



TOWN OF LAKE LURE • P. O. BOX 255 • LAKE LURE, N.C. 28746
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**REGULAR WORKSHOP MEETING OF THE LAKE LURE TOWN
COUNCIL HELD TUESDAY, FEBRUARY 9, 1993 AT 10:00 A.M. AT
THE LAKE LURE COMMUNITY CENTER.**

PRESENT Mayor Priscilla Doyle
Commissioner Bill Bush
Commissioner Jack Donovan
Commissioner Alex Karr
Commissioner Max Lehner

ABSENT: N/A

CALL TO ORDER

Mayor Doyle called the meeting to order at approximately 10:00 a.m.

REQUEST FOR FISHING TOURNAMENT

Alan Castorr requested permission from Council to conduct a fishing tournament this summer for the enjoyment of local and area residents. However, this event will be publicly advertised and no persons will be turned away. Nothing is required of the Town of Lake Lure. The sponsors, Alan Castorr of Jimmy's Oyster Bar & Pub and Bob Parks of Bob's Marina, will handle all aspects of the tournament. Mr. Castorr requested that the tournaments be held throughout the summer, beginning May 1, 1993 through Labor Day, September 6, 1993. The format of the tournament would be to catch and release, so as not to deplete or adversely effect the fish population.

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The entry fee would be one fee per season with all proceeds used for prizes and operations. Any leftover monies will be given to the Town or State for restocking of fish in the lake or any other necessities of the lake. The tournament will be a non-profit endeavor for the sponsors. Prizes will be awarded for the largest catch in each category. The prize amount will be determined by entry fees accumulated. It is also agreed that all participants of the tournament will obtain all required fishing permits.

Commissioner Lehner moved, seconded by Commissioner Karr, to grant approval for Lake Lure to be used as a site for the fishing tournament. Proper permits will still be required to fish in the lake. The vote of approval was unanimous.

DISCUSS RADIO SYSTEM FOR POLICE DEPARTMENT

Council discussed two proposals for a radio system to be used by Town employees. Presently, there are dead spaces in communication where our present system cannot communicate. Motorola and Business Communications, Inc. presented proposals to the Town. They were asked to give proposals on what they felt the Town needed in the way of communication.

If the Town accepts Motorola's proposal, dedicated lines will be necessary which will require monthly charges of approximately \$100 to \$200 whereas Business Communications, Inc. will strictly be using air waves. Overall, the proposal of Business Communications, Inc., appeared to be most appropriate for the Town's needs.

Commissioner Bush requested that Business Communications, Inc., provide Council with financial statements and liability.

Commissioner Bush moved, seconded by Commissioner Lehner, for the Town Manager to proceed with evaluating Business Communications, Inc., leading to a firm bid according to cost and performance. The vote of approval was unanimous.

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REVIEW POLICY CONCERNING USE OF POLICE CRUISERS

Council discussed the concerns of the use of police cruisers. Presently, the police vehicles are being left at the Police Department when officers are off duty. However, questions have arisen from citizens as to why police vehicles are parked at the Police Department.

Currently, the Town does not have a policy for the Police Department to follow in regards to the use of police cruisers. Therefore, it was the consensus of Council for the Town Manager to write up a policy stating that officers may take their police vehicle home with them as long as they are within Rutherford County or within 15 miles of the city limits. No personal driving will be allowed.

Commissioner Lehner complimented the Police Department and Officers for their dedicated service to the Town of Lake Lure.

**LAND PLANNING COLLABORATIVE PROPOSAL
FOR LANDSCAPE ARCHITECTURAL SERVICES**

Council requested that Robert Grasso, Land Planning Collaborative, PA, attend a meeting with Council to discuss the proposed land planning for Lake Lure in depth. Therefore Council unanimously agreed to recess the meeting to Friday, February 2, 1993 at 10:00 a.m. at the Community Center.

APPROVE HOLIDAY SCHEDULE

Commissioner Bush moved, seconded by Commissioner Lehner, to approve the following holiday schedule for Town employees. The vote of approval was unanimous:

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Friday	January 1, 1993	New Year's Day
Monday	January 18, 1993	Dr. Martin Luther King, Jr., Day
Friday	April 9, 1993	Good Friday
Monday	May 31, 1993	Memorial Day
Monday	July 5, 1993	Independence Day
Monday	September 6, 1993	Labor Day
Thursday	November 11, 1993	Veteran's Day
Thursday	November 25, 1993	Thanksgiving Day
Friday	November 26, 1993	Day after Thanksgiving Day
Friday	December 24, 1993	Christmas Eve
Monday	December 27, 1993	Christmas Holiday (Christmas Day, 1993, falls on Saturday)

DISCUSS ABANDONED STRUCTURES AND UNFIT DWELLINGS

Council discussed several properties suspicioned as being abandoned structures and unfit dwellings.

It was the consensus of Council that the Town Manager shall proceed as ordinance reads pertaining to abandoned structures and unfit dwellings. (Copy of ordinance attached).

