Tax), but are subject to change. (e) AGENT will provide linens only for the number of beds provided in the rental home. Additional charges for extra linens and other available extras are outlined at [www.LakeCountryNC.com](http://www.LakeCountryNC.com)

**19. CANCELLATION/TRANSFERS:** If TENANT cancels or transfers a reservation a \$100.00 cancellation or transfer processing fee will apply. If the cancellation occurs 60 days or more before the scheduled arrival, a refund of the balance of the deposit will apply. If a transfer occurs, the deposit will be applied to the new reservation less the \$100.00 transfer fee. If a cancellation occurs less than 60 days before the scheduled arrival and the property cannot be re-rented for the same time frame, then the entire confirmation deposit is forfeited.

**20. MISCELLANEOUS PROVISIONS:** (a) Rearranging of the furniture in any of the rental properties is not permitted. A minimum charge of \$50.00 per instance will be charged to the Security Deposit for moving or rearranging furniture. (b) Any locked closets or storage areas are reserved for the storage of the OWNER'S private property and are not included in the rental. (c) Parking is limited to the number of cars as stated in this Agreement and as outlined on [www.LakeCountryNC.com](http://www.LakeCountryNC.com) (d) Fireplaces of any kind may only be used between October 1st and March 31st of each year. (e) Boats are only made available for use beginning Memorial Day through November 15<sup>th</sup>. (f) Hot Tubs may be used year-round unless otherwise stated. A minimum fine of \$100.00 is charged for violation of this provision.

**21. BREACH BY TENANT:** AGENT may terminate this Agreement upon breach of any of the terms hereof by TENANT. TENANT shall not be entitled to the return of any of the rental fees paid under the terms of this Agreement and shall vacate the Property immediately. Tenant further acknowledges that the security deposit may be applied to actual damages caused by a material breach as permitted under NCVRA. Tenant is also subject to the expedited eviction proceedings under NCVRA on the grounds set forth therein. In such event, Tenant shall be responsible for all costs, including reasonable attorney's fees for the enforcement of the provision of the paragraph.

**22. TRANSFER OF PROPERTY:** In the event ownership of the Property is voluntarily transferred by recorded instrument earlier than 180 days prior to the end of TENANT'S occupancy, or involuntarily transferred, the TENANT shall have no right to enforce the terms of this Agreement unless subsequent owner agrees in writing. The NCVRA requires notification to the TENANT of such transfer and any transfer of advanced rentals and fees to OWNER'S successor in interest. AGENT may continue to hold same under contract with the new OWNER. TENANT shall be entitled to a refund of all advanced rent and a portion of any fees remaining after lawful deductions provided under NCVRA in the event the tenancy is not honored.

**23. MANDATORY EVACUATION:** If State or local authorities order mandatory evacuation of an area that includes the Premises, TENANT shall comply with the order. Upon compliance, TENANT will be entitled to a refund of the

Return signed lease & payment to: Fax # 828.538.4842, or [rentals@lakecountrync.com](mailto:rentals@lakecountrync.com) or P. O. Box 488, Lake Lure, NC 28746

## VACATION RENTAL CONTRACT ADDENDUM

Welcome to Lake Lure! We hope you have a wonderful experience here and will return to visit again in the future. Since you are staying in a vacation home, it is very likely that your neighbors will not be on vacation but will be living in their homes. Please be mindful of this and be sure to follow the golden rule as you make yourself feel at home in our mountain-lake community.

As a valued guest of our community, we want to bring some issues to your attention. First, be aware that the North Carolina Vacation Rental Act provides you with certain rights and protections. It's a good idea to familiarize yourself with its provisions. It's also a good practice to ensure that your landlord has sufficient commercial liability insurance to protect all parties during your use of the property.

Second, we would like to make you aware of a few local regulations designed to promote a safe and enjoyable experience for all.

