

TOWN OF LAKE LURE • P. O. BOX 255 • LAKE LURE, N.C. 28746  
704/625-9983 • 704/625-9396 • FAX 704/625-8371

**MINUTES OF THE REGULAR COUNCIL MEETING HELD TUESDAY,  
SEPTEMBER 28, 1993, 7:30 P.M. AT FAIRFIELD MOUNTAIN'S BALD  
MOUNTAIN COUNTRY CLUB**

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

Thomas M. Hord, Town Manager  
J. Christopher Callahan, Attorney at Law

**ABSENT:** N/A

**CALL TO ORDER**

Mayor Doyle called the meeting to order at approximately 7:30 p.m.

**INVOCATION**

Tom Hord, Town Manager, gave the invocation.

**APPROVAL OF MINUTES**

Commissioner Lehner moved, seconded by Commissioner Bush, to approve the minutes of the August 24, 1993 Regular Council Meeting,

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September 10, 1993 Special Council Meeting, September 14, 1993 Regular Council Workshop Meeting, and the September 21, 1993 Recessed Council Workshop Meeting. The vote of approval was unanimous.

**AUDIENCE OF CITIZENS**

No persons signed up to speak under the Audience of Citizens. However, Mayor Doyle announced that the October issue of the newsletter will not be available until the fourth of October. The Lake Lure Lion's Club will be sponsoring a health screening at the Lake Lure Community Center October 2, 1993 from 10:00 a.m. until 3:00 p.m.

**PUBLIC HEARING:  
RECOMMENDATION FROM LAKE LURE ZONING AND  
PLANNING BOARD TO REZONE JAMES A. SHERRILL  
HEIRS' PROPERTY ALONG U.S. HIGHWAY 64/74  
FROM RESIDENTIAL TO COMMERCIAL**

Mr. Hord gave background information in regard to the James A. Sherrill Heirs' requesting that their property on U.S. Highway 64/74 be rezoned from residential to commercial.

Commissioner Karr moved, seconded by Commissioner Lehner, to enter into the Public Hearing regarding the recommendation from the Lake Lure Zoning and Planning Board to rezone James A. Sherrill Heirs' property along U.S. Highway 64/74 from residential to commercial. The vote of approval was unanimous.

Mr. Hord informed Council that a first class mailing was sent out September 9, 1993 to all owners of those parcels of land in and abutting the areas which would be affected by the rezoning to be considered at the public hearing on September 28, 1993. The notice was mailed to the last address listed

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for such owners on the county tax abstracts.

For the record, Mr. Hord announced that Forest Edwards, Jr., replied by telephone. Mr. Edwards opposed the rezoning since he did not know what type of business may come in if zoned commercial. Mr. Edwards felt that this may be detrimental to his residential property. No persons of the James A. Sherrill Heirs' were present to represent the request. However, the Zoning and Planning Board recommended that Council amend the Zoning Map of the Town, changing the zone of the James A. Sherrill Heirs' property from R-1 residential to C-1 commercial. (Map attached).

After considerable discussion, Commissioner Bush moved, seconded by Commissioner Lehner, to come out of the public hearing and re-enter the regular session of the meeting. The vote of approval was unanimous.

After discussion between Council, Commissioner Bush moved, seconded by Commissioner Lehner, to adopt the Ordinance amending the Zoning Ordinance and Map of the Town of Lake Lure as recommended by the Zoning and Planning Board, including a meets and bound description as written into the ordinance by the Town Attorney. The vote of approval was unanimous.

***AN ORDINANCE AMENDING THE ZONING  
ORDINANCE AND MAP OF THE TOWN OF LAKE LURE***

*WHEREAS, the Town of Lake Lure Zoning and Planning Board has reviewed and considered a rezoning petition from the James A. Sherrill Heirs and has recommended to the Town Council that certain changes be made to the zoning map;*

*AND WHEREAS, the Town Council of the Town of Lake Lure, after due notice, conducted a public hearing on the 28th day of September, 1993, upon the question of amending the Zoning Ordinance and Map in certain respects;*

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

*NOW THEREFORE, be it ordained by the Town of Lake Lure, North Carolina, meeting in regular session and with a majority of Councilmen voting in the affirmative:*

