



Town of Lake Lure

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Incorporated 1927

MINUTES OF THE RECESSED REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD FRIDAY, AUGUST 28, 1998, 9:00 A.M. AT THE LAKE LURE MUNICIPAL CENTER

PRESENT: Mayor Jack Powell
Commissioner Carolyn Cobb
Commissioner Beth Rose
Commissioner Gene Sheffield
Commissioner Jack Stanier

Chuck Place, Zoning Administrator
John R. Strutner, Town Manager

ABSENT: N/A

CALL TO ORDER

Mayor Powell called the meeting to order at 9:00 a.m.

INVOCATION

Commissioner Cobb gave the invocation.

AGENDA ITEMS

Mayor Powell requested the Town Manager's contract be added to the agenda for discussion. Commissioner Sheffield moved, seconded by Commissioner Rose, to add the Town Manager's contract to the agenda. Commissioners Sheffield and Rose voted in favor of the motion. Commissioners Cobb and Stanier voted against the motion. Mayor Powell voted in favor of the motion in order to break a tie vote, therefore the motion passed with a three to two vote of approval.

In addition, Mayor Powell asked for a motion to add a proposal regarding moorings from Paul Nealon, President of the Fairfield Mountains Property Owners Association to the agenda. Commissioner Cobb moved, seconded by Commissioner Rose to add an item on the agenda regarding the proposal submitted from Paul Nealon, President of the Fairfield Mountains Property Owners Association. The vote of approval was unanimous. (Copy of memo attached).

**PROPOSAL FROM THE FAIRFIELD MOUNTAINS PROPERTY OWNERS
ASSOCIATION REGARDING MOORINGS**

Commissioner Cobb requested the proposal from the Fairfield Mountains Property Owners Association be delayed until the next regular Town Council meeting on September 15, 1998, because of the inability to cover this item today. After discussion, Commissioner Cobb moved, seconded by Commissioner Rose, to table the proposal from the Fairfield Mountains Property Owners Association until the next regular Town Council meeting on September 15, 1998. The vote of approval was unanimous.

TOWN MANAGER'S CONTRACT

Commissioner Rose moved, seconded by Commissioner Sheffield, that the employment of John R. Strutner as Town Manager be terminated under the provisions of Section III (a) of the employment contract of record between the Town of Lake Lure and John R. Strutner dated November 29, 1994. Commissioner Rose further moved, seconded by Commissioner Sheffield, that this termination become effective at the close of the Municipal Center office hours today, Friday, August 28, 1998 and that in accordance with the provisions of Section III (a), this Town Council directs that Mr. Strutner's services will cease after the close of the Municipal Center office hours on Monday, August 31, 1998 and that he be compensated by a lump-sum payment under the severance pay provisions of the employment contract plus any accrued vacation time. Commissioners Rose and Sheffield voted in favor of the motion. Commissioners Cobb and Stanier voted against the motion. Mayor Powell voted in favor of the motion in order to break a tie vote, therefore the motion passed with a three to two vote of approval.

Mayor Powell stated he regrets it has come to this event. Powell announced both he and John R. Strutner had put together for distribution a news release which will be available at the end of this meeting. (Copy of news release attached).

Mr. Strutner said that all Council members concurred with this press release. He thanked Commissioners Cobb and Stanier for their vote. Strutner also thanked former Mayor Max Lehner, former Commissioner Bill Bush, and those in the community for their support.

NEW BUSINESS

a. Discuss & Schedule a Public Hearing on Lake Structures Ordinance Revisions

Mayor Powell stated the purpose of this recessed meeting and explained that it was not a public hearing. Powell said citizens will be given an opportunity to speak at the public hearing on September 15, 1998 regarding the draft Lake Structures regulations.

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Powell accepted a petition submitted from Edward R. Dittmer regarding boat house structures. (Petition attached). Powell asked the Town Clerk to make copies of the petition for each Council member.

Lake Advisory Board members were invited to share their input with regards to the proposed draft Lake Structures regulations.

Bob Washburn, Lake Advisory Board Chairman, said the Lake Structures regulations was drafted by the Zoning Administrator and a group of individuals from various boards including: the Lake Structure Appeals Board; Lake Advisory Board; Zoning/Planning Board; and Town Council. Washburn cautioned Town Council not to rush into adding powerful sections to this ordinance. He explained a lot of thought went into the original ordinance. He asked Council members to review the wording carefully in regards to floating docks (particularly requirements of making them visible at night) and look at enforcement problems. Also, Washburn asked Town Council to review what is going on at the Lake Lure beach. Washburn said the Town is a resort area and there are a lot of people coming into this area the latter part of August specifically to enjoy the lake. He said there are individuals coming into the Chamber of Commerce complaining about the beach being closed. Washburn asked Council to consider keeping the beach open longer.

Mayor Powell said the Town has recognized the problem of the beach being closed and is currently looking into this matter.

Council members were asked to review a revised draft (August 20, 1998) of the Lake Structures Regulations Ordinance and give their input. (copy of revised draft ordinance attached).

Council recessed the meeting at 10:30 a.m. for a ten minute break and then continued the meeting.

Commissioner Rose moved, seconded by Commissioner Cobb, to table the proposed section 94.14 (Commercial Marinas) of the draft Lake Structures regulation until further study has been made. The vote of approval was unanimous.

Council agreed to make the following changes to the draft Lake Structures Regulations Ordinance:

1. Delete the definition of Commercial Marina, page 2, under section 94.02.
2. Revise the wording in the fourth sentence, page 6, under section 94.05 G to read:

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Anchorage for swimming floats shall be of galvanized steel cables **or equivalent** secured to reinforced concrete anchorage vertically below on the lake bottom.