### VACATION RENTAL STANDARDS

- **Maximum Occupancy Limits** - The maximum overnight occupancy limit for this home is as stated on the front of your rental agreement.
- **Designated Parking Area** - Vehicles must be parked only in designated areas on the vacation rental property. Parking in the roadway blocking the flow of traffic and parking on neighbor's property without permission are prohibited. Contact your rental's property manager for offsite, overflow parking options.
- **Holline Availability** - A rental support holline has been established for use by guests and neighbors. The number for this property will be provided at check-in. By law, this holline must remain available for use 24 hours per day, 7 days a week.
- **Trash Disposal** - All household waste & trash must be placed in receptacles considered to be animal proof (e.g., durable with secured lids).

### FIRE PROTECTION FOR YOUR SAFETY

- **Fire Extinguisher and Evacuation Plan** - This home is equipped with working fire extinguishers and a posted evacuation plan. Removing any of these from their designated location is prohibited.

Avoid storing items so as to block hallways, doorways, steps, entrances and exits.

- **Small Outdoor Fires** - When an area burning ban is in effect, bonfires are prohibited. Contact your rental home's property manager for information on any burning bans. Outdoor fires are only permitted in a place and manner approved by the Fire Chief.

### LAKE ACTIVITIES

- **Swimming** - Do not swim farther than 50 feet from shore unless accompanied by an observer in a boat.
- **Fishing** - A North Carolina fishing license is required and all state fishing regulations apply.
- **Boating** - If a boat is provided with this rental home, please ask for and review the pamphlet entitled *Lake Regulations & Map*. If you wish to utilize your own boat on the lake, a permit is required and can be

obtained at Town Hall or at the town marina.

### PERSONAL CONDUCT

- **Trespassing** - Venturing onto a neighboring dock or pier, boat house or property without the owner's permission is prohibited.
- **Noise** - Unreasonably loud noise is prohibited throughout the Town. Please observe quiet hours after 10p.m. and be aware that sound carries very far over a still lake.
- **Unruly Behavior** - Behavior deemed disorderly and causing a disturbance to the public is prohibited.
- These regulations will be strictly enforced.

I/we acknowledge having read this contract addendum.

Town of Lake Lure

Signature of Renter Date Incorporated 1927

## Sheila Spicer

---

**From:** Carole McKay <carole@lakecountrync.com>  
**Sent:** Tuesday, October 6, 2015 10:12 AM  
**To:** Sheila Spicer  
**Subject:** RE: New Property - 1942 Memorial Hwy

Yes, I will be managing this property.

Carole

## Carole McKay, Owner



**office: 828.625.9119**  
**mobile 828.243.1557**

**From:** Sheila Spicer [mailto:za@townoflakelure.com]  
**Sent:** Monday, October 05, 2015 1:50 PM  
**To:** carole.mckay@sothebysrealty.com  
**Cc:** 'Jeanette Bosgra' <Jeanette.Bosgra@rutherfordcountync.gov>; 'Patty Gergen' <pattydan@verizon.net>  
**Subject:** RE: New Property - 1942 Memorial Hwy

Carole,

Please confirm that Lake Country Vacation Rentals will be managing the residential vacation rental at 1942 Memorial Highway for Patty Gergen once the vacation rental operating permit is issued.

Thank you,

**Sheila Spicer**

*Zoning Administrator/Code Enforcement Officer*

**2948 Memorial Highway**  
**Lake Lure, NC 28746**  
**Office:** 828.625.9983, Ext. 117  
**Web:** [townoflakelure.com](http://townoflakelure.com)



**From:** Jeanette Bosgra [<mailto:Jeanette.Bosgra@rutherfordcountync.gov>]  
**Sent:** Monday, October 5, 2015 8:48 AM  
**To:** Sheila Spicer  
**Cc:** Michelle Whitaker; Taylor Hardin; [pattydan@verizon.net](mailto:pattydan@verizon.net)  
**Subject:** New Property - 1942 Memorial Hwy

Sheila,

I just spoke with Patricia Gergen regarding the above property. She is applying for rental permit and the property manager is Lake Country Vacation Rentals. Please let me know if you need any further information from me to issue permit.

Thanks,

*Jeanette Bosgra*

Accountant  
Rutherford County Finance  
289 N. Main St.  
Rutherfordton, NC 28139  
[jeanette.bosgra@rutherfordcountync.gov](mailto:jeanette.bosgra@rutherfordcountync.gov)  
(B) (828) 287-6211  
(F) (828) 287-6210



Pursuant to North Carolina General Statutes, Chapter 132, et seq., this electronic mail message and any attachment hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to requests for review.



