



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, OCTOBER 20, 1998, 7:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER

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

J. Christopher Callahan, Town Attorney
Sam A. Karr, Acting Town Manager
Chuck Place, Zoning Administrator

ABSENT: Commissioner Beth Rose

CALL TO ORDER

Mayor Powell called the meeting to order at 7:00 p.m.

INVOCATION

Commissioner Cobb gave the invocation.

Mayor Powell announced that Commissioner Rose was absent from the meeting tonight due to an allergic reaction to medicine which she had taken after a recent brain surgery to remove a tumor.

AGENDA ITEMS

Commissioner Stanier moved, seconded by Commissioner Sheffield, to add the following three items to the agenda for discussion under new business as requested by Mayor Powell. The vote of approval was unanimous.

1. Review a request from the Mountains Valleys Resource Conservation & Development (RC&D), Inc. asking the Town to share the costs (such as office space, support salary, & office supplies for a technical position for a two-year period) associated with a Lake Lure Watershed project;

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2. Review a request from Sharon Theiss, owner of the Red Barn & Bear Company, to suspend section 63.01 of the Town Code of Ordinances in order to hold a German Fest; and
3. Adopt an ordinance establishing a temporary moratorium on sexually oriented businesses in the Town of Lake Lure.

<p style="text-align: center;">PROPOSAL TO PROVIDE FOR MARINAS (TO BE ADDED TO DRAFT LAKE STRUCTURES ORDINANCE)</p>
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Zoning Administrator Chuck Place, introduced the following proposal for Town Council to consider incorporating into the draft Lake Structures Ordinance.

**PROPOSAL TO PROVIDE FOR MARINAS
(To be added to draft Lake Structures Ordinance)
October 15, 1998**

Section 94.02 DEFINITIONS

"Marina." A facility which provides for rent or lease, uncovered temporary or permanent mooring for watercraft.

Section 94.14 MARINAS.

- (A) The Zoning Administrator shall review each lake structure permit application for a marina to confirm that the proposed facility conforms to this ordinance and submit a recommendation to Council based on this review. The Council shall approve or deny the request based on the report of the Administrator and a determination that the location will not be adverse to navigation and boating safety or to any nearby residential area.
- (B) A marina may have not more than five permanent or temporary mooring slips for each 100 feet of shoreline, provided this limitation shall not apply to any marina owned by the Town of Lake Lure.
- (C) Permanent mooring slips may be rented or leased for the mooring of any watercraft with a valid permit issued by the town.
- (D) Docks and piers at a marina may be either fixed or floating structures.
- (E) Sale of fuel, lubricants, boats, marine accessories, bait and fishing supplies and repair of boats shall be permitted at marinas, provided the upland property is zoned C-1.

[Note: Inclusion of this new section will require renumbering of the existing sections 14 and 15 to 15 and 16.]

After discussion, Commissioner Cobb moved, seconded by Commissioner Sheffield, to add the proposal to provide for Commercial Marinas to the draft Lake Structures Ordinance. The vote of approval was unanimous.

PUBLIC HEARINGS:

- 1. AMENDMENT TO THE ZONING MAP FOR THE PROPERTY KNOWN AS CHIMNEY ROCK PARK FROM R-1A AND R-3 TO S-1 (SCENIC NATURAL ATTRACTION DISTRICT)**
- 2. AMENDMENT TO THE LAKE STRUCTURES REGULATIONS IN CHAPTER 94 OF THE LAKE LURE CODE OF ORDINANCES**
- 3. GIVING CONSIDERATION TO THE CLOSING OF A PORTION OF BOTTOMLESS POOLS ROAD (AVENUE "A") BETWEEN FIRST STREET AND A POINT 180' SOUTH OF FIRST STREET, AND A 20' WIDE ALLEY ABOUNDING THE SOUTH WALL OF THE ARCADE BUILDING**

Notices of the Public Hearings were duly given within the legal classified section of the issue of the Forest City Daily Courier newspaper.

Commissioner Cobb moved, seconded by Commissioner Sheffield, to enter into three Public Hearings in the following order as requested by Mayor Powell. The vote of approval was unanimous.

- 1. Amendment to the zoning map for the property known as Chimney Rock Park from R-1A and R-3 to S-1 (Scenic Natural Attraction District);**
- 2. Amendment to the Lake Structures Regulations in Chapter 94 of the Lake Lure Code of Ordinances; and**
- 3. Giving consideration to the Closing of a portion of Bottomless Pools Road (Avenue "A") between First Street and a point 180' South of First Street, and a 20' wide alley abounding the South wall of the Arcade Building.**

Zoning Administrator Chuck Place, read into the record the proposed Ordinance No. 98-10-20 (amending the zoning map).

Mayor Powell invited citizens to speak during public hearing #1. No one requested to speak.