3. Revise the wording in the first sentence, page 7, under section 94.05 L to read:

Swimming floats shall be no greater than 64 square feet in size and have white reflectors or lights affixed to both sides of each corner ~~so that the float is visible at night under all conditions.~~

4. Revise the wording in the first sentence, page 9, under section 94.10 to read:

All electrical wiring and fixtures **and all plumbing** must be inspected and approved by the County Building Inspector.

5. Delete section 94.14 (Commercial Marinas), page 11 and renumber the remaining sections

It was the consensus of Town Council to allow properly constructed toilet facilities in lake structures.

Commissioner Rose said she would like to submit for consideration under section 94.16 (Variances), that the sentence "A variance from the maximum height of structures may not be considered" to read as follows: **"A variance from the maximum height of structures may be considered by presenting a variance request to the Lake Structures Appeals Board for their determination."**

After discussion, Commissioner Cobb moved, seconded by Commissioner Stanier, to approve the Zoning/Planning Board's recommendation to accept the draft with the deletion of the sentence in section 94.15 (A) prohibiting height variances and inclusion of a new provision to allow administrative approval of structures above the 15' height limit, provided they meet specific standards and do not obstruct the view of neighbors. Commissioners Cobb and Stanier voted in favor of the motion. Commissioners Sheffield and Rose voted against the motion. Mayor Powell voted against the motion in order to break a tie vote, therefore the motion did not pass with a vote of three to two.

Mayor Powell stated that he would be in favor of the motion to approve the Zoning/Planning Board's recommendation, if the original motion was amended to adopt a concept and request the Zoning Administrator and Zoning/Planning Board to develop standards and bring them back to Council for consideration.

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Commissioner Cobb moved, seconded by Commissioner Stanier, to amend the original motion as follows:

1. Approve the Zoning/Planning Board's recommendation to accept the draft with the deletion of the sentence in section 94.15 (A) prohibiting height variances and inclusion of a new provision to allow administrative approval of structures above the 15' height limit, provided they meet specific standards and do not obstruct the view of neighbors; and
2. Request the Zoning Administrator and Zoning/Planning Board to develop standards and bring them back to Council for consideration.

Commissioners Cobb and Stanier voted in favor of the motion. Commissioners Rose and Sheffield voted against the motion. Mayor Powell voted in favor of the motion in order to break a tie vote, therefore the motion passed with a three to two vote of approval.

Zoning Administrator Chuck Place presented draft language for section 94.16 (E). Place recommended revising section 94.16 (E), page 13, to read:

Decisions of the Lake Structures Appeals Board shall be final unless appealed by the applicant or an affected property owner to the Town Council within 30 days of the decision. **Council shall determine if an appeal will be heard. If Council elects not to hear the appeal, the decision of the Lake Structures Appeals Board shall be affirmed. If Council elects to hear the appeal, Council shall hold a hearing on the record within 45 days of the appeal and their decision shall be final. In either case, their decision shall be final.**

Commissioner Cobb moved, seconded by Commissioner Rose, to approve the following language for section 94.16 (E) as presented by Zoning Administrator Chuck Place. The vote of approval was unanimous.

Decisions of the Lake Structures Appeals Board shall be final unless appealed by the applicant or an affected property owner to the Town Council within 30 days of the decision. Council shall determine if an appeal will be heard. If Council elects not to hear the appeal, the decision of the Lake Structures Appeals Board shall be affirmed. If Council elects to hear the appeal, Council shall hold a hearing on the record within 45 days of the appeal. In either case, their decision shall be final.

Zoning Administrator Place said that he would like to review section 94.16 (E) with the Town Attorney for appropriate language.

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Mayor Powell suggested that Zoning Administrator Place and Commissioner Rose work together on an administrative procedure policy regarding enforcement for Lake Structures violations. Powell asked that this administrative procedure not be included in the ordinance.

Powell said under section 94.99 (Penalties) D, the legality of adding the word "upland" in the following sentence would have to be determined by the Town Attorney before including it in the draft ordinance. He said the question is "can a lien be placed on the upland lot in case of a lake structure violation?"

The town shall have a lien on the **upland** property for the cost of executing an order of abatement in the nature of mechanic's and materialman's lien.

Council agreed to ask Zoning Administrator Chuck Place to make/review recommended changes with the Town Attorney to the draft Lake Structures Regulations Ordinance.

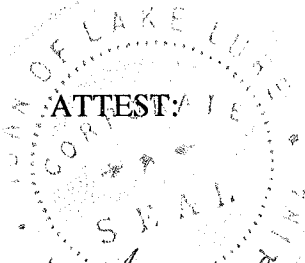
NEW BUSINESS


b. Other New Business

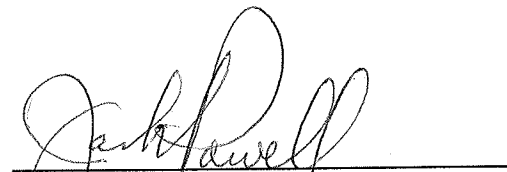
After discussion, Commissioner Rose moved, seconded by Commissioner Sheffield, to appoint Sam A. Karr as acting Town Manager effective as of the closing of the Municipal Center office hours on Monday, August 31, 1998. The vote of approval was unanimous.

RECESSED MEETING

With no further items of discussion, Commissioner Cobb moved, seconded by Commissioner Rose, to recess the Town meeting from 12:20 p.m. until Tuesday, September 8, 1998, 7:00 p.m. at the Lake Lure Municipal Center for further consideration on the Lake Structures Ordinance revisions and a public forum. The vote of approval was unanimous.




Mary A. Flack, CMC/AEE
Town Clerk


Mayor Jack Powell