**SECTION ONE:** *To amend the Zoning Map of the Town of Lake Lure, changing the property in question from R-1d residential to C-1 commercial as shown and depicted on the attached map and made a part of this ordinance, and being more particularly described as follows:*

*Lying in the Town of Lake Lure and being Lots Numbers 1, 2, 3, 4, and 5 of Block 24, Luremont Section Number 2, as shown on Plat of Blocks 21 through 28 of the Chimney Rock Mountains, Inc., property, as recorded in the office of the Register of Deeds for Rutherford County, North Carolina, in Plat Book 2, at Page 17, to which said Plat reference is hereby made for more particular description of said Lots, subject to such Easements, Rights of Way and Covenants of record, or Municipal, which may affect the premises.*

**SECTION TWO:** *The Zoning Administrator shall make all the necessary corrections and additions to the Zoning Map so as to implement the provisions of this ordinance and shall henceforth enforce the ordinance as hereby amended.*

**SECTION THREE:** *This ordinance shall be effective upon its adoption.*

*Adopted the 28th day of September, 1993.*

**PUBLIC HEARING:  
RECOMMENDATION FROM LAKE LURE ZONING AND  
PLANNING BOARD TO AMEND THE ZONING ORDINANCE  
TO ALLOW OFF-PREMISE DIRECTIONAL SIGNS**

Mr. Hord announced that, as required, due public notice was given in regard to the public hearing regarding the recommendation from the Zoning and Planning Board to amend the Zoning Ordinance to allow off-premise directional signs.

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Commissioner Lehner moved, seconded by Commissioner Bush, to enter into the public hearing. The vote of approval was unanimous.

Frankie Queen, resident of Lake Lure, requested that Council permit her to be able to keep her real estate sign which is located beside Charlotte Drive. Ms. Queen stated that her sign, which is a kiosk sign shared with the Lodge on Lake Lure, has been there since 1985.

Tom Hix, Attorney representing Mr. and Mrs. Donald Piers, Pierpoint, requested that an addition be added to the proposed ordinance allowing the Piers to keep their off-premise sign which has been in place since 1985 by way of a variance issued by the Lake Lure Board of Adjustment.

Meredith Terrell, Member of the Zoning and Planning Board, spoke on behalf of the amendment of the Lake Lure Zoning Ordinance allowing off-premise directional signs in designated areas.

After much discussion, Commissioner Lehner moved, seconded by commissioner Karr, to come out of the public hearing and re-enter the regular session of the meeting. The vote of approval was unanimous.

Council publicly recognized and thanked the Zoning and Planning Board for all their hard work in writing the proposed ordinance on off-premise directional signs.

Commissioner Lehner moved, seconded by Commissioner Karr, to adopt the amendment to the Zoning Ordinance to allow off-premise directional signs, as recommended by the Zoning and Planning Board, with the understanding that any variance for a sign previously granted by the Board of Adjustment would be honored provided that the other standards of the ordinance now being adopted are met except for the reasons of the variance granted by the Board of Adjustment. Commissioner Bush and Commissioner Donovan voted no. Therefore, Mayor Doyle had to break the tie. Mayor Doyle voted no. Therefore, the motion was defeated.

Commissioner Bush moved, seconded by Commissioner Donovan, to

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adopt the ordinance amending the Zoning Ordinance, as recommended by the Zoning and Planning Board. Commissioner Lehner voted yes and Commissioner Karr voted no. Therefore, with a vote of three affirmative and one negative vote, the Ordinance amending the Zoning Ordinance to allow certain off-premise directional signs was adopted.

***AN ORDINANCE AMENDING THE ZONING  
ORDINANCE OF THE TOWN OF LAKE LURE  
TO ALLOW CERTAIN OFF-PREMISE DIRECTIONAL SIGNS***

*WHEREAS, the Town of Lake Lure Zoning and Planning Board has reviewed and discussed the need for certain off-premise directional signs to benefit the traveling public and has recommended to the Town Council that the Zoning Ordinance be amended to allow such directional signs;*

*AND WHEREAS, the Town Council of Lake Lure, after due notice, conducted a public hearing on the 28th day of September, 1993, upon the question of amending the Zoning Ordinance in this respect;*

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

***NOW THEREFORE, BE IT ORDAINED BY THE TOWN OF LAKE LURE,  
NORTH CAROLINA MEETING IN REGULAR SESSION AND WITH A  
MAJORITY OF COUNCILMEN VOTING IN THE AFFIRMATIVE:***

