

MINUTES OF THE REGULAR MEETING OF THE LAKE LURE, TOWN COUNCIL
HELD AT THE LAKE LURE COMMUNITY CENTER ON AUGUST 23, 1988
AT 7:30 P.M.

PRESENT: Mayor L. C. Michelon
Commissioner Alex Karr
Commissioner Hugo Moirano
Commissioner Frankie Queen
Commissioner William Wildman

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INVOCATION

Commissioner Frankie Queen led in prayer.

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MINUTES

Commissioner Wildman moved that the minutes of the July 26th and August 8th meeting be approved as written. The motion was seconded by Commissioner Queen and the vote of approval was unanimous.

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RESOLUTION IN MEMORY OF CLYDE W. KEETER

Commissioner Moirano moved that we adopt a resolution in memory of Clyde W. Keeter. The motion was seconded by Commissioner Wildman and the vote of approval was unanimous.

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RESOLUTION FOR PUBLIC HEARING ON SUBDIVISION ORDINANCE

Commissioner Queen moved that we approve the resolution for a Public Hearing on the Subdivision Ordinance scheduled for September 27th at the next regular meeting. The motion was seconded by Commissioner Wildman and the vote of approval was unanimous.

RESOLUTION TO ADOPT SEWER USER CHARGES

Commissioner Moirano moved that we approve the Resolution to adopt the Sewer User Charges dated July 1988 in accordance with 40 CFR 35.2122. The motion was seconded by Commissioner Queen and the vote of approval was unanimous.

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PROGRESS REPORT ON LAKE LURE VOLUNTEER FIRE DEPARTMENT

Mr. Art Gravitt gave a brief report on the 11th annual meeting of electing officers and the budget.

Commissioner Moirano made the motion that we write a letter to Dr. Burch for his contribution and dedication through the years to Lake Lure Fire Department. The motion was seconded by Commissioner Queen and the vote of approval was unanimous.

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RATIFICATION OF SUTTON ROAD

In June 1973 the road known as Sutton Road was offered and accepted as a city street. Commissioner Queen made the motion that we ratify its 1973 dedication as deed of easement. The motion was seconded by Commissioner Moirano and the vote of approval was unanimous.

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POLICY REGULATING CONSTRUCTION AND USE OF STRUCTURES ON THE LAKE

Commissioner Wildman made the motion that we rescind the existing Ordinance regulating the construction and use of structures on the lake. The motion was seconded by Commissioner Moirano and the vote of approval was unanimous.

Commissioner Wildman made the motion that we adopt the new policy as amended by Commissioner Wildman and the Town Attorney. Commissioner Karr seconded the motion and the vote of approval was unanimous. This policy will be effective August 23, 1988.

WASTEWATER SYSTEM

Commissioner Moirano made the motion that Paul Wilson check out and see if there is a better way of finding leaks and repairing the leaks rather than the ways that were handled in the past. The motion was seconded by Commissioner Karr and the vote of approval was unanimous.

Commissioner Moirano asked that the Town Manager report back to us concerning the repairing methods at the next meeting.

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EXECUTIVE SESSION

The last item on the agenda was an executive session

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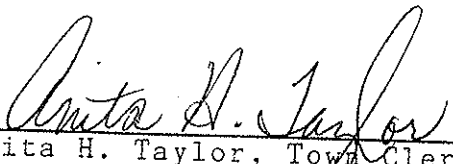
EXECUTIVE SESSION CONTINUED

to discuss personnel matters and to hold a client-attorney conference. Commissioner Moirano moved, seconded by Commissioner Wildman to enter into executive session. The motion passed with a unanimous vote.

Following the discussion, a motion was made by Commissioner Wildman to come out of executive session and re-enter the regular meeting. Commissioner Queen seconded the motion and the vote of approval was unanimous.

The regular meeting was recessed until Monday, August 29th at 9:30 a.m. to re-enter executive session.

ATTEST:



Anita H. Taylor, Town Clerk



L. C. Michelon, Mayor

RESOLUTION ADOPTING
USER CHARGE ORDINANCE

Be it resolved by the Town Council of the Town of Lake Lure that the USER CHARGE ORDINANCE dated July 1988 be adopted. The SEWER USE ORDINANCE/USER CHARGE SYSTEM for the Town of Lake Lure has been approved in accordance with 40 CFR 35.2122.

