

Town of Lake Lure

P. O. Box 255 • Lake Lure, NC 28746-0255 • 704/625-9983 • FAX 704/625-8371

Incorporated 1927

MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, DECEMBER 13, 1994, 7:30 P.M. AT FAIRFIELD BALD MOUNTAIN COUNTRY CLUB.

PRESENT: Mayor Max E. Lehner
Mayor Pro-tem Bud Schichtel
Commissioner Bill Bush
Commissioner Bill Church
Commissioner Jack Donovan

Paul Wilson, Interim Town Manager
Sam Karr, Finance Director
J. Christopher Callahan, Town Attorney

ABSENT: N/A

CALL TO ORDER

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

Mayor Lehner requested that the Clerk note that a quorum was present.

INVOCATION

Chris Callahan, Town Attorney, gave the invocation.

APPROVAL OF MINUTES

Commissioner Bush moved, seconded by Commissioner Schichtel to approve the following minutes as written and presented by the Town Clerk. The vote of approval was unanimous:

Regular Council Meeting	11/08/94	9:30 a.m.	Town Hall
Regular Council Meeting	11/22/94	7:30 p.m.	Community Center
Special Council Meeting	12/06/94	9:30 a.m.	Community Center

**PUBLIC HEARING -- PROPOSED AMENDMENTS TO CONSIDER
REZONING TWO TRACTS OF LAND OWNED BY
FRANCIS PROCTOR ET AL**

Commissioner Bush moved, seconded by Commissioner Church, to enter into the public hearing regarding the proposed amendments to consider rezoning two tracts of land owned by Francis Proctor et al. The vote of approval was unanimous.

Mayor Lehner read aloud the following memorandum addressed to Council from the Town of Lake Lure Zoning and Planning Board, dated November 15, 1994:

Mr. Jim Proctor has approached the Town of Lake Lure Zoning and Planning Board regarding a request to rezone two tracts of land along Boy's Camp Road. Mr. Proctor is part owner and agent for the owners of the property in question.

One of the tracts is the 9.33 acre tract known as Pine Gables. This property is made up of lots 39 and 40 on the attached map. The owners have petitioned to have the property rezoned from R-1A to R-3 in order to open a bed and breakfast.

The second property is a 5.38 acre tract made up of lots 37 and 38 on the attached map and lies between the Pine Gables tract and Sheridan Lane. The owners have petitioned to have this property rezoned from R-1A to R-1B. The R-1A district requires a minimum lot size of 2 acres, while R-1B requires at least one acre. Otherwise the two districts are the same as far as uses allowed and setbacks required.

Adjacent property owners were invited to the Zoning and Planning Board's November 15, 1994 meeting and were asked to share their comments on this rezoning proposal. Property owners expressed interest in the proposal but no one expressed opposition.

Upon review of the uses permitted in the R-3 district, the Zoning and Planning Board voted to recommend that the 9.33 acre Pine Gables tract (Chimney Rock Township Tax Map 519, Block 1, Lots 39 and 40) be rezoned R-3 Resort Residential.

The Board also voted to recommend that the 5.38 acre tract between the

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Pine Gables tract and Sheridan Lane (Chimney Rock Township Tax Map 519, Block 1, Lot 37 and 38) be rezoned R-1B Residential.

The Zoning and Planning Board respectfully recommends the described amendments to the Zoning Map and asks that Town Council schedule a public hearing for the Proctors' rezoning petitions. Thank you.

Mr. Berkeley Young spoke in favor of the rezoning request on behalf of the Tourism Division of Rutherford County.

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

Commissioner Bush moved, seconded by Commissioner Church, to approve the rezoning request as recommended by the Zoning and Planning Board. The vote of approval was unanimous.

Commissioner Bush noted that the material provided by Mr. Jim Proctor on the history of the property was very useful and informative.

AUDIENCE OF CITIZENS

No persons signed up to speak.

OLD BUSINESS: BOARD APPOINTMENTS -- BOARD OF ADJUSTMENT/LAKE STRUCTURES APPEAL BOARD, AND LAKE LURE ZONING AND PLANNING BOARD
--

Commissioner Schichtel moved, seconded by Commissioner Church, to appoint Carl Sisson and Berkeley Young to the Board of Adjustment/Lake Structures Appeals Board for a three year term beginning January 1, 1995. The vote of approval was unanimous.