November 24, 2015

Gerald Scott Huskey  
Lynne B. Huskey  
3216 US Hwy 221S  
Forest City, NC

Dear Property Owner:

As a neighboring property owner to Patricia Gergen and Daniel Hopkins, you are hereby notified that they are applying for a vacation rental operating permit to operate a residential vacation rental at their property located at 1942 Memorial Hwy, Lake Lure, North Carolina (Tax PIN 1625506).

A hearing before the Lake Lure Lake Advisory Board on this request has been scheduled for Monday, December 7, 2015 at the Lake Lure Municipal Center beginning at 3:30 p.m. or shortly thereafter. Please appear before the Board at that time if you have any pertinent facts to offer as testimony regarding this matter. The file is available for review in my office by appointment between the hours of 8 a.m. and 5 p.m.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Clint Calhoun  
Lake Structure Administrator  
Town of Lake Lure  
[eco@townoflakelure.com](mailto:eco@townoflakelure.com)

File VROP-2015016



November 24, 2015

James W. Mullen  
Linda L. Mullen  
116 Wendover Street  
Spartanburg, SC 29302

Dear Property Owner:

As a neighboring property owner to Patricia Gergen and Daniel Hopkins, you are hereby notified that they are applying for a vacation rental operating permit to operate a residential vacation rental at their property located at 1942 Memorial Hwy, Lake Lure, North Carolina (Tax PIN 1625506).

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If you have any questions, please do not hesitate to contact me.

Sincerely,

Clint Calhoun  
Lake Structure Administrator  
Town of Lake Lure  
[eco@townoflakelure.com](mailto:eco@townoflakelure.com)

File VROP-2015016



Lake Lure  
EST. 1927

November 24, 2015

Jerry D. Huskey  
Lorie H. Haynes  
205 Sheriff Huskey Drive  
Forest City, NC 28043

Dear Property Owner:

As a neighboring property owner to Patricia Gergen and Daniel Hopkins, you are hereby notified that they are applying for a vacation rental operating permit to operate a residential vacation rental at their property located at 1942 Memorial Hwy, Lake Lure, North Carolina (Tax PIN 1625506).

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If you have any questions, please do not hesitate to contact me.

Sincerely,

Clint Calhoun  
Lake Structure Administrator  
Town of Lake Lure  
[eco@townoflakelure.com](mailto:eco@townoflakelure.com)

File VROP-2015016



Lake Lure  
Est. 1927

November 24, 2015

William B. McCraw  
Jeffrey Benson  
18729 Ruffner Drive  
Cornelius, NC 28031

Dear Property Owner:

As a neighboring property owner to Patricia Gergen and Daniel Hopkins, you are hereby notified that they are applying for a vacation rental operating permit to operate a residential vacation rental at their property located at 1942 Memorial Hwy, Lake Lure, North Carolina (Tax PIN 1625506).

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Sincerely,

Clint Calhoun  
Lake Structure Administrator  
Town of Lake Lure  
[eco@townoflakelure.com](mailto:eco@townoflakelure.com)

File VROP-2015016



Lake Lure  
EST. 1927

November 24, 2015

Michael B. Saunders  
Mary S. Saunders  
P.O. Box 427  
Bostic, NC 28018

Dear Property Owner:

As a neighboring property owner to Patricia Gergen and Daniel Hopkins, you are hereby notified that they are applying for a vacation rental operating permit to operate a residential vacation rental at their property located at 1942 Memorial Hwy, Lake Lure, North Carolina (Tax PIN 1625506).

