

REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL

January 26, 1988

The regular meeting of the Lake Lure Town Council was called to order on January 26, 1988, at 7:30 p.m. in the Community Center.

Those present were Mayor Gene Michelon, Commissioners Alex Karr Hugo Moirano, Frankie Queen, and William Wildman and the Town Attorney.

The first item on the agenda was a Public Hearing on the Town's submitting an application for Land and Water Recreation Funds. Glen Rhodes from the Isothermal Planning and Development Commission spoke on the Town's application for a grant and after discussion, Commissioner Moirano moved, seconded by Commissioner Wildman to close the public hearing and enter into regular session. The motion passed with a unanimous vote.

Commissioner Wildman moved, seconded by Commissioner Queen to adopt the following resolution:

WHEREAS, the Land and Water Conservation Fund Act of 1965 provides for the making of grants by the National Park Service, Department of the Interior of the United States Government to States and to local municipalities in support of Outdoor Recreation projects and such funds are available after approval of the appropriate State Agency and the Department of Interior; and

WHEREAS, the State is required to insure that there will be no discrimination against any person of any race, color, sex, creed, or political affiliation; and

WHEREAS, the Town Council of the Town of Lake Lure realizes that recreation facilities are not adequate to meet the minimum recreational needs of the people of Lake Lure; and

WHEREAS, it is believed that said Council with the assistance of the general public is now in a position to lend full support to the renovation of the Lake Lure Marina.

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

(1) That an application be made to the National Park Service, Department of the Interior of the United States Government through the State of North Carolina for a development grant of \$25,000 which represents fifty percent (50%) of all costs (\$50,000) including preparation, plans, and construction of recreational facilities to be completed in the fiscal year 1988/89.

(2) That the Mayor of the Town of Lake Lure be authorized and directed to file such application on behalf of the Town of Lake Lure, to provide additional information and furnish such documents as may be required by the National Park Service and the State of North Carolina and to act as the authorized correspondent of the Town of Lake Lure.

(3) That the Director, National Park Service, Department of the Interior of the United States Government be, and hereby is assured of full compliance by the applicant with the regulations promulgated pursuant to Title VI of Civil Rights Act of 1964.

Commissioner Wildman moved, seconded by Commissioner Queen, to adopt the following amendment to the Zoning Ordinance.

WHEREAS, the Town Council of the Town of Lake Lure, after due notice, conducted a public hearing at a special meeting of the Town Council on the 5th day of January, 1988, upon the question of amending the Zoning Ordinance in certain respects;

AND WHEREAS, the Town Council deems it in the best interest of the Town to enact certain amendments considered at such hearing;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE:

Article VI. Nonconforming Uses of the Town of Lake Lure Zoning Ordinance is amended as follows:

SECTION ONE:

Section 601(b) of Article VI. Nonconforming Uses is deleted and in lieu thereof inserted the following:

(b) enlarged or extended, except in accordance with the provisions of Section 601.2 or Section 603 below.

SECTION TWO:

Article VI. Nonconforming Uses is further amended by adding a new Section 601.2, entitled Nonconforming Occupied Lots, immediately after Section

601. Continuance, as follows:

Section 601.2. Nonconforming Occupied Lots. This category of nonconformance consists of lots occupied by buildings or structures at the time of the adoption of this ordinance, or any amendment thereto, and/or used for any uses permitted in the districts in which they are located, that fail to comply with the minimum requirements for area, width, yard and/or setbacks for the district in which they are located. These lots may continue to be used for any of the uses permitted in the district in which they are located, and any structure located thereon may be enlarged, rebuilt, or extended as long as the nonconformity is not increased.

SECTION THREE:

The Zoning Administrator shall make the necessary corrections and additions to the Zoning Ordinance so as to implement the provisions of this ordinance and shall henceforth enforce the zoning ordinance as hereby amended.

SECTION FOUR:

This ordinance shall be effective upon its adoption.

The amendment was adopted with a unanimous vote.