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Commissioner Bush moved, seconded by Commissioner Schichtel, to reappoint Dick Brucksch and Jim Hinkle to the Zoning and Planning Board for a three year term beginning January 1, 1995. The vote of approval was unanimous.

CALL FOR PUBLIC HEARING -- PROPOSED AMENDMENTS TO THE ZONING ORDINANCE REGARDING COMMERCIAL INGRESS/EGRESS AND PARKING REQUIREMENTS

Commissioner Bush moved, seconded by Commissioner Schichtel, to call for a public hearing to be held at the Tuesday, January 24, 1995 regular Council meeting, Lake Lure Community Center, 7:35 p.m., regarding the proposed amendments to the Town of Lake Lure Zoning Ordinance regarding commercial ingress/egress and parking requirements. The vote of approval as unanimous.

CALL FOR PUBLIC HEARING -- PROPOSED AMENDMENTS TO THE SUBDIVISION REGULATIONS REGARDING WIDTH OF PAVEMENT AND WATER LINE CONNECTIONS

Commissioner Bush moved, seconded by Commissioner Schichtel, to call for a public hearing to be held at the Tuesday, January 24, 1995 regular Council meeting, Lake Lure Community Center, 7:45 p.m., regarding proposed amendments to the subdivision regulations regarding width of pavement and water-line connections. The vote of approval was unanimous.

Town Attorney, Chris Callahan, noted that the advertisements for the public hearings would require publication not more than 25 days but more than 15 days before the hearings.

AUDITOR'S REPORT

Robert C. Koone, Certified Public Accountant, reported that he has examined the general-purpose financial statements of the Town of Lake Lure, North Carolina for the year ended June 30, 1994, and have issued his report thereon dated November 4, 1994. As part of his examination, he studied and

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made an evaluation of the Town's system of internal control to the extent he considered necessary to evaluate the system as required by generally accepted auditing standards.

Mr. Koone reported that he feels the records of the Town are complete, and the budgeting procedures and internal control procedures utilized are adequate for the Town.

Commissioner Bush moved, seconded by Commissioner Schichtel, to approve the audit as presented. The vote of approval was unanimous.

Council publicly recognized Betty Hinson, Tax Collector, for her efforts in attaining such a high collection rate.

**RELEASE SECURITY DEPOSIT FOR SEWER LINE
INSTALLATION FOR PLANNED UNIT DEVELOPMENT (SCOTT
& SHARON THEISS, DEVELOPERS)**

Paul Wilson, Interim Town Manager, reported that he has inspected the sewer line installed to serve the planned unit development on the property owned by Scott and Sharon Theiss. The line has been adequately installed and meets the standards of the Town of Lake Lure. As Interim Town Manager, Mr. Wilson recommended that the improvements for the planned unit development be approved and the security deposit, \$7,681.05, posted for their construction be released.

Commissioner Bush moved, seconded by Commissioner Church, to release the security deposit based upon the recommendation of the Interim Town Manager. The vote of approval was unanimous.

ADOPT RESOLUTION FOR APPROVING WATER SUPPLY PLAN

Commissioner Schichtel moved, seconded by Commissioner Church, to adopt the following resolution for approving a water supply plan which is a requirement of the State and must be submitted by January 5, 1995. The vote of approval was unanimous and the resolution reads as follows:

Resolution for Approving Water Supply Plan

WHEREAS, G. S. 132-355 (1) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a local water supply plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a water supply plan for the Town of Lake Lure has been developed and submitted to the Town council for approval; and

WHEREAS, the Town council finds that the water supply plan is in accordance with the provisions of G. S. 143-355 (1) and that it will provide appropriate guidance for the future development of water supplies for the Town of Lake Lure, as well as useful information to the Department of Environment, Health, and Natural Resources for the development of a State water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Town council of Lake Lure that the water supply plan entitled Water Supply Plan, Town of Lake Lure, North Carolina dated December 6, 1994, is hereby approved and shall be submitted to the Department of Environment, Health and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Town Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the 13th day of December, 1994.