***SECTION ONE: To amend Article XIII: Sign Regulations, Section 1301, Definitions, of the Town of Lake Lure Zoning Ordinance, by inserting the following definition:***

***Off-Premise Directional Sign: Any off-premise sign indicating the location of or directions to a business or other activity. The sign shall not include any information or message except the name***

*of the business or the nature of the activity, universal symbol if applicable, and an arrow indicating direction and distance to the business or activity. If a sign contains any additional message or exceeds the maximum area, it shall be considered to be in violation of this ordinance.*

*SECTION TWO: To amend Article XIII: Sign Regulations, Section 1312, Special Signs, of the Town of Lake Lure Zoning Ordinance by inserting the following as subsection (5):*

- (5) *Town of Lake Lure Directional Sign. The Town of Lake Lure may erect off-premise directional signs for the benefit of the traveling public. The cost of manufacture, erection, and maintenance of the signs shall be charged to those requesting the sign at a rate established by the Town.*

*Off-premise directional signs are permitted for the following types of businesses: natural phenomena; scenic attractions; historic, educational, cultural, scientific, and religious sites; outdoor recreational areas; and establishments providing motor fuel, lodging, and/or meals for the general public.*

*Off-premise directional signs may be located at the intersection of a major thoroughfare (U.S. Highway 64/74, Buffalo Shoals Road, Buffalo Creek Road, and N.C. Highway #9) with the side street leading to the business or activity. One additional off-premise directional sign may be located at the intersection of the street leading to the business or activity with the street providing access to the establishment.*

*Off-premise directional signs shall be 18" x 48" per sign face, one sign face per directional flow of traffic, and two sign faces per sign structure. Not more than*

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*two off-premise directional signs shall be permitted for the same business or activity.*

*The existing subsection (5) of Section 1312, shall be renumbered as subsection (6) and all the following subsections shall be renumbered in sequence.*

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

**SECTION FOUR:** *This ordinance shall be effective upon its adoption.*

*Adopted the 28th day of September, 1993.*

Mayor Doyle called for a five minute recess.

The meeting reconvened at approximately 8:55 p.m.

Commissioner Lehner moved, seconded by Commissioner Donovan, that the old kiosk signs be removed since the new ordinance is now in effect. Commissioner Bush voted yes and Commissioner Karr opposed. Therefore the vote was three to one in favor of the old kiosk signs being removed.

**DRAFT OF LAKE LURE STREET ACCEPTANCE ORDINANCE**

Commissioner Karr recommended that Council invite the people from Fairfield to look at the draft street acceptance ordinance before any action is considered since the ordinance would directly involve some of their streets. Commissioner Lehner suggested that Fairfield Management be provided a copy of the proposed ordinance. Therefore, it was the consensus of Council to review the draft street acceptance ordinance in a workshop session before considering adoption. No action was taken. (Copy of Draft Lake Lure Street Acceptance Ordinance attached).



**CONSIDER REQUEST BY ALLEN CASTORR,  
OWNER CRACKER'S OYSTER BAR & PUB TO IMPROVE  
MEMORIAL PARK ADJACENT TO THE OYSTER BAR  
BY INSTALLING HORSE SHOE PITS**

It was the consensus of Council to defer action on this matter until further information can be obtained from Mr. Castorr. Therefore, no action was taken.

**REQUEST CONCERNING ST. JUDE CHILDREN'S RESEARCH  
HOSPITAL BIKE-A-THON**

Carole McKay, sponsor for St. Jude Children's Research Hospital Bike-A-Thon, requested approval from Council to hold the Third Annual St. Jude Children's Research Hospital Wheels for Life Bike-A-Thon Saturday, October 9, 1993, 10:00 a.m. until 1:00 p.m. They would like to utilize the parking area in front of the Community Center and the paths throughout the point as their route. Ms. McKay also requested that the Community Center be open for use of the restrooms for riders and volunteers and to be able to store prizes and snacks.

Ms. McKay also announced that sign-up sheets for persons interested in participating will be made available at several locations throughout Town, including First Union Bank, Premier Properties and Colony Resort.

Commissioner Bush moved, seconded by Commissioner Donovan, to approve the Bike-A-Thon as presented by Ms. McKay and as referenced above. The vote of approval was unanimous.