Adopted this 23rd day of August 1988

L.C. Michelon

L.C. Michelon, Mayor

ATTEST:

Anita H. Taylor

Anita H. Taylor, Town Clerk

POLICY REGULATING
THE CONSTRUCTION AND USE OF
STRUCTURES ON LAKE LURE
8-23-88

WHEREAS, the land covered by the waters of the lake known as "Lake Lure" is owned by the Town of Lake Lure; and

WHEREAS, the Town Council desires to establish regulations governing structures to be erected and maintained on the boundaries of the lake known as Lake Lure for the purpose of enhancing the health, safety, welfare and aesthetics of the general public and to preserve the property of the Town and the properties of the land owners;

The Town Council of the Town of Lake Lure, North Carolina: Hereby rules this policy to be effective 8-23-88.

SECTION 1. USE OF LAKE LURE

No structure shall hereafter be erected or maintained upon the lake boundary of Lake Lure within the corporate limits of the Town of Lake Lure and no use made of the water surface and land thereunder or any facility or structure located thereon, except in conformity with the regulations of this policy, or amendments thereto.

SECTION 2. DEFINITIONS

The following terms as used in this Ordinance shall have the meanings hereinafter respectively ascribed to them:

(a) "Lake Boundary" means contour elevation 995 feet above mean sea level, USGS datum.

(b) "Water depth" shall be measured at full lake level at elevation 995 feet above mean sea level, USGS datum.

(c) "Distance from the shoreline" shall be measured from the Lake Boundary.

(d) "Structures" shall include any pier, wharf, dock, boathouse, slip, ramp, float, sea wall or similar facility on Lake Lure whether fixed or floating, or a combination thereof, used primarily as a stationary facility.

(e) "Boathouse" means any structure designed for permanent or temporary storage and/or housing of a water-craft, with at least three sides and a roof.

(f) "Dock" means a platform for the reception, loading and unloading of boats.

(g) "Float" means a platform located near the shoreline for the use by swimmers or boats.

(h) "Pier" means a structure extending from solid land out into a lake to afford convenient passage of passengers and cargo to and from boats.

(i) "Ramp" - (boat ramp) means a short slope extending from the shoreline into a lake for the purpose of boat launch.

(j) "Wharf" means a structure built along the shoreline of a lake so that boats may be alongside to receive or discharge passengers and/or cargo.

(k) "Sea wall" means a structure built along the shoreline of a lake so that boats may be alongside to receive or discharge passengers and/or cargo.

(k) "Sea wall" means a structure built along the shoreline (Lake Boundary) to resist the erosion of the land caused by the action of the water of the lake.

SECTION 3. PERMIT TO CONSTRUCT

No structure of any kind whether stationary, floating or access ramp, or fuel dispensing system for boats, shall be constructed or installed before having first made application for and obtained from the Zoning Administrator of the Town of Lake Lure, a Building Permit. The applicant shall present to the Zoning Administrator, upon application for a Building Permit, the following:

(a) Location of the proposed installation with respect to boundaries of the lot on which it is to be located.

(b) Height, length, width and configuration of the proposed installation.

(c) Whether covered or uncovered, (enclosed or open)

(d) Materials proposed for use.

(e) Depth of water at farthest point of projection.

(f) Remaining distance to far shore.

(g) Approval of fuel dispensing system to be obtained from appropriate State or County authority involved.

(h) Proof of liability insurance for all structures other than sea walls.

Said Building Permit will remain valid for a period of not more than six months from date of issuance. If the construction is not complete within that time period, application for the Building Permit must be resubmitted.

SECTION 4. LIABILITY INSURANCE

Liability insurance covering structures on the lake must be carried by the property owners.

SECTION 5. PROVISIONS FOR CONSTRUCTION

The following provisions must be stringently adhered to during construction of any structure on Lake Lure.

(a) No structure shall be placed in the water more than thirty (30) feet or $1/3$ (one-third) the distance to the opposite shore, whichever is less, as measured to and from the Lake Boundary.

(b) No structure shall be closer than fifteen (15) feet to an adjoining lot line. The side line limit of fifteen (15) feet may be waived for common use piers constructed by owners of adjoining lots.