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**REPORT ON MEETING WITH STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL
RESOURCES**

Mr. Hord reported on the meeting with the State of North Carolina Department of Environment, Health, and Natural Resources. Representatives of the Town attending the meeting consisted of Mr. Hord, Town Manager, William Grimes, Plant Operator, and Keith Webb, Engineer with McGill and Associates. Representatives of the State consisted of Roy Davis, Forrest Edwards, and Jim Reed.

The Town is currently under a moratorium preventing sewer connections onto the Town's sewer system.

Mr. Hord reported that the Town needs to formally apply to the State to come off of the moratorium based on the most recent information on flows and show that efforts are being made to try to correct the problems and that a study on the system has begun. Therefore, Mr. Hord will go ahead with this process and provide copies to Council on the information being sent to the North Carolina Department of Environment, Health, and Natural Resources.

COUNCIL COMMENTS AND DISCUSSION

Council briefly discussed procedures of the press and how to handle certain issues with the press.

Council discussed the vacancy of a member to the Zoning and Planning Board. It was the consensus of Council that the Zoning and Planning Board should suggest a member and bring before the Town Council at the Tuesday, February 23, 1993 regular Council meeting.

Commissioner Bush notified Council that the proposed ordinance pertaining to animals, in which he drafted, will be ready for review at the

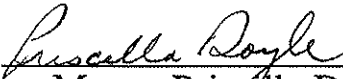
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February 23, 1993 Town Meeting.

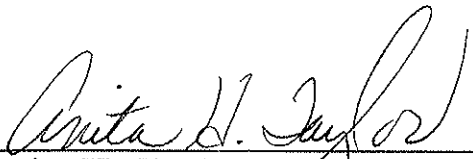
Commissioner Bush also notified Council that requests for action will be presented by the Zebra Mussel Committee for Council's approval.

With no further items of discussion, Commissioner Bush moved, seconded by Commissioner Karr, to adjourn. The vote of approval was unanimous.

ATTEST:



Mayor Priscilla Doyle



Anita H. Taylor, Town Clerk

CHAPTER 90: ABANDONED STRUCTURES; UNFIT DWELLINGS

Section

- 90.01 Finding; intent; definition
- 90.02 Duties of the Town Manager
- 90.03 Powers of the Town Manager
- 90.04 Standards for enforcement
- 90.05 Procedure for enforcement
- 90.06 Methods of service of complaints and orders
- 90.07 In rem action by Manager; placarding
- 90.08 Costs a lien on premises
- 90.09 Alternative remedies

§ 90.01 FINDING; INTENT; DEFINITION.

(A) It is hereby found that there exist within the town dwellings that are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accident, or other calamities; lack of ventilation, light, or sanitary facilities; and other conditions rendering the dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety, morals, or otherwise inimical to the welfare of the residents of the town, and that there exist within the town abandoned structures which the Town Council finds to be hazardous to the health, safety, and welfare of the residents of the town due to the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities. Therefore, pursuant to the authority granted by G.S. 160A-441, it is the intent of this chapter to provide for the repair, closing, or demolition of any such dwellings or abandoned structures in accordance with the provisions and procedures as are set forth by law.

(B) A "STRUCTURE" is defined as a combination of material to form a construction; the term "STRUCTURE" shall be construed as if followed by the words "or part thereof".
(Ord., passed 3-23-82)

§ 90.02 DUTIES OF THE TOWN MANAGER.

The Town Manager is hereby designated as the town officer to enforce the provisions of this chapter. It shall be his duty to:

(A) Locate abandoned structures within the town and determine which structures are in violation of this chapter;

(B) Locate dwellings within the town that are unfit for human habitation;

(C) Take such action, pursuant to this chapter as may be necessary to provide for the repair, closing, or demolition of such structures and dwellings;

(D) Keep an accurate record of all enforcement proceedings begun pursuant to the provisions of this chapter; and

(E) Perform such other duties as may be prescribed herein or assigned to him by the Town Council.
(Ord., passed 3-23-82)

§ 90.03 POWERS OF THE TOWN MANAGER.

The Town Manager is authorized to exercise such powers as may be necessary to carry out the intent and the provisions of this chapter, including the following powers in addition to others herein granted:

(A) To investigate the condition of buildings within the town in order to determine which structures are abandoned and in violation of this chapter and to report same to the Town Council;

(B) To investigate the condition of dwellings within the town in order to determine those that are in violation of this chapter and to report same to the Town Council;

(C) To enter upon premises for the purpose of making inspections;

(D) To administer oaths and affirmations, examine witnesses, and receive evidence; and

(E) To designate such other officers, agents, and employees of the town as he deems necessary to carry out the provisions of this chapter.
(Ord., passed 3-23-82)

§ 90.04 STANDARDS FOR ENFORCEMENT.

(A) Every abandoned structure within the town shall be deemed in violation of this chapter whenever such structure constitutes a hazard to the health, safety, or welfare of the town citizens as a result of:

(1) The attraction of insects or rodents;

(2) Conditions creating a fire hazard;

(3) Dangerous conditions constituting a threat to children;

or

(4) Frequent use by vagrants as living quarters in the absence of sanitary facilities.