**REQUEST BY MR. DON PIERS TO BE  
PLACED ON AGENDA**

Tom Hix, Attorney representing Mr. and Mrs. Don Piers, Pierpoint,

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requested that Council reconsider their previous motion denying persons to keep in place their kiosk signs which were granted variances from the Lake Lure Board of Adjustment prior to 1987. Mr. Hix requested that Council reconsider their decision and allow the persons that obtained a variance for their kiosk signs be allowed to put an off-premise directional sign in the place of the kiosk sign when it is removed.

After consideration, Commissioner Bush moved, seconded by Commissioner Lehner, to accept the requests for off-premise signs for organizations and persons that, in a formal manner, requested and obtained a variance in 1986 or before and were granted approval to erect that sign. Such signs, however, must meet all other conditions of the newly placed ordinance which was adopted at this particular Town Council Meeting of September 28, 1993. Commissioner Karr voted yes and Commissioner Donovan abstained. Attorney Chris Callahan noted that the abstained will count as a yes vote. Therefore the vote of approval was unanimous.


<b>STAFF REPORTS</b>
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Mr. Hord announced that dredging of the lake is underway.

Commissioner Bush requested that Town staff and citizens have all agenda items for the meeting packet turned in by Friday at noon, prior to the Tuesday night Council meetings, in order to allow Council to have sufficient time to study the materials.

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

ATTEST:

  
Anita H. Taylor, CME

  
Mayor Priscilla Doyle

**CERTIFICATE OF FIRST CLASS MAILING**

I, the undersigned, do hereby certify that on September 9, 1993, all owners of those parcels of land in and abutting the areas which would be affected by the rezoning to be considered at the public hearing held September 28, 1993, were notified by first class mailing. This notice was mailed to the last address listed for such owners on the county tax abstracts.

  
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Mary Lynne Ray  
Deputy Zoning Administrator

## DRAFT

### TOWN OF LAKE LURE STREET ACCEPTANCE POLICY

**Whereas**, the Town of Lake Lure is concerned for the health, safety and welfare of the traveling public using roads in the Town; and,

**Whereas**, the Town of Lake Lure is dedicated to having the most logical and safe extensions of public roads throughout the Town; and,

**Whereas**, the Town of Lake Lure also notes that private roads cannot always be served by Town maintenance vehicles, rescue squads, fire trucks and other emergency vehicles; and,

**Now, therefore the Town of Lake Lure Town Council with a majority of the Councilmen voting in the affirmative**, hereby and herewith adopts as a policy the following standards and procedures to be used in reviewing requests for accepting roads into the Town maintained street system:

### ROAD STANDARDS

#### Travelway

The travelway must be surfaced and compacted with a material acceptable to the Town of Lake Lure to a required width of sixteen feet. A crown should be built into the travelway so that water will drain from the road surface into the side ditch. The crown should not be so great as to cause vehicles to slide off the travelway when ice or snow is on the road.

Generally the road and shoulder should be crowned as shown in the specifications sheet so that runoff will drain to the ditches on both sides of the road. However, in some situations it may be desirable not to crown the road but to have the travelway sloped to a single ditch as shown below. This is applicable in three situations: (1) where it is necessary to cut down on the length of a ditch in order to reduce the erosion potential by decreasing the volume of runoff, (2) where it is difficult to construct ditches due to rock, or

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(3) to provide for superelevation (or) in curves. Such a single slope should always drain toward the inside of a curve. The crown slope of the road and shoulder should be approximately 1/2 to 1 inch per foot.

### Surface Materials

Roads that are being dedicated as public streets must be paved to meet the pavement design standards as set forth in the Lake Lure Subdivision Regulations.

### Fill Material

Where filling is necessary to raise the roadbed, cross watercourses or fill stumpholes, it shall be done with suitable material that is free of roots or other organic matter. The fill should be firmly compacted to reduce settlement that will cause ruts or holes in the finished road.

### Two-Way Traffic

Public roads shall provide for two-way traffic in order to prevent conflict of vehicles meeting head-on. Two-way traffic shall be provided by widening the travelway to at least 16 feet to allow vehicles to pass or to pull over and stop while another vehicle passes.

Medians may be permitted between travel lanes when it is demonstrated that such design is desirable for the preservation of natural resources, or that excessive cut and fill would be required to construct a roadway to the standard width.

