



Incorporated 1927

# Town of Lake Lure

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

## MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, NOVEMBER 26, 1996, 7:30 P.M. AT THE LAKE LURE MUNICIPAL CENTER

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

J. Christopher Callahan, Town Attorney  
John R. Strutner, Town Manager  
Sam Karr, Finance Director

**ABSENT:** Commissioner Bud Schichtel

### CALL TO ORDER

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

### INVOCATION

Town Attorney Callahan gave the invocation.

### AUDIENCE OF CITIZENS

The following persons requested to speak under audience of citizens:

1. Charles Ross, a resident on Boy's Camp road, thanked the Town for the cleanup of debris in his cove which was caused by the recent flood in September 1996. Mr. Ross said that property owners should help do their own work as well. Ross asked what are the Town's future plans for cleaning up debris on the lake and plans for dredging silt?

**Page 2 - Minutes of the November 26, 1996 Regular Council Meeting**

Town Manager Strutner said that the Town crews have been continuing to pick up debris around the lake on an ongoing basis. Mr. Strutner also stated that he will be giving a report on sedimentation removal which addresses the future plans for dredging the lake.

2. Rick Coley, president of Lake Lure Tours, told Councilmembers that he had delivered this year's final payment of concession fees to the Town. Coley explained that while the existing concession agreement does not expire until March 31, 1997, there are a number of reasons why he, or any other operator of the boat service, would want to have a contract before proceeding. Coley requested that Councilmembers consider the renewing the Tour Boat Concession agreement at the December Town meeting so that needed repairs could be made during the months of January and February. The planning and marketing efforts required for any business would require a reasonable amount of lead time before the season starts in order to avoid interfering with the cooperative marketing efforts of the tour boats with other attractions and businesses in the area. Second, there are some much needed repairs and modifications to the boat dock which should be done before the lake level is brought back up. The dock is very high above the lake at full pond level which creates a potentially dangerous situation when passengers are getting on and off the boats. Coley explained that he has addressed the above mentioned reasons and others in his proposal for renewal of the tour boat service (proposal submitted to the Town Manager for distribution to Councilmembers just prior to this meeting).

Mayor Lehner stated that this matter had been referred to the Lake Advisory Committee for their recommendations and Council would like to hear their report prior to the advertising of the concession. Lehner said that Councilmembers will review the proposal for renewal of the Tour Boat Service Concession agreement and the Lake Advisory Committee recommendations before making a decision to place it on the Agenda for the December or January meeting.

<b>APPROVAL OF MINUTES</b>
----------------------------

Commissioner Bush moved, seconded by Commissioner Cobb, to approve the minutes of the Tuesday, November 12, 1996 Regular Council meeting as written and presented by the Clerk. The vote of approval was unanimous.

**Public Hearing -- Proposed Amendments to the Town of Lake Lure Zoning Ordinance to Amend Section 401. Definitions; Section 605. R-3 Resort Residential District; Article VII. Building Site Dimensional Requirements; Section 1311. Signs Permitted and Regulated; and Section 1315. Permits, Fees, Nonconforming Signs, and Enforcement**

Notices of the Public Hearing were duly given within the legal classified advertising section of the Forest City Daily Courier.

Commissioner Rose moved, seconded by Commissioner Bush, to enter into the public hearing to receive public comments on the amendments to the proposed Zoning Ordinance No: 96-11-26 . The vote approval was unanimous.

Britt Bernhardt, Interim Zoning Administrator, reviewed the proposed amendments to the Zoning Ordinance.

ORDINANCE NO: 96-11-26

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

**WHEREAS**, the Town of Lake Lure Zoning and Planning Board, upon thorough review of the Zoning Ordinance, has recommended amendments regarding zoning regulations;

**AND WHEREAS**, The Lake Lure Town Council, after due notice, conducted a public hearing on the 26th day of November 1996, upon the question of amending the Zoning Ordinance in this respect;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF 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 IV: Interpretation and Definitions of the Zoning Ordinance of the Town of Lake Lure, North Carolina by changing the definition of Building Height in Section 401 by adding "foundation" between the words "building" and "line".

**SECTION TWO(A):** To amend Article VII: Building Site Minimum Dimensional Requirements of the Town of Lake Lure Zoning Ordinance by adding "average" before "finished" in the first sentence under the minimum dimensional requirement chart.

**Page 4 - Minutes of the November 26, 1996 Regular Council Meeting**

**SECTION TWO(B):** To amend Article VII by deleting the second sentence in the first paragraph under the minimum dimensional requirement chart.