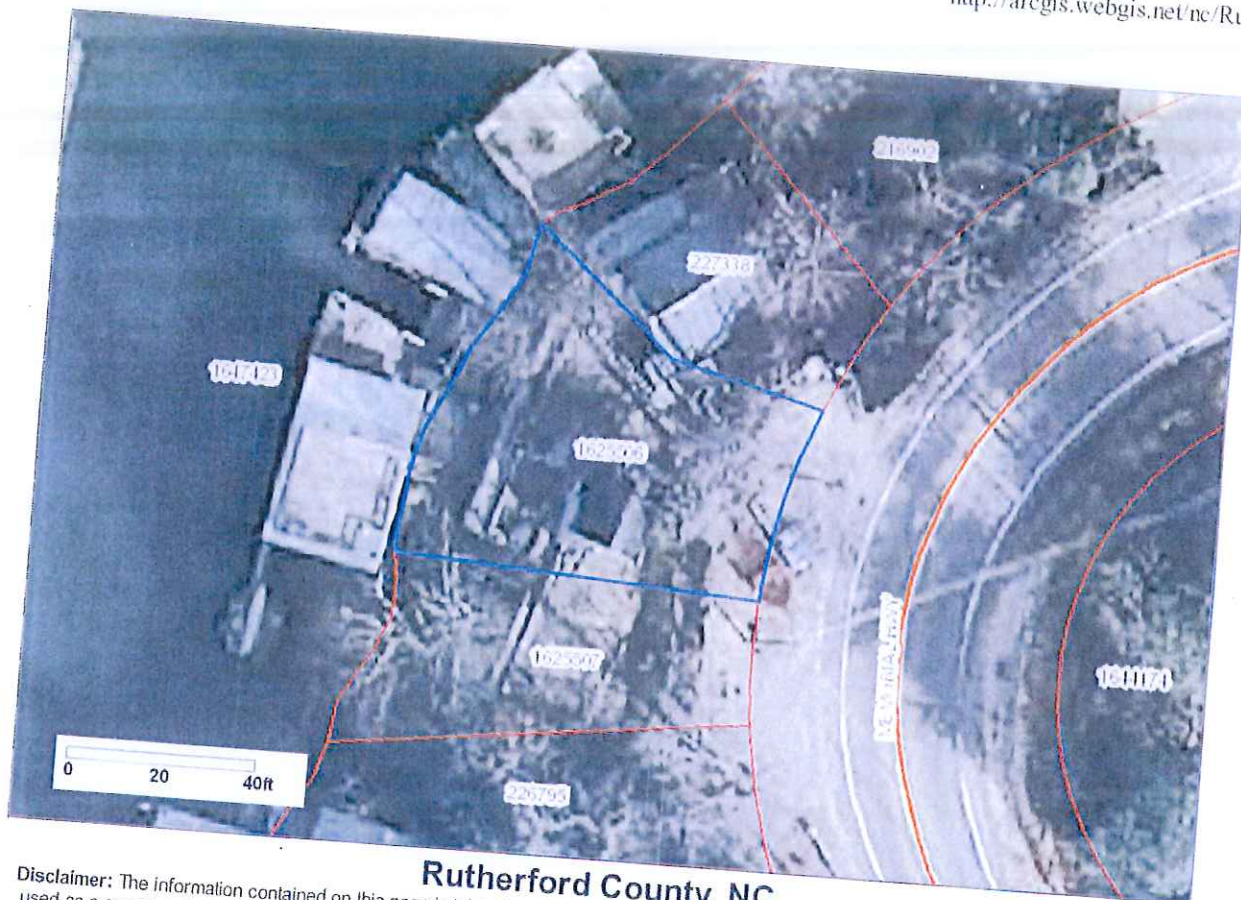
A hearing before the Lake Lure Lake Advisory Board on this request has been scheduled for Monday, December 7, 2015 at the Lake Lure Municipal Center beginning at 3:30 p.m. or shortly thereafter. Please appear before the Board at that time if you have any pertinent facts to offer as testimony regarding this matter. The file is available for review in my office by appointment between the hours of 8 a.m. and 5 p.m.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Clint Calhoun  
Lake Structure Administrator  
Town of Lake Lure  
[eco@townoflakelure.com](mailto:eco@townoflakelure.com)

File VROP-2015016



**Rutherford County, NC**  
Disclaimer: The information contained on this page is taken from aerial mapping, tax mapping, and public records and is NOT to be construed or used as a survey or 'legal description'. Only a licensed professional land surveyor can legally determine precise locations, elevations, length and direction of a line, and areas.