### Grade

The grade of the road should not exceed 12 percent because of the difficulty of operating vehicles on such a steep road and the high potential for erosion of the travelway and ditches. Where possible, the road should be constructed along the contour of the land to avoid steep grades.

### Drainage

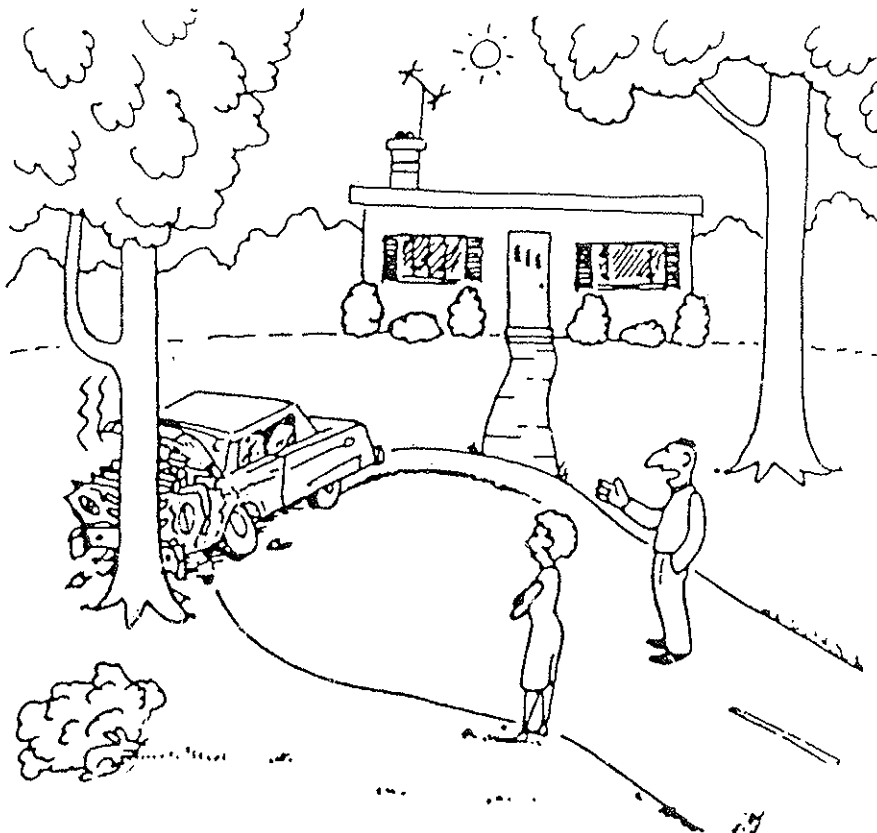
Ditches shall be constructed to provide drainage from the road and adjacent areas. The ditches shall be built with sufficient depth and width to carry the expected volume of water. The side slopes shall be graded so that they can be stabilized and to prevent vehicles from becoming stuck if they slide into the ditch.

### Turn-Arounds

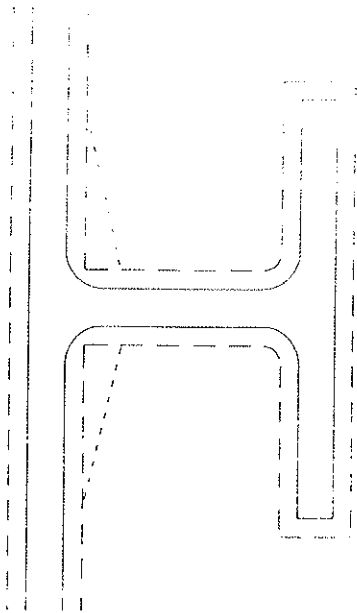
Vehicle turn-around areas shall be provided at the end of all dead-end roads. Illustration number one shows typical turn-around designs.

### Right-of-Way

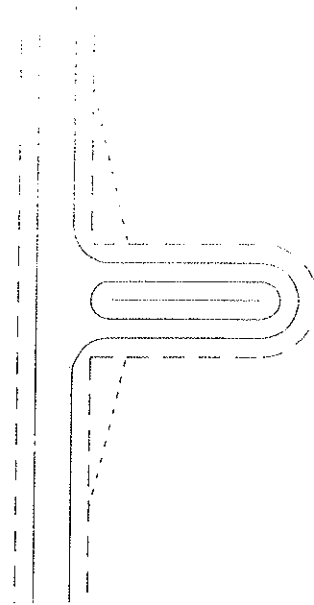
The right-of-way for all roads to be accepted into the Town maintained street system shall be a minimum of 30 feet. This minimum required right-of-way would provide for two eight foot travelways, two three foot shoulders and two four foot drainage areas.