A petition requesting annexation was received by the Council from Fairfield Communities, Inc. Commissioner Moirano moved, seconded by Commissioner Karr to adopt the following resolutions:

1. Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31, As Amended
2. Resolution Directing the Clerk To Investigate A Petition Received Under G.S. 160A-31
3. Resolution Calling For A Public Hearing On The Question of Amending The Town of Lake Lure Zoning Ordinance and Map

The motion passed with a unanimous vote.

Commissioner Karr moved, seconded by Commissioner Moirano to instruct the Zoning and Planning Board to review the proposal and make recommendations to the Council of whether or not the additional territory, if annexed should be designated as being within the R-3, Resort Residential District. The motion carried with a unanimous vote.

Commissioner Moirano moved, seconded by Commissioner Queen, to approve the Lake Lure Volunteer Fire Department's request for \$11,532.00, the funds to be appropriated from account #105600.73. The motion passed with a unanimous vote.

Ray Kenyon, speaking for the Lion's Club requested that the Council change three Town ordinances regarding peddling, trailers and the need for public toilet facilities for establishments that sell food, in order to allow the Lion's Club to sell hot dogs and drinks in front of the beach and to operate a new mobile unit. Commissioner Moirano moved, seconded by Commissioner Karr, to deny the request of the Lion's Club to change ordinances and thereby allow them to use the new mobile unit. The motion passed with a unanimous vote.

Mayor Michelon presented for the Council a proposal that the Lion's Club, in conjunction with the Lake Lure VFD, operate the Monday night street dance for the 1988 season. The Lion's Club, represented by Ray Kenyon, accepted the offer.

Commissioner Wildman moved, seconded by Commissioner Moirano to adopt a resolution authorizing the tax collector to adjust small overpayments and underpayments of taxes so that they are treated as accurate payments as long as said amounts are less than one dollar (\$1.00) due on the receipts. The resolution was adopted with a unanimous vote.

Commissioner Wildman moved, seconded by Commissioner Moirano to amend the budget as follows:

\$595.00 for an Uninterruptable Power Supply and
\$624.00 for new typewriter for extra personnel
\$1219.00 transferred from account #104200.33 to 104200.74

The motion passed with a unanimous vote.

Commissioner Wildman moved, seconded by Commissioner Moirano to appoint Ray Marple as the A.B.C. officer. The motion passed with a unanimous vote.

Commissioner Moirano moved, seconded by Commissioner Karr to release taxes for James Washburn of \$298.41 per the North Carolina Property Tax Commission. The motion passed with a unanimous vote.

Commissioner Karr moved, seconded by Commissioner Wildman to adopt the following resolution:

RESOLUTION

WHEREAS the threat of litigation is more prevalent than ever before;
and

WHEREAS the Town Council believes that individual Council members should be protected from litigation in the event the Town's current insurance policy's umbrella coverage is not applicable;

NOW THEREFORE, LET IT BE RESOLVED by the Town Council of the Town of Lake Lure that;

1. The Town agrees to pay all legal expenses incurred, including attorney's fees, in the event a member of the Town Council is sued in his individual capacity for any alleged breach of duty incurred in the performance of said individual's office.

2. That in addition to payment of any legal fees incurred as aforesaid, a contingency fund is hereby established in the amount of \$50,000.00 and the Town agrees that said fund will be used, up to this amount, to compensate any member of the Town Council for any individual judgment rendered against said member, which is not compensated by any insurance for breach of said individual's performance in office.

3. That in the event judgments would be rendered against multiple parties for breach of duty in office as aforesaid, and the \$50,000.00 contingency fund is insufficient to pay all uninsured claims rendered by said judgement; the \$50,000.00 shall be paid prorata to each individual based upon the relation of that individual's judgment amount to the total amount of all judgments rendered.

Motion was made, seconded and unanimously approved to adjourn.

L.P. (Gene Michelon)
Mayor Gene Michelon

ATTEST:

Bonnie Nelson
Asst. Town Clerk