APPOINTMENT OF TOWN ATTORNEY FOR 1995

Commissioner Donovan moved, seconded by Commissioner Bush, to reappoint J. Christopher Callahan as Town Attorney for the year 1995. The vote of approval was unanimous.

**ELECT TEMPORARY CHAIRMAN TO PRESIDE IN THE
ABSENCE OF BOTH THE MAYOR AND MAYOR PRO-TEM**

Mayor Lehner recommended that Council elect Commissioner Donovan to serve as temporary Chairman to preside in the absence of both the Mayor and Mayor Pro-tem during the Christmas Holidays. Therefore, Commissioner Bush moved, seconded by Commissioner Church, to elect Commissioner Donovan as temporary Chairman to preside in the absence of both the Mayor and Mayor Pro-tem. The vote of approval was unanimous.

OTHER NEW BUSINESS

There was no new business to be discussed

STAFF REPORTS

Sam Karr, Finance Director, gave a report on budget amendments and adjustments. At the December 6, 1994 Council meeting Council voted to set aside \$5,000 to N. C. Hydroelectric Producer's Association by increasing revenue another \$5,000 in the Hydroelectric fund.

As per Commissioner Donovan's request, move line items #606200.7417 (pumping station) \$15,000 and #606200.7418 (supply manifold) \$5,000 to a new line item Irrigation-Wire/Pipe \$20,000.

Move \$15,000 from Reserve Contingency to the Administration budget to cover Ron Morgan, Fire Coordinator, salary.

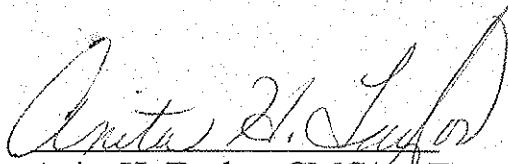
COUNCIL COMMENTS

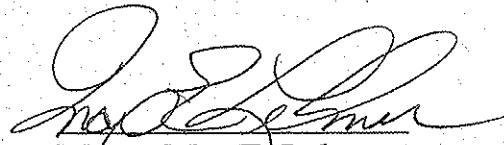
There were no Council comments.

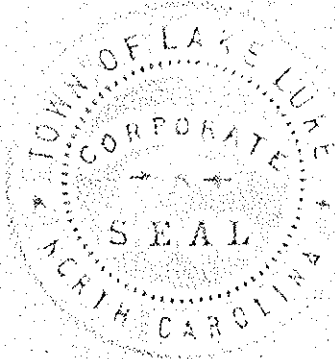
ADJOURNMENT

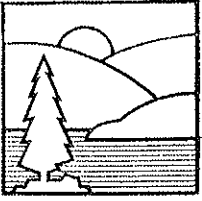
Commissioner Donovan moved, seconded by Commissioner Church, to adjourn. The vote of approval was unanimous.

ATTEST:


Anita H. Taylor, CMC/AE
Deputy Town Clerk


Mayor Max E. Lehner





Incorporated 1927

Town of Lake Lure

P. O. Box 255 • Lake Lure, NC 28746-0255 • 704/625-9983 • FAX 704/625-8371

MEMORANDUM

TO: Mayor Max Lehner
Commissioner Bill Bush
Commissioner Bill Church
Commissioner Jack Donovan
Commissioner Bud Schichtel

FROM: Town of Lake Lure Zoning and Planning Board

DATE: November 15, 1994

SUBJECT: Recommendation to Rezone Property Owned by Francis Proctor et al

Mr. Jim Proctor has approached the Town of Lake Lure Zoning and Planning Board regarding a request to rezone two tracts of land along Boys Camp Road. Mr. Proctor is part owner and agent for the owners of the property in question.

One of the tracts is the 9.33 acre tract known as Pine Gables. This property is made up of lots 39 and 40 on the attached map. The owners have petitioned to have the property rezoned from R-1A to R-3 in order to open a bed and breakfast.