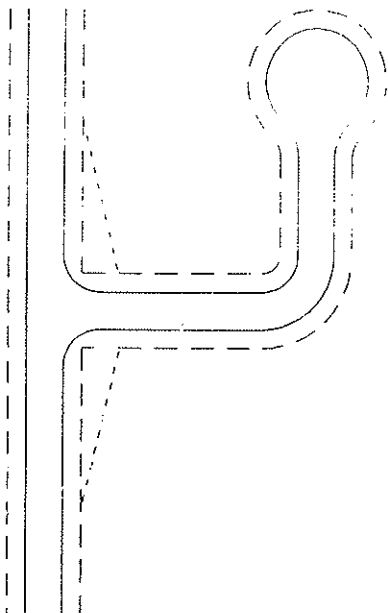
"I GUESS THE SUBDIVISION REGULATIONS DIDN'T CALL FOR A WIDE ENOUGH CUL-DE-SAC."



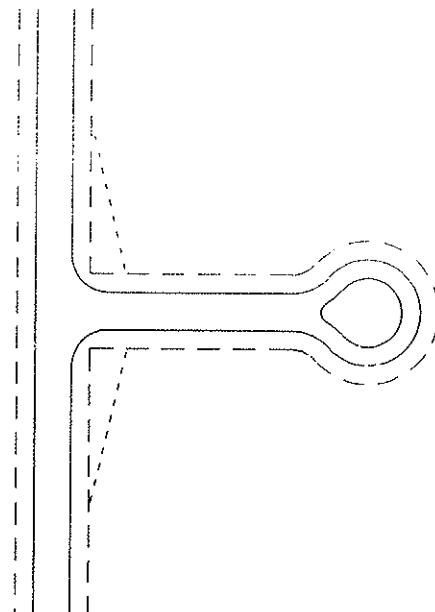
"T" CUL-DE-SAC



"LOOP" ROAD



"L" CUL-DE-SAC



CUL-DE-SAC WITH INTERIOR ISLAND

FIGURE  
EXAMPLES OF  
RESIDENTIAL CUL-DE-SAC DESIGNS

### **Street Name Signs**

The road name shall be verified with an official of the planning and zoning department to insure that the proposed name does not duplicate an existing name. The road sign must have one blade showing the name of the road proposed for acceptance and one blade showing the name of the existing intersecting road.

### **Certification of Construction**

A professional engineer or registered land surveyor must certify in writing to the Town of Lake Lure that a private road, either existing, upgraded, or newly constructed, meets the standards as set forth in this ordinance. The following must be inspected and certified:

1. The travelway is within the platted right-of-way;
2. The proper material has been used in the travelway and it is built to the required width and thickness;
3. The shoulders are the correct width.
4. The road is on the proper grade;
5. Ditches are in place where necessary to provide adequate drainage;
6. Needed storm pipes of proper size, materials and construction are in place and energy dissipators installed;
7. All disturbed areas are properly stabilized;
8. The required road sign is in place;
9. An adequate turn-around is in place at the end of the road;



10. Proper sight distance and construction at the intersection with a public road.

### PROCEDURES

1. A petition must be filed with the Town Manager requesting the Town Council to consider accepting the road into the Town street system.
2. Petition should contain all property owners that either abut or access the road.
3. Petition should be accompanied by a certified map showing road widths, lengths, and property lines. A certified map is a map prepared under the supervision of either a licensed surveyor or engineer and containing the signature of said surveyor or engineer.
4. If applicable, a developer or property owner having legal rights on a private road must show legal authority to dedicate the road to the Town.
5. The Town Manager should review petition, maps, and all accompanying materials for accuracy and present them to Town Council for consideration at their next regularly scheduled meeting at least fifteen days after the filing of the petition.
6. The Town Council may accept, accept with modifications and/or improvements, or reject the request for any reason deemed sufficient to Town Council.