### Parcels

|                                 |                               |                                     |
|---------------------------------|-------------------------------|-------------------------------------|
| GPIN: 0642104636290000          | ST SUFFIX: HWY                | Neighborhood Desc: RESIDENTIAL LAKE |
| Map Block Lot: 511 1 74         | ST NAME: MEMORIAL             | Neighborhood Code: L30B             |
| Owners Name1: GERGEN PATRICIA L | ST NBR: 1942                  | Deed Book and Page: 892/135         |
| Owners Name2: HOPKINS DANIEL L  | Census Block: N               | Deed Date: 12/28/2005               |
| Address 1: PO BOX 22204         | Road Type: S                  | Nbr Land Segment: 1                 |
| City: SARASOTA                  | Property Desc: RES HWY 64/74A | Numb of Bldgs: 6                    |
| State: FL                       | Township Code: 02             | Account Number: 15198053            |
| Zip: 34276                      |                               | Acres: 0.1                          |
| Bldg Value: 55800               |                               | Property Address: 1942 MEMORIAL HWY |
| Land Value: 255000              |                               | Tax PIN: 1625506                    |
| Total Value: 310800             |                               |                                     |
| Stamps: 0.00                    |                               |                                     |

Attributes at point: N: 626699, E: 1044328

|                                                                                             |  |                                                                       |                                                     |
|---------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------|-----------------------------------------------------|
| <b>Census Tracts</b><br>Tract: 9603                                                         |  | <b>Soils</b><br>Soil ID: EvE                                          |                                                     |
| <b>Zoning</b><br>Zoning Class: R-4<br>City: LAKE LURE                                       |  | <b>Commissioners Districts</b><br>Name: Chimney Rock<br>New Name: 06A | <b>Fire Service Districts</b><br>District: LakeLure |
| <b>Voter Districts</b><br>Precinct: Chimney Rock<br>Commission: 5<br>Township: Chimney Rock |  |                                                                       |                                                     |

07-06-08 11:19

TIME: 11:00 AM

Site: Pine

Design: 100  
Phys: 44  
Function: 100  
Equipment: 100

General Remarks: ---  
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$$A_{\mathbb{R}}^{\mathbb{R}} \subseteq C(X; \mathbb{R}) \text{ and } A_{\mathbb{R}}^{\mathbb{R}} \cong C(X; \mathbb{R}) \quad \text{if } X \text{ is } \mathbb{R}\text{-compact.}$$
[illegible]

| Basic Data |             | Financial |      | Physical |             | Structural |      | Mechanical |             | Electrical |      | Plumbing |             | HVAC   |      | Other |             |
|------------|-------------|-----------|------|----------|-------------|------------|------|------------|-------------|------------|------|----------|-------------|--------|------|-------|-------------|
| Item       | Description | Value     | Unit | Item     | Description | Value      | Unit | Item       | Description | Value      | Unit | Item     | Description | Value  | Unit | Item  | Description |
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$$P/N: 1.5 \pm 0.5 \quad A_{\text{eff}}^{\text{eff}} \text{ PAO: } 0.25 \pm 0.05 \quad A_{\text{eff}}^{\text{eff}} \text{ PAO: } 0.25 \pm 0.05 \quad A_{\text{eff}}^{\text{eff}} \text{ PAO: } 0.25 \pm 0.05$$

Edge of pavement

There is room for  
a minimum of 4  
cars to park.

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | S 48°49'14" E | 39.79'   |
| L2   | S 75°54'07" E | 34.37'   |
| L3   | S 06°25'24" W | 23.59'   |
| L4   | S 04°47'56" E | 16.39'   |
| L5   | S 10°37'34" E | 28.39'   |
| L6   | S 76°05'15" W | 89.45'   |

PATR.  
DANI.

