



# Town of Lake Lure

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Incorporated 1927

## MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, OCTOBER 22, 1996, 7:30 P.M. AT THE MUNICIPAL CENTER

**PRESENT:** Mayor Max E. Lehner  
Commissioner Bill Bush  
Commissioner Carolyn Cobb  
Commissioner Beth Rose

John R. Strutner, Town Manager  
Chris Callahan, Town Attorney

**ABSENT:** Commissioner Bud Schichtel

### CALL TO ORDER

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

### INVOCATION

Town Attorney Chris Callahan gave the invocation.

### AUDIENCE OF CITIZENS

No persons wished to speak under Audience of Citizens.

### APPROVAL OF MINUTES Meeting of October 8, 1996

Commissioner Cobb moved, seconded by Commissioner Bush, to approve the minutes of the October 8, 1996 regular Council meeting as written and presented by the Town Clerk. The vote of approval was unanimous.

### OLD BUSINESS:

There was no old business for discussion.

**NEW BUSINESS:**  
**a. Amend Use Policies for Community Hall**

Commissioner Bush moved, Seconded by Commissioner Cobb, that the Town Policy Governing Usage of and Rental Fees Charged for the Pavilion, Community Center and the Municipal Center's Community Hall be amended by adding the following:

The Council Chamber, which is directly adjacent to the Community Hall, is not considered to be part of the Community Hall and as such it is not typically rented for use. The primary use of the Council Chamber shall be for regular and special meetings of Town Council, various Town Boards and Committees, and other Town Government related meetings and functions.

Special permission to use the Council Chamber may be arranged, provided both these conditions are met:

1. The party desiring to use the Council chamber in conjunction with its rental of the Community Hall shall make the desire known on the application for a use permit at the time said application is completed and filed at the Municipal Center.
2. Town Council approves the request to use its Council Chamber. (Said permission will be determined by polling the Mayor and Commissioners individually, and by telephone if necessary.)

The vote of approval was unanimous.

Commissioner Cobb moved, seconded by Commissioner Bush, to delete the section of the policy dealing with the rental of chairs at the Community Center for use at the Pavilion. The Policy shall now read that the chairs shall not be removed from the Community Center. The vote of approval was unanimous.

**INTRODUCTION OF POLICE OFFICER**

Chief Jake Gamble introduced and welcomed Darren Hodge as a newly hired Police Officer for the Town of Lake Lure. Darren worked over five years with the Rutherford County Communications Department as Dispatcher and has worked over two years with the Sheriff's Department. Darren filled the vacant position of the Lake Patrol Officer. At this time, the Police Department is fully staffed.

**NEW BUSINESS:**  
**b. Schedule Public Hearing to Consider Amendments  
to the Zoning Ordinance**

A recommendation was submitted to Council by the Lake Lure Zoning and Planning Board regarding amendments to the Zoning Ordinance and the Subdivision Ordinance. Therefore, two Public Hearings would need to be scheduled on these issues.

Council was presented with a memorandum dated October 15, 1996 from the Lake Lure Zoning and Planning Board. The Memorandum read as follows:

The Zoning and Planning Board of the Town of Lake Lure presented recommendations to the Town Council at the October meeting referring to possible amendments to the Town's Zoning Ordinance.

In that memorandum, the Zoning and Planning Board recommended the following changes:

-Change "building line" to "building foundation line" in the definition of building height in Article IV, Section 401 (pg. 3) of the Zoning Ordinance. This addition should also be made in Article VII in the first paragraph under the chart (pg. 25).

-Change "finished grade" to "average finished grade" in Article VII, the first paragraph under the chart (pg. 25) to match the building height definition on page 3.

-Delete the second sentence in Article VII, the first paragraph under the chart (pg. 25) which reads "may be exceeded only where depth of front and total width of minimum required side yards are increased one (1) foot for each additional foot of building height".

The Zoning and Planning Board also recommend changes to the Town's Sign Regulations (Article XIII, pg. 59) of the Zoning Ordinance. These changes were as follows:

-"Any sign in this subsection shall not exceed a height of 16 feet" be added to Section 1311, Part 2 (pg. 72) of the above article. This addition could be entered into the Sign Regulations as Section 1311, Part 2(e).

-Delete "in existence on the date of the adoption of this ordinance" and "such date" from Section 1315, Part 3(c) (pg 77). Also, change the amortization period from three (3) years to seven (7) years in the same section.