**SECTION TWO(C):** To amend Article VII by deleting the minimum dimensional requirement chart and replacing it with the following:

ZONING CLASSIFICATION	LOT AREA (a)	LOT WIDTH AT BLDG. SITE (b)	FRONT YD. SETBACK (c)	SIDE YARD SETBACK	REAR YD. SETBACK (d)	REAR YD. OPEN SPACE % OF LOT (e)
R-1	10,000 sf	100 ft	35 ft	12 ft	15 ft	30%
R-1A	2 acres	100 ft	35 ft	12 ft	15 ft	30%
R-1B	1 acre	100 ft	35 ft	12 ft	15 ft	30%
R-1D	.5 acre	100 ft	35 ft	12 ft	15 ft	30%
R-1C	.5 acre	60 ft	20 ft	12 ft	15 ft	20%
R-2/R-3 Single Fam.	14,000 sf	60 ft	25 ft	7 ft	10 ft	20%
Two Family	18,000 sf	70 ft	25 ft	8 ft	10 ft	20%
Three Fam.	24,000 sf	85 ft	20 ft	10 ft	12 ft	20%
Four Family	29,000 sf	100 ft	20 ft	12 ft	12 ft	25%
R-4	10,000 sf Max. Bldg. Size for Office = 3,000 sf h.a.		35 ft	12 ft	15 ft	
C-1	.5 acre		35 ft	12 ft	15 ft	

**SECTION THREE(A):** To amend Article VI: Use Requirements by District, Section 605. R-3 Resort Residential District of the Town of Lake Lure Zoning Ordinance by adding "resort management organizations" after "lodges" in the last sentence of subsection (1).

**SECTION THREE(B):** To amend Article VI, Section 605 by adding "child care facilities" after "golf courses" AND by adding "resort management organizations" after "lodges" in subsection(3)(e).

**SECTION THREE(C):** To amend Article VI, Section 605 by adding an additional sentence to subsection (3)(e) which reads "Child care facilities are for the exclusive use of residents, employees, and guests of such facilities.

**SECTION FOUR(A):** To amend Article XIII: Sign Regulations, Section 1311. Signs Permitted and Regulated of the Town of Lake Lure Zoning Ordinance by adding a subsection (2)(e) which reads "Any sign in this subsection shall not exceed a height of 16 feet".

**SECTION FOUR(B):** To amend Article XIII, Section 1315. Permits, Fees, Nonconforming Signs, and Enforcement of the Town of Lake Lure Zoning Ordinance by deleting "in existence on the date of adoption of this ordinance" AND by changing (3) years to (7) years in subsection (3)(c).

**Page 5 - Minutes of the November 26, 1996 Regular Council Meeting**

SECTION FIVE: 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 SIX: This ordinance shall be effective upon its adoption.

Adopted this the 26th day of November, 1996

---

Mayor

ATTEST:

---

Town Clerk

APPROVED AS TO FORM:

---

Town Attorney

Mayor Lehner invited citizens who wanted to speak during the public hearing. The following citizens requested to speak:

1. William Breen, Lake Lure Real Estate, said that he was in favor of the proposed amendments. Breen thanked the Zoning and Planning Board for all of their efforts.
2. Jim Proctor, a Lake Lure Resident, asked if the proposed changes would affect the arcade building if he decided to add to the existing structure?

Interim Zoning Administrator Britt Bernhardt told that the arcade building was grandfathered, but in the event further expansion of the building occurred, a variance would be required.

3. Chuck Early, Lake Lure Pearson Real Estate, asked for a clarification regarding the change "building line" to "building foundation line" in the definition of building height in Article IV, Section 401 and in Article VII?

Berhardt explained that the word foundation was added to clarify where the building line is located. The definition meaning will not change.

**Page 6 - Minutes of the November 26, 1996 Regular Council Meeting**

Commissioner Rose requested that a clarification be made in the definition explaining how to measure the "average finished grade" in Article VII and where the buildings foundation line is in regard to building height in Article IV.

Mayor Lehner requested that Councilmembers consider tabling the proposed amendments to section three (c), article VI, section 605, (3)(e) regarding "child care facilities" for further discussion in order that Commissioner Schichtel may voice his opinion on this amendment at another meeting.

With no further items of discussion, Commissioner Cobb moved, seconded by Commissioner Rose, 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 Cobb, to adopt the proposed amendments to the Zoning Ordinance No: 96-11-26 as written with the following noted changes:

1. **Clarifying the definition explaining how to measure the "average finished grade" in section two (a), article VII as recommended by Town Attorney Callahan including an example.**
2. **Table the proposed amendments to section three (c), article VI, section 605, (3)(e) regarding "child care facilities" for further discussion at another meeting.**

The vote of approval was unanimous.

<p>Public Hearing -- Proposed Amendments to the Town of Lake Lure Subdivision Regulations to Amend Section 500. Definitions; Section 705. Street Names; Section 706. Surveying and Placement of Monuments; and Section 707. Preparation of Plans by a Registered Surveyor or Engineer</p>
---

Notices of the Public Hearing was duly given within the legal classified advertising section of the Forest City Daily Courier.