The second property is a 5.38 acre tract made up of lots 37 and 38 on the attached map and lies between the Pine Gables tract and Sheridan Lane. The owners have petitioned to have this property rezoned from R-1A to R-1B. The R-1A district requires a minimum lot size of 2 acres, while R-1B requires at least one acre. Otherwise the two districts are the same as far as uses allowed and setbacks required.

Adjacent property owners were invited to the Zoning and Planning Board's

November 15, 1994 meeting and were asked to share their comments on this rezoning proposal. Property owners expressed interest in the proposal but no one expressed opposition.

Upon review of the uses permitted in the R-3 district, the Zoning and Planning Board voted to recommend that the 9.33 acre Pine Gables tract (Chimney Rock Township Tax Map 519, Block 1, Lots 39 and 40) be rezoned R-3 Resort Residential.

The Board also voted to recommend that the 5.38 acre tract between the Pine Gables tract and Sheridan Lane (Chimney Rock Township Tax Map 519, Block 1, Lot 37 and 38) be rezoned R-1B Residential.

The Zoning and Planning Board respectfully recommends the described amendments to the Zoning Map and asks that Town Council schedule a public hearing for the Proctors' rezoning petitions. Thank you.

Dak Washburn

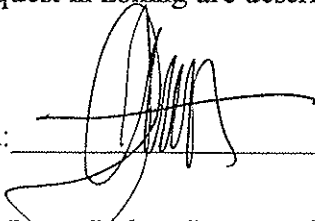
PETITION FOR CHANGE IN ZONING

DATE: OCTOBER 17, 1994

TO: Mayor and Board of Commissioners,

It is respectfully requested that the property located at Boys Camp Road, Lots 39 and 40, Tax Map number 519, which are presently zoned R-1a, be rezoned to R-2. Reasons for this request in zoning are described further on the following pages.

Signed: _____



James Robert Proctor, Owner and Agent for Owners
P.O. Box 384, Lake Lure, NC 28746
(704) 625 - 8811

The Town of Lake Lure Planning / Zoning Board recommends that this request be:

_____ Approved

_____ Rejected

Chairman, Planning and Zoning Board

Comments: On November 15, 1994, the owners changed their request for rezoning from R-2 to R-3. The Planning and Zoning Board recommends approval of the request that the above described property, presently zoned R-1A be rezoned to R-3.

Pine Gables Cottages
Boys Camp Road
Lake Lure, NC 28746
(704) 625-8811 or (704) 625-2686

To: Town of Lake Lure
Mayor and Board of Commissioners

Re: Supplement to Petition for Change in Zoning
October 17, 1994

History of Property

My parents, brother and I share ownership in property here in Lake Lure. On this property is the oldest Inn in Rutherford County, eleven cottages and one garage. The land and structures are known as 'Pine Gables'. This is part of a tract that my great-great-grandfather, George W. Logan, bought from John W Harris in 1866. At that time there were two log houses (one of which was built around 1780) that were used as a stage coach stop for the Rutherfordton to Asheville stage coaches. The two log houses were joined together and the stop was soon known as The 'Logan House'. The two log houses were boarded over and enlarged in 1877. Clarence Griffin notes in several articles and books that the 'Logan House' was known as one of the most popular Inns in Rutherford County. The list of guests that stayed at the Logan House include: author and historian Margaret Morley who stayed at the inn in 1912 and wrote about it in her book "The Carolina Mountains", British geologist G. W. Featherston stopped by in 1837, and Frances Hodgson Burnett wrote "Esmeralda" while staying there. The Logan family sold the property to Chimney Rock Mountains, Inc. in 1924 and for several years it was used as a field office and boarding house for their real estate development. During the depression it served as the area CCC Headquarters. J. A. Riddick bought the property in 1937. He and his wife operated a camp named 'Tallyho!' on the property and did major renovations to the old inn. In 1946 my grandfather, Jim Washburn, bought the property. Jim and his wife, Tootsie, soon began renting the cottages on the property. Because of their popularity Jim soon built several more cottages.

This property has been owned by our family for more than one hundred years and used as a stop for travelers over two hundred years.