The sentence will then read "any nonconforming sign shall either be

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**eliminated or brought into compliance within seven (7) years of the date it became nonconforming".**

**The Zoning and Planning Board respectfully recommends Lake Lure Town Council schedule a Public Hearing at its most convenient time. Signed by Dick Washburn, Chairman.**

Council was presented with a memorandum dated October 21, 1996 from the Lake Lure Zoning and Planning Board. The Memorandum read as follows:

**The Lake Lure Zoning and Planning Board recently received a petition from a developer to rezone the area located along the lake which is currently zoned R-1D. Upon review, the Board discussed possible amendments to the Zoning Ordinance. These amendments are as follows:**

**-Change the lot area requirement for the R-1D zoning district from 1 acre to 1/2 acre as required by Article VII of the Zoning Ordinance (page 25).**

**The Zoning and Planning Board feels this amendment would do several things. It would eliminate the long, narrow lots the 1 acre requirement generates, it would eliminate long, winding driveways caused by the 1 acre lots, and it would reduce the need for shared driveways (an amendment currently before the Town Council).**

**The current requirements for the R-2 and R-3 zoning requirements are as follows:**

**Single Family = 7,000'sq.  
Two Family = 9,000'sq.  
Three Family = 12,000'sq.  
Four Family = 14,500'sq.**

**-The Zoning and Planning board also recommends the following change to the R-2 and R-3 zoning districts:**

**Single Family = 14,000'sq.  
Two Family = 18,000'sq.  
Three Family = 24,000'sq.  
Four Family = 29,000'sq.**

**The zoning and Planning Board feels the 7,000'sq, (.17 acre) lot is too small for a single family dwelling and the same for the other dwellings mentioned above. The amendment simply doubles the original size of the lots.**

**Furthermore, it has been discovered that the North Carolina General Statute 160A-364 states that any adoption or amendment to any ordinance concerning zoning, subdivision**

regulation, historic districts, historic properties, minimum housing codes, or other regulatory ordinances require a public hearing. The Town of Lake Lure does require a Public Hearing when amending the Zoning Ordinance, but does not require a public hearing for amendments to the subdivision Regulations.

-In order to be consistent with GS 160A-364, the Zoning and Planning Board recommends Article XIV, Section 1404 of the Zoning Ordinance be copied to Article IX, Section 900 of the Subdivision Regulations.

The Zoning and Planning Board respectfully submits these recommendations to the Lake Lure Town Council. Please schedule a public hearing for these recommendations along with those recommendations previously submitted. Signed by Dick Washburn, Chairman.

Council was presented with a Memorandum dated October 4, 1996 from the Zoning and Planning Board. The memorandum read as follows:

**Present Wording:** Private Drive - a private access serving no more than one (1) lot and not intended to be a public ingress or egress. Private drives are not intended to provide direct access from one lot or building site to a publicly or privately dedicated and maintained street.

The above definition can be found Article V, Section 500 (page 4) of the Subdivision Regulations for the Town of Lake Lure.

**Recommended Change:** A private access not intended to be a public ingress or egress. No private drives shall serve more than one lot, except as otherwise provided in this ordinance.

**Recommended Addition to Article VII, Section 705 (page 22):**

Section 705. Private Drives

Driveways may serve more than one residential lot provided that each residential lot fronts a public or private street. These driveways will not be maintained by the Town of Lake Lure.

**Change the remaining section numbers as follows:**

Section 706. Street Names

Section 707. Surveying and Placement of Monuments

Section 708. Preparation of Plans by a Registered Surveyor or Engineer

This amendment would provide access to more than one lot. Due to the steep

terrains, it is sometimes difficult for a developer to provide each lot with a driveway. This amendment would give the developer options and still maintain public safety.

The Zoning and Planning Board respectfully submits this recommendation to the Town Council. Signed by Dick Washburn, Chairman.

Therefore, Commissioner Bush moved, seconded by Commissioner Rose, to hold two Public Hearings Tuesday, November 26, 1996, 7:30 p.m. at the Municipal Center to consider amendments to the Zoning Ordinance regarding changes to building and sign height and also changes in lot size for R-1D, R-2, and R-3 Zoning districts as recommended by the Zoning and Planning Board and the second Public Hearing to consider amendments to the Subdivision Ordinance regarding the private driveway definition. The vote of approval was unanimous.