Commissioner Bush moved, seconded by Commissioner Cobb, to enter into the public hearing to receive public comments on the proposed Ordinance No: 96-11-26 A amendments to the Lake Lure Subdivision Regulations. The vote of approval was unanimous.

Britt Bernhardt, Interim Zoning Administrator, reviewed the proposed Ordinance amendments to the Subdivision Regulations.

**Page 7 - Minutes of the November 26, 1996 Regular Council Meeting**

Mayor Lehner invited citizens who wanted to speak during the public hearing. No one requested to speak during the public hearing.

Commissioner Bush suggested looking into the possibility of advertising public hearings in the Hendersonville Times newspaper.

With no further items of discussion, Commissioner Bush moved, seconded by Commissioner Rose, 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 Cobb, to adopt the following Ordinance No: 96-11-26 A amending the Lake Lure Subdivision Regulations as written. The vote of approval was unanimous.

ORDINANCE NO: 96-11-26 A

**AN ORDINANCE AMENDING THE SUBDIVISION REGULATIONS  
OF THE TOWN OF LAKE LURE**

**WHEREAS**, the Town of Lake Lure Zoning and Planning Board, upon thorough review of the Subdivision Regulations, has recommended amendments regarding subdivision regulations;

**AND WHEREAS**, The Lake Lure Town Council, after due notice, conducted a public hearing on the 26th day of November 1996, upon the question of amending the Subdivision Regulations of the Town of Lake Lure in this respect;

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

**SECTION ONE:** To amend Article V: Definition and Terms, Section 500. Definitions by deleting "serving no more than one lot and" from the definition of Private Drive. This definition will be further amended by adding "No private drives shall serve more than one lot, except as otherwise provided in this ordinance." as an additional sentence.

**SECTION TWO:** To amend Article VII: General Requirements, Section 707. Preparation of Plans by a Registered Surveyor or Engineer by changing the section number from 707 to 708.

**SECTION THREE:** To amend Article VII, Section 706. Surveying and Placement of Monuments by changing the section number from 706 to 707.

**Page 8 - Minutes of the November 26, 1996 Regular Council Meeting**

SECTION FOUR: To amend Article VII, Section 705. Street Names by changing the section number from 705 to 706.

SECTION FIVE: To create a new Article VII, Section 705. Private Drives. New section shall read "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.

SECTION SIX: To amend Article IX: Amendments, Section 900. Amendment Procedures by adding a new paragraph that reads as follows:

Before enacting an amendment to this ordinance, the Town Council shall hold a public hearing. A notice of such public hearing shall be published in a newspaper of general circulation in Rutherford County once a week for two (2) successive weeks, the first publication shall not appear less than ten (10) days or more than twenty-five (25) days prior to the fixed date for the public hearing. In computing such period, the day of publication is not to be included, but the day of the hearing shall be included. The notice shall include the time, place, and date of the hearing, and include a description of the property or nature of the change or amendment to the ordinance and/or map.

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

SECTION EIGHT: This ordinance shall be effective upon its adoption.

Adopted this the 26th day of November, 1996

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Town Attorney



**OLD BUSINESS**

**a. Other Old Business**

There was no other old business for discussion.

**NEW BUSINESS**

**a. Auditor's Report**

Town Auditor Robert C. Koone reviewed and answered questions regarding the Town of Lake Lure's audit report for the Fiscal Year 1995-96.

Auditor Koone recommended that the Town should continue to upgrade the fixed asset system to ensure that all fixed asset records are as accurate as possible. He explained that although the Town has improved its use of the purchase order system, the system should continue to be monitored to see that the system continues to work as designed. Koone also reported that the fund balance of the General Fund has been declining over the past few years, and the Enterprise Funds have seen increases in their fund balances. This can be somewhat misleading if looking at the funds in total, instead of on a fund by fund basis. He said that each fund should be evaluated independently, and to the fullest extent possible, be self-supporting. Koone told that Lake Lure is unique from other Towns, in that the Electric Power Facility has for years provided much of the needed revenue to enable the Town to provide many of the services that it currently provides its citizens. Due to the fact that, the lake is being lowered in the upcoming year for an extended period of time, and the fact that utility companies are looking to improve profits, the amount of revenue available from the Electric Power Facility next year and in future years will be less than the current rate. Koone suggested that the Town plan for ways to enable the General Fund to be self supporting (to the fullest extent possible).

The Town's Ad Valorem tax collection rate was 97.59% for the Fiscal Year 1995-96. Town Manager Strutner and Councilmembers commended the tax collector for this exemplary collection rate.

Commissioner Bush questioned how could the Town improve the Town's purchase order system? Koone said that the Town needed to get department heads more involved in filling out the appropriate paper work before making purchases.