CHIMNEY ROCK T  
LEGAL REI

511-1-75  
JAMES MULLEN  
691-605

(TIE LINE)  
N 08°57'35" E  
27.21'

3/4" EIP  
@ 3.66'

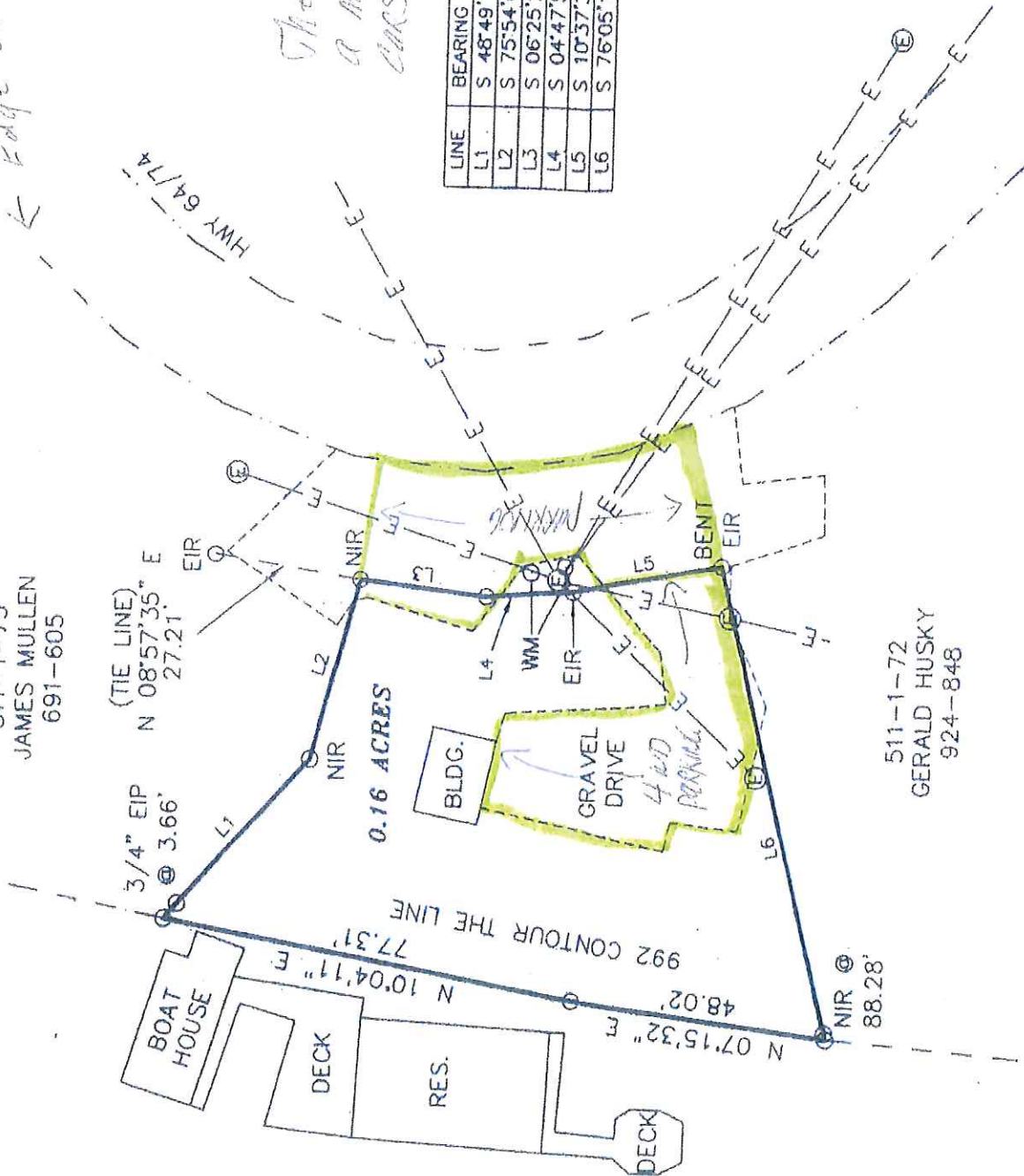
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BLDG.