Recent and proposed uses for Pine Gables

Lots 39 and 40, Tax Map 519

At its peak Pine Gables Cottages consisted of the lodge, eleven cottages, three storage buildings, one garage/shed and a picnic/cooking shed. Our family has recently invested quite a bit of money renovating several of our cottages. Our renovation schedule has been and will continue to be slow and well thought out. The owners would like to renovate more of our cottages for summer rental. We do not intend to build more houses than are presently here. We would also like to research the possibility of opening a bed and breakfast at the old inn.

This tract of land presently has natural visual barriers that conceal most of the property from the roads and lake. Inside the property boundaries I have seen forty-seven different species of birds, 16 species of mushrooms, and identified more than forty-four species of trees. Our family has a long tradition of planting trees and shrubs. We intend to keep this family tradition, to improve the natural barriers and to further landscape our property.

Before we invest more money in design layouts we would like the present zoning changed from R-1a to R-2. This is the zone that would, in our opinion, be to the highest and best use of our property, both for our family and the community as a whole.

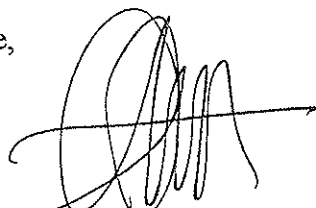
Proposal for the land shown on Tax Map 519, lots 37 and 38

The owners would like to divide this land into five tracts that are one or more acres each. The Zones that surround our land includes R-2, R-1a, R-1, R-3 and across the lake C-1. We believe that one house per acre would be in keeping with the neighborhood. Of the ten properties adjacent to the Proctor land there are six parcels with houses that are less than two acres each. Other parcels include the Chimney Rock Baptist Church (main church building , cemetery and a house.) One tract is a vacant lot zoned R-3 (part of Lure woods). Another tract has three houses, three barns and a chicken coop.

This parcel is possibly the most level five-acre tract on Lake Lure and would be easy to build on and continue to be unobtrusive to the roads and lake.

We would like to rezone this land from R-1a to R-1b. Again this zone is, in our opinion, the highest and best use for our land and the neighborhood.

Thank you for your time,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Pine Gables Cottages
Boys Camp Road
Lake Lure, NC 28746
(704) 625-8811 or (704) 625-2686

To: Town of Lake Lure
Mayor and Board of Commissioners

Re: Supplement to Petition for Change in Zoning
October 17, 1994

Description of lands to be rezoned

Outside metes and bounds of parcel submitted to be rezoned from R-1a to R-2:

Beginning at the northwest corner of the tract of land surveyed by Professional Surveyors titled, 'Lands of Anne W. Proctor et als.', July 29, 1993. Said point being the northeast corner of the lot owned by M.V. Remskofsky, Deed Books, 532 page 515 and 600 page 219. Said point also being at the south edge of Boys camp Road. From this point follow the edge of said road south 89 degrees 55 min. 54 sec. east, 50.93 feet; thence south 76 deg.28 min. 04 sec, 65.29 feet; thence south 81 deg. 47 min. 49 sec. east , 52.61 feet; thence north 89 deg. 30 min. 13 sec. east, 45.97 feet; thence north 85 deg. 24 min. 13 sec. east, 56.37 feet; thence north 81 deg. 01 min 12 sec. east, 101.5 feet; thence north 78 deg. 53 min. 14 sec. east, 74.85 feet; Thence leaving said road south 8 deg east, 726.12 feet to a point at the edge of Lake Lure; thence with the shoreline of Lake Lure, north 82 deg 41 min. 13 sec. west, 69.97 feet; north 80 deg 2min. 1 sec west, 63.27 feet; thence north 83 deg. 32 min. 21 sec. west, 76.12; thence south 88 deg 27 min. 08 sec. west, 15.94 feet; thence south 87 deg. 38 min. 24 sec. west, 78.11; thence north 84 deg 18 min. 43 sec. west, 49.87 feet; thence south 80 deg. 4min. 8 sec. west, 56.56 feet; thence south 85 deg. 55min. 28 sec. west, 55.31; thence south 74 deg. 23 min. 18 sec. west, 72.76 feet; thence south 79 deg. 58 min. 38 sec. west, 50.09 feet; thence north 74 deg. 48 min. 7 sec. west, 82.09 feet to a point, said point being the southeast corner of the Chimney Rock Baptist Church Property; thence with said church north 6 deg 21 min. 29 sec. east, 20.00 feet to an iron pin. thence with said church property line north 6 deg. 21 min. 29 sec east, 215.87 feet to an iron pin, thence 6 deg. 21 min. 29 sec. east, 30.00 feet to an iron pin; thence north 78 deg. 08 min 31 sec. west, 72 feet to an iron pin; thence north 6 deg. 01 min. 29 sec. east, 198.86 feet to an iron pin; thence north 55 deg. 32 min. 36 sec. east, 63.65 feet to an iron pin, said iron pin is the southern most point of the M.V. Remiskofsky parcel; thence north 24 deg 38 min. 34 sec. east, 199.99 feet to an iron pin; thence north 24 deg. 38 min. 34 sec. east, 3.18 feet to the point and place of beginning.