(B) In making the determination of whether or not an abandoned structure is in violation of this chapter, the Town Manager may, by way of illustration and not limitation, consider the presence or absence of the following conditions:

(1) Holes or cracks in the structure's floors, walls, ceilings, or roof which might attract or admit rodents and insects, or become breeding places for rodents and insects;

(2) The collection of garbage or rubbish in or near the structure which might attract rodents and insects, or become breeding places for rodents and insects;

(3) Violations of the fire prevention code which constitute a fire hazard in such structure;

(4) The collection of garbage, rubbish, or combustible material which constitute a fire hazard in such structure;

(5) The use of such structure or nearby grounds or facilities by children as a play area;

(6) Repeated use of such structure by transients and vagrants, in the absence of sanitary facilities, for living, sleeping, cooking, or eating.

(C) A dwelling within the town shall be deemed unfit for human habitation, and the Town Manager may so determine, if he finds that conditions exist in the dwelling that render it dangerous or injurious to the health, safety, or morals of the occupants of the dwelling, the occupants of neighboring dwellings, or other residents of the town.

(D) In seeking the determination of whether or not a dwelling is in violation of this chapter, the Town Manager may, by way of illustration and not limitation, consider the following defective conditions:

(1) Defects therein increasing the hazards of fire, accidents, or other calamities;

(2) Lack of adequate ventilation, light, or sanitary facilities;

(3) Dilapidation;

(4) Disrepair;

(5) Structural defects;

(6) Uncleanliness.

(Ord., passed 3-23-82)

§ 90.05 PROCEDURE FOR ENFORCEMENT.

(A) Preliminary investigation; notice; hearing. Whenever a petition is filed with the Town Manager by a public authority or by at least five residents of the town charging that any dwelling or structure exists in violation of this chapter or whenever it appears to the Manager, upon inspection, that any dwelling or structure exists in violation hereof, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling or structure a complaint stating the charges and containing a notice that a hearing will be held before the Manager at a place therein fixed, not less than ten nor more than 30 days after the serving of the complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to at least one of the persons signing a petition relating to such dwelling or structure. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Manager.

(B) Procedure after hearing.

(1) After such notice and hearing, the Manager shall state in writing his determination whether such dwelling or structure violates this chapter, including his findings of fact in support of that determination.

(2) If the Manager determines there is a violation he shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to either repair, alter, and improve such dwelling or structure or else remove or demolish the same within a specified period of time not to exceed 90 days.

(C) Failure to comply with order.

(1) In personam remedy. If the owner of any dwelling or structure shall fail to comply with an order of the Manager within the time specified therein, the Manager may submit to the Town Council at its next regular meeting a resolution directing the Town Attorney to petition the superior court for an order directing such owner to comply with the order of the Inspector, as authorized by G.S. 160A-446(g).

(2) In rem remedy. After failure of an owner of a dwelling or structure to comply with an order of the Manager within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in division (C)(1) above, the Manager shall submit to the Town Council an ordinance ordering the Manager to cause such dwelling or structure to be removed or demolished, as provided in the original order of the Manager and pending such removal or demolition, to placard any such dwelling as provided by G.S. 160A-443.

(D) Petition to superior court by owner. Any person aggrieved by an order issued by the Manager shall have the right, within 30 days after issuance of the order, to petition the superior court for a temporary injunction restraining the Manager pending a final disposition of the cause, as provided by G.S. 160A-446(f).
(Ord., passed 3-23-82)

§ 90.06 METHODS OF SERVICE OF COMPLAINTS AND ORDERS.

Complaints or orders issued by the Town Manager shall be served upon persons either personally or by registered or certified mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the Manager in the exercise of reasonable diligence, the Manager shall make an affidavit to that effect, and the serving of such complaint or order upon such person may be made by publication in the manner prescribed in the North Carolina Rules of Civil Procedure. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.
(Ord., passed 3-23-82)

§ 90.07 IN REM ACTION BY MANAGER; PLACARDING.

(A) After failure of an owner of a structure to comply with an order of the Town Manager issued pursuant to the provisions of this chapter, and upon adoption by the Town Council of an ordinance authorizing and directing him to do so, as provided by G.S. 160A-443(5) and § 90.05(C) of this chapter, the Manager shall proceed to cause such structure to be removed or demolished, as directed by the ordinance of the Town Council and shall cause to be posted on the main entrance of such structure a placard prohibiting the use or occupation of the structure. Use or occupation of a building so posted shall constitute a misdemeanor.

(B) Each such ordinance shall be recorded in the office of the Register of Deeds in Rutherford County, and shall be indexed in the name of the property owner is the grantor index, as provided by G.S. 160A-443(5).
(Ord., passed 3-23-82)

§ 90.08 COSTS A LIEN ON PREMISES.

As provided by G.S. 160A-446(6), the amount of the cost of any removal or demolition caused to be made or done by the Town Manager pursuant to this chapter shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have the same priority, and be enforced and the costs collected as provided by Article 10, Chapter 160A of the General Statutes.
(Ord., passed 3-23-82)

§ 90.09 ALTERNATIVE REMEDIES.

Neither this chapter nor any of its provisions shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this chapter by criminal process, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

(Ord., passed 3-23-82)