GRAVEL  
DRIVE

4' WID  
PARKING

511-1-72  
GERALD HUSKY  
924-848



Clint Calhoun

---

**From:** Sheila Spicer  
**Sent:** Wednesday, November 25, 2015 10:17 AM  
**To:** Clint Calhoun  
**Subject:** 1942 Memorial Highway VROP request

Clint,

Per our discussion earlier today regarding Ms. Gergen's permit application, I do not feel that the vacation rental operating permit issued by the Lake Advisory Board can include the two bedrooms that the applicant is wanting for the structure on the land. (Incidentally, the Rutherford County tax records don't reflect any bedrooms in the land structure.) It is my understanding from conversations about this request that the land structure only contains two bedrooms and a bathroom, which means it does not meet the definition of a single-family dwelling. It also does not meet any of the permitted or conditional uses in the R-4 zoning district so would therefore be a non-conforming use. It is what we would typically consider an accessory structure since it is accessory to the single-family dwelling, but it is located on a separate parcel from the dwelling. The Zoning Regulations has very strict standards for non-conforming uses, and changing the use to a more intensive non-conforming use is not supported.

The best analogy I can think of for what is being requested is if a property owner had a single-family dwelling on one lot and a garage on a separate lot with a bedroom over the garage. There are cases of that in Lake Lure, and the garage with room above is a non-conforming use due to the fact that it is an accessory structure with no primary structure on the same lot. We would allow that property owner to obtain a vacation rental operating permit for the house but not include the bedroom on a separate lot. For one thing, a vacation rental operating permit is parcel specific; each parcel requires a separate permit. Additionally, the garage on the separate lot is a non-conforming use, and §92.101 only allows a non-conforming use to be changed to another non-conforming use if it changes to a use "of the same character, or to a more restrictive...use." Single-family dwellings and their associated accessory structures are a residential use, and Town Council has found that residential vacation rentals are a commercial use. Therefore, changing from a residential use to a commercial use would not be the same character of use or a more restrictive use. They also could not get a vacation rental operating permit to convert the use of the garage room to a residential vacation rental, because the structure does not meet the definition in the Zoning Regulations for residential vacation rentals.

In the example above, the property owner would have to first combine the property to put the single-family dwelling and the accessory structure on the same lot. Ms. Gergen obviously can't do that because the dividing property line is the shoreline. Therefore, I do not see how the Lake Advisory Board could grant approval for the use of the bedrooms over the land since they don't have jurisdiction in the R-4 zoning district. The Board of Adjustment would not be able to grant a vacation rental operating permit for the bedrooms over the land, because the structure doesn't meet the definition of a single-family dwelling and it would be changing a non-conforming use to a higher intensity use. I admit that this leaves Ms. Gergen stuck in the middle. Unfortunately, her case is very unique, and the Town's regulations are not currently designed to accommodate what she is requesting.

As with any official determination of the Zoning Administrator, Ms. Gergen would have the right to appeal my decision to the Board of Adjustment if she feels it has been made in error.

Thank you,

**Sheila Spicer**  
Zoning Administrator/Code Enforcement Officer

2948 Memorial Highway

Lake Lure, NC 28746

Office: 828.625.9983, Ext. 117

Web: [townoflakelure.com](http://townoflakelure.com)



Town of

*Lake Lure*

est. 1927

Clint Calhoun

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**From:** Linda Mullen <sogoto@att.net>  
**Sent:** Monday, November 30, 2015 5:16 PM  
**To:** Sheila Spicer; Clint Calhoun; Anita Taylor; Mark Mullen; Linda Mullen  
**Subject:** Rental Operating Permit

To Whom It May Concern:

We received the letter from Lake Lure notifying us that our neighbors at 1942 Memorial Hwy. ( Tax PIN 1625506) want to offer their house for rental. I called Patty Gergen, the owner, to discuss this with her. In the course of our conversation, she notified me that they had tapped into our private sewer line. Linda Ward said this was done in July of 2014. Ms. Gergen had discussed this with me a couple of years ago and stated her possible desire to tap onto our line. She said she would get back to me and she never did. I assumed that they were still on a septic tank. I never gave her permission, either verbally or written, to tap on and have not received any compensation from her. After talking to Linda Ward, I adamantly oppose having that as a rental property until a Sewer Association can be formed to handle any repairs or problems with the line, if or when they should occur. Please contact me if you have any questions. Please acknowledge receipt of this letter.

Thank you,  
Linda Mullen  
864-582-8898  
116 Wendover Court  
Spartanburg SC 29302

File VROP-2015016

Sent from my iPad