Said tract containing 9.33 acres more or less. Being the same land listed on Tax map 519, lots 39 and 40.

Pine Gables Cottages
Boys Camp Road
Lake Lure, NC 28746
(704) 625-8811 or(704) 625-2686

To:Town of Lake Lure
Mayor and Board of Commissioners

Re: Supplement to Petition for Change in Zoning
October 17, 1994

Description of lands to be rezoned

Outside metes and bounds of parcel submitted to be rezoned from R-1a to R-1d:

Beginning at the northeast corner of the tract of land surveyed by Professional Surveyors titled, 'Lands of Anne W. Proctor et als.', July 29, 1993. Said point being a 'PK' nail at the intersection of Boys Camp Road and Sheridan Lane. From said nail go south 20 deg. 08 min. 29 sec. east, 70.42 feet to a point on the west edge of Sheridan road and continuing with edge of said road the next nine calls; south 13 deg. 33 min. 10 sec. east, 90.87 feet; south 8 deg. 52 min. 27 sec. east, 116.51 feet; south 20 deg 26 min. 19 sec. east, 101.51; South 23 deg. 31 min. 06 sec. east, 95.86 feet; south 15 deg. 18 min. 16 sec. east, 60.22 feet; south 17 deg. 13 min. 24 sec. west, 56.09 feet; south 26 deg. 36 min 21 sec. west, 71.25 feet to an iron pin; thence south 26 deg 36 min. 21 sec. west, 133.00 feet to an iron pin; thence south 28 deg. 21 min. 29 sec. west, 90.00 feet to an iron pin; thence south 28 deg. 21 min. 29 sec. west, 37.00 feet to a point at the shoreline of Lake Lure; Thence with the shoreline the next three calls: north 54 deg. 42 min. 20 sec. west, 45.94 feet; north 69 deg. 59 min. 20 sec. west, 55.6 feet; north 69 deg. 14 min 56 sec. west, 67.68 feet; thence leaving said shoreline north 8 deg. west, 726.12 to a point at the south edge of Boys Camp Road and continuing with said edge of road the following three calls: North 77 deg. 34 min. 48 sec. east, 133.10 feet; north 74 deg. 45 min. 29 sec. east, 87.20 feet; north 71 deg. 30 min. 57 sec. east, 58.26 feet to point and place of beginning.

Said tract containing 5.38 acres more or less. Being the same tract of land list as Tax map 519, lots 37 and 38.

Dine Gables Cottages
Boys Camp Road
Lake Lure, NC 28746
(704) 625-8811 or (704) 625-2686

To: Town of Lake Lure
Mayor and Board of Commissioners

Re: Supplement to Petition for Change in Zoning
October 17, 1994

Owners of land submitted for rezoning:

Mr. and Mrs. Francis C. Proctor
Boys Camp Road
P.O. Box 396
Lake Lure, NC 28746
(704) 625-2686

Mr. and Mrs. Francis C. Proctor, Jr.
1616 Biltmore
Charlotte, NC 20207
(704) 332-6669

James Robert Proctor
Boys Camp Road
P.O. Box 384
Lake Lure, NC 28746
(704) 625-8811