Strutner said that the Town was in the process of upgrading the current computer software (March 1997) to include upgrades for both the purchase order program and fixed asset program. Isothermal Planning Commission Development (IPDC) will be assisting in updating the current fixed asset records.

**Page 10 - Minutes of the November 26, 1996 Regular Council Meeting**

Commissioner Bush asked if there was anything that the Town could do to prevent receiving another letter from the State regarding the fund balance?

Mayor Lehner suggested that with the advice of the Town Manager and the Town Attorney looking into the possibility of adjusting some of these funds and make the appropriate transfers of these funds. Lehner asked that the Town Auditor contact the state regarding the Town's fund balance in advance in order to prevent another letter of misunderstanding.

After discussion, Commissioner Bush moved, seconded by Commissioner Rose, to approve the Fiscal Year 1995-96 Auditor's report as submitted by the Town Auditor. The vote of approval was unanimous.

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

There was no other new business for discussion.

**STAFF REPORTS**

Town Manager Strutner reported on the following:

1. Bids were solicited and received for the painting and rehabilitation of the three taintor gates at the dam. The budget estimate for this project was \$94,000. The low bidder, Bildon, Inc. of Henerdonsville, submitted a bid of \$84,486. The ordering of materials and mobilizing have begun. Bildon, Inc. expects to begin the actual work by December 15 and finish by late March.
  
2. McGill Associates have already started working on several phases of their engineering for the sedimentation removal. Aerial mapping was completed this past weekend. Several disposal sites will be surveyed for volumes tomorrow. Geotechnical investigations were undertaken today. Gary Davis, McGill's engineer assigned to this project, estimates that the topographic mapping for the sediment area and the disposal sites could be completed next week. This would mean that engineering plans could then be completed and permit applications submitted the following week. That, in turn, would allow the Town to advertise for construction bids earlier than the date of January 4, 1997 on the engineer's anticipated schedule. A special town meeting might need to be called before Christmas for the purpose of approving construction bids.

**Page 11 - Minutes of the November 26, 1996 Regular Council Meeting**

3. Because the sedimentation removal is akin to a construction project and will be in excess of \$100,000, that portion of this project will be subject to the formal bidding requirements of the NC General Statutes.
4. McGill Associates have already held discussions with the Corps of Engineers and have been contacting various potential contractors to advise of this upcoming project.
5. The amount of sediment is approximately 210,000 cubic yards and would cover an area of 20 acres at a height of 6.5 feet, or 5 acre area at a 26 feet height.
6. Sedimentation removal will be a major focus. The dredge is only sufficient to handle small projects like along river banks. The major silt removal will be at the Harbor mouth (30 acres area).
7. Received \$14,200 from FEMA for engineering costs leaving the Town responsible for a balance of \$13,300. Engineering costs totalled \$47,500. FEMA came up with over \$34,000 (9% of the project cost).
8. Requested that Council approve an additional thirty days extension on leaving the lake down to its lowest level so that the exposed sediment could dry for a minimum of 30 days (until January 1), and even longer if possible.

After discussion, it was the consensus of Council to approve an additional thirty days extension on leaving the lake down (until March 31, 1997 or longer if needed) and to place an article in the Lake Lure newsletter announcing the changed date of raising the lake level back to its normal level.

<b>COUNCIL COMMENTS</b>
-------------------------

Mayor Lehner read aloud a letter received from Bee Maxwell on November 22, 1996. Mr. Maxwell, a Lake Lure resident, commended Officer Steve Thorn for assisting him when his car had slipped off into a ditch after an attempt to pull off the road on 64/74-A. Maxwell stated that "it is a good feeling to know we have a policeman of his fine caliber on the Lake Lure Police force".

Mayor Lehner read another letter received from G. A. Palmer of Georgia, who had recently vacationed in Chimney Rock and lost the keys to his jeep. Mr. Palmer said that he was

**Page 12 - Minutes of the November 26, 1996 Regular Council Meeting**

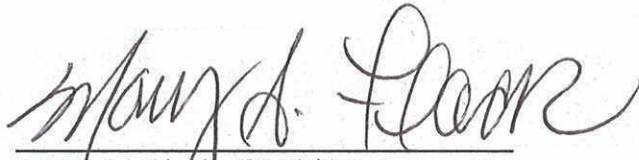
stranded with no way to Asheville to his hotel. Officer Thorn started and organized a "tri-county relay" back to Asheville. Palmer commended Officer Thorn for being very understanding, friendly and above all a professional! He said that it's guys like that which today that gives "COPS" a good name.


**ADJOURNMENT**

With no further items of discussion, Commissioner Rose moved, seconded by Commissioner Bush, to adjourn the meeting at 8:50 p.m. The vote of approval was unanimous.

ATTEST:



  
\_\_\_\_\_  
Mary A. Flack, CMC/AAE  
Town Clerk

  
\_\_\_\_\_  
Mayor Max E. Lehner