**NEW BUSINESS:**

**c. Discuss Board Appointment -- Lake Advisory Committee**

Mayor Lehner read a letter of resignation submitted by Dick Weaver, member of the Lake Advisory Committee. The letter read as follows:

**Dear Mr. Mayor:**

As you are aware, my travel schedule has made it impossible for me to attend more than a few Lake Advisory Committee meetings over the last year or so. Additionally, I will be leaving Lake Lure permanently this next summer.

Under these circumstances, I think that it is appropriate for me to respectfully tender my resignation from the Committee to you and Chairman Washburn. I do so with regret, but also with many thanks to you both for your patience and goodwill.

Over the past few years, I have been very proud of my relationship with you, Bob, the Town council and the Lake Advisory Committee. Without your leadership and dedicated efforts Lake Lure would not be the kind of place it is today.

I particularly want to thank and commend Bob Washburn for the brilliant way he has performed his duties as Chairman of the Lake Advisory Committee. I have found Bob to be very patient and judicious in drawing out the very best from his Committee. All of us in Lake Lure are fortunate to be beneficiaries of his dedicated service and leadership.

Thank you again for this opportunity to serve on this special association.  
Respectfully, Dick Weaver.

Mayor Lehner announced that this vacancy will be discussed at the Tuesday, November

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12, 1996 Council meeting and urged all citizens interested to submit an application for the Committees in which they are interested in becoming a member.

Commissioner Bush recommended that an article be placed in the November Issue of the Lake Lure Newsletter regarding the vacancy on the Lake Advisory Committee and urging all interested parties to come into the Municipal Center and submit an application.

**NEW BUSINESS:**  
**d. Other New Business**

Mayor Lehner presented a proposal to Council to dispose of an unbuildable lot at Fairfield Mountains at a price not less than \$1,500 to avoid \$650 in membership dues if the property is sold by January, 1997. Therefore, Commissioner Cobb moved, seconded by Commissioner Bush, that the Town Manager and Town Attorney dispose of the property in the most expeditious and appropriate legal manner. The vote of approval was unanimous.

Council received a request from Martha Jane Powers requesting a donation of \$600 towards the December 1, 1996, Annual Children's Christmas Party. This item was budgeted for in the 1996-97 budget. Council unanimously requested that Martha Jane Powers provide the Town accounting of how the money is spent.

Commissioner Cobb then moved, seconded by Commissioner Rose, to donate \$600 as budgeted, to the Annual Children's Christmas Party. The vote of approval was unanimous.

**STAFF REPORTS**

Town Manager Strutner reported that all Town full-time positions have been filled except for the Zoning Administrator. Britt Bernhardt, Interim Zoning Administrator, has changed his working hours with the Town to 9:00 a.m. until 4:30 p.m. Mondays and Wednesdays.

Town Manager Strutner reported that the Town was visited by FEMA Damage Survey Inspectors last week and found \$484,473.13 of potential and reimbursable expenses to the Town. Mr. Strutner also was notified later Tuesday afternoon by one of FEMA's officials that federal disaster relief money in the amount of \$400,000 federal money would be made available to help pay for removal of silt which slid into the lake from the September 4-5 flood. However, Mr. Strutner emphasized that this statement was verbal and not written and he is currently awaiting written confirmation and clarification on the funding.

The Town allocated approximately \$454,000 in the 1996-97 budget for silt removal. However, due to the flood, the size of the project has nearly doubled. The project has been on hold until the Town received word from FEMA as to whether or not they would contribute.

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Based on advice from federal officials, Mr. Strutner is now working on finding an engineering firm to oversee the entire project. The lake must be drawn approximately 16 feet before the silt removal begins. Therefore, as voted upon by Council earlier in the year, the lake will slowly begin lowering November 1, 1996.

Once written approval and notification is provided Council unanimously agreed that a special Council meeting would be held accordingly.

Mr. Strutner gave special thanks to the State and Federal Legislators for their help in this matter.

**COUNCIL COMMENTS**

Commissioner Bush noted that the cove and beach area at Lake Lure Village Resort has sustained damage from the flood and needs inspection.

Commissioner Rose requested an update on debris removal. Town Manager Strutner reported that anyone having debris should call Town Hall and help us identify the property by giving their lake certification tag number or nearest manhole number.

**ADJOURNMENT**

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



*Anita H. Taylor*  
Anita H. Taylor, CMC/AAE  
Deputy Town Clerk

*Max E. Lehner*  
Mayor Max E. Lehner