(c) The Town Council exercises no jurisdiction or control over the materials or design of boathouses, docks and ramps and other structures to be built on private property adjoining the lake area, but recommends and strongly urges that the materials for construction and the design of same be compatible with that of the residence occupying or proposed to occupy the individual lot.

(d) Enclosed or covered structures or boat houses shall not exceed fifteen (15) feet in height from the surface of the water at full lake level.

(e) No enclosed or covered structures or boat house shall be used for temporary or permanent living quarters.

(f) Any sewage or waste water systems, that are part of a boathouse facility, must meet State Health Department requirements.

(g) Hand rails should be constructed in such a way so as not to unreasonably reduce visibility to boaters.

SECTION 6. ALTERATION OF STRUCTURES

Any alteration of a structure from the original plans, including plumbing and electrical work, must require an additional building permit from the Zoning Administrator. Plans for any alteration must be submitted as a matter of record.

SECTION 7. SEA WALLS REQUIRED

(a) After 1-1-90 every lot with a boathouse shall have either a sea wall or a written exemption from this requirement.

(b) After 8-23-88 every application for a building Permit for a boathouse shall include provisions for the construction of a sea wall, unless the applicant has a written exemption from this requirement.

(c) The Zoning Administrator shall issue a written sea wall exemption, on Town stationary, if the Administrator determines that a particular lot or property is free from erosion potential.

(d) Sea walls, where required, must meet design specifications approved by the Zoning Administrator.

SECTION 8. MAINTENANCE OF STRUCTURES

(a) The property owner will be responsible for maintaining all structures covered by this policy in good repair and appearance.

(b) The Town reserves the right to require any structure to be removed for due reason, such as decay, disrepair, or any hazardous condition. before taking such action for removal, the Zoning Administrator shall notify the owner in writing of specific discrepancies and order the correction thereof within a reasonable time as determined by the Zoning Administrator. If requested in writing to the Zoning Administrator within twenty (20) days of date of notice, the owner or his counsel shall be entitled to a hearing to present any evidence relevant to said property. If, upon such hearing, the Zoning Administrator shall find that the structure in question is in a state of decay, disrepair, or hazardous condition, he shall make an order in writing to the owner requiring correction of the condition or the removal of said structure. The owner shall have the right to appeal such orders to the Town Council within twenty (20) days.

SECTION 9. SIGNS

No signs, other than navigational aids that comply with the North Carolina Wildlife Resources Commission regulations, shall be placed within the lake bed.

SECTION 10. LIGHTING

(a) Lighting, whether public or private, which offers navigational aid on the lake shall comply with the North Carolina Wildlife Resources Commission regulations.

(b) When installed for purposes other than navigational aid, lights shall not be moving or flashing or colored other than white, except for a continuous, nonflashing yellow light for insect control.

(c) Lights shall not be of such intensity as to cause night blindness for boat operators on the lake - or inhibit their vision in any way.

(d) No light fixture, electric wiring, or outlet shall be installed lower than four (4) feet above floor level.

SECTION 11. SWIMMING AREAS

Swimming areas, whether public or private, shall be marked off in accordance with the regulations of the North Carolina Wildlife Resources Commission and the Town of Lake Lure Ordinance regulating Boating and Water Safety.

SECTION 12. PROHIBITED USES

The following uses or activities shall be prohibited unless specific approval for such use or activity is obtained in writing from the Zoning Administrator:

(a) Any activity such as dredging or filling which alters the shoreline from the full lake level elevation of 996 feet above mean sea level, USGS datum.

(b) Any use of the lake bed requiring disposal of any interest in land or involving occupancy, possession or control by the user. Examples of such uses include but are not limited to the following: Construction of causeways, roads, bridges, fences, retaining walls, utility transmission and distribution lines, pipelines, water diversion facilities, sewage lagoons and treatment plants, septic tanks, drain fields, and effluent discharge lines of solid waste or fill and liquid waste, the diversion of the waters of Lake Lure.

SECTION 13. REQUEST FOR A VARIANCE

Any exception to this policy due to considerations of health, safety, and welfare of the general public must be approved by the Board of Commissioners of the Town of Lake Lure.

SECTION 14. PENALTIES

Violation of this policy shall be punishable by fines as declared by the Board of Commissioners.