Next, Mayor Powell invited citizens to speak during public hearing #2. The following persons requested to speak:

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1. Edward R. Dittmer, a Lake Lure resident, thanked the Town Council for listening to residents/property owners in Lake Lure who expressed their desire to allow accessory structures primarily for shade on top of boathouse decks. He said that it had been a long nine months addressing the issue of gazebos being built on boathouses. Mr. Dittmer requested that Council reconsider the phrasing in the draft Lake Structures Regulations addressing how these gazebo structures should look. He asked Council to reconsider again, that his lattice work would not obstruct any of his neighbor's view.
2. Fred Noble, a resident of Hawthorne Drive, suggested that Council consider adding three words ("reasonable", "design", and "latitude") in the Lake Structures Regulations. Mr. Noble asked for a clarification on the meaning of the word "stationary" used in defining lake structure.
3. Dr. Steve Stewart, a resident of Snug Harbor Circle, said that if properly constructed, a structure on a boathouse can enhance the beauty of the lake. He said the current ordinance limits a structure on the boathouse deck to a ten foot height, which allows only two feet for a roof. Dr. Stewart explained that this limitation would in turn give a structure a look similar to a wood shed. He asked that Council reconsider the height limitation.
4. Jack Donovan, a former Council member, questioned why the board spent nine months on the Lake Structures Ordinance to accommodate one gazebo.
5. Dick Lorenzen, a resident of Quail Cove Road and a committee member of the Lake Structures Appeals Board, said that one of the problems is we have no ground rules to work with on his committee. Mr. Lorenzen stated the new code finally gives more direction to the appeals board. Lorenzen explained that Mr. Dittmer was turned down for two reasons. Mr. Dittmer went ahead and built his gazebo without the town's permission and knowingly continued building after being notified by the Town he was in violation. Mr. Lorenzen asked Council to find some way of stopping these structures in an incipient stage before these structures in violation of the Town's ordinances go any further.
6. Bob Washburn, Chairman of the Lake Advisory Committee, complemented Zoning Administrator Chuck Place, Town Attorney

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Chris Callahan, and the boards/committees for their work in rewording the draft Lake Structures Regulations. Mr. Washburn said the wording of the draft ordinance being presented today does not include the same wording recommended by his committee. He reviewed key points recommended by the Lake Advisory Committee.

Town Attorney Chris Callahan responded to Mr. Donovan's comments explaining that the basis for revising the Town's Lake Structures Ordinance was based on two issues: (1) the projected lot lines for determining setbacks lines were worded strangely they made it difficult to interpret/enforce; and (2) individuals felt that there needed to be an appeal process in the ordinance.

No one requested to speak during Public Hearing #3. There being no further comments and/or questions forthcoming, the Mayor closed the public comment session.

With no further items for discussion, Commissioner Cobb moved, seconded by Commissioner Sheffield to come out of the public hearings and re-enter the regular session of the meeting. The vote of approval was unanimous.

**ADOPTION OF ORDINANCE NO. 98-10-20
AMENDMENT TO THE ZONING MAP FOR THE PROPERTY
KNOWN AS CHIMNEY ROCK PARK FROM R-1A AND R-3 TO S-1
(SCENIC NATURAL ATTRACTION DISTRICT)**

Commissioner Stanier moved, seconded by Commissioner Sheffield, to adopt the following ordinance no. 98-10-20 as presented. The vote of approval was unanimous.

ORDINANCE NO. 98-10-20

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

WHEREAS, the Town of Lake Lure Zoning and Planning Board, after due consideration, has recommended an amendment to the zoning map *for the property known as Chimney Rock Park; and,*

WHEREAS, the Lake Lure Town Council, after due public notice, conducted a public hearing on the 20th day of October, 1998, upon the question of amending the zoning map 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 the zoning map referenced in Chapter 92 of the Lake Lure Code of Ordinances by changing the zoning classification *of the property commonly known as Chimney Rock Park from R-1A and R-3 to S-1. This*

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property is described as Tax Parcels 523-1-3, 4C and 5 on the official tax maps of Rutherford County, North Carolina, and encompasses 269.1 acres, more or less.

SECTION TWO: The Zoning Administrator shall make all the necessary corrections 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 this 20th day of October, 1998.

Mayor Jack Powell

ATTEST:

Mary A. Flack, CMC/AAE
Town Clerk

APPROVED AS TO FORM:

J. Christopher Callahan
Town Attorney

<p>ADOPTION OF ORDINANCE NO. 98-10-20B AMENDMENT TO THE LAKE STRUCTURES REGULATIONS IN CHAPTER 94 OF THE LAKE LURE CODE OF ORDINANCES</p>
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Commissioner Sheffield moved, seconded by Commissioner Cobb, to adopt the following ordinance no. 98-10-20B as amended. The vote of approval was unanimous.

ORDINANCE NO. 98-10-20B

**AN ORDINANCE AMENDING CHAPTER 94 (THE LAKE STRUCTURES REGULATIONS) OF THE
CODE OF ORDINANCES FOR TOWN OF LAKE LURE**

WHEREAS, the Town of Lake Lure Lake Advisory Committee, Lake Structures Appeals Board and Zoning and Planning Board, after due consideration, have jointly recommended an amendment to the Chapter 94 of the Code of Ordinances, commonly known as the Lake Structures Regulations; *and*,

WHEREAS, *the Lake Lure Town Council, after due public notice, conducted a public hearing on the 20th day of October, 1998, upon the question of amending said chapter;*

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

SECTION ONE: To amend Chapter 94 of the Lake Lure Code of Ordinances to read as follows:

§ 94.01 USE OF LAKE LURE

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No structure shall hereafter be erected or maintained within the lake boundary of Lake Lure within the corporate limits of the town and no use made of the water surface and land thereunder or any facility or structure located thereon, except in conformity with the regulations of this chapter, or amendments thereto. Issuance of a permit or certificate for a lake structure does not confer any rights to ownership of land or water owned by the town.
(Ord., passed 12-15-92; Am. Ord., passed 10-20-98) Penalty, see § 94.99

§ 94.02 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply.

"Boathouse." Any roofed structure enclosed with walls containing one or more slips designed principally for permanent or temporary storage and/or housing of water-craft.

"Boardwalk." A structure running parallel to the shoreline and used for pedestrian access along the shoreline of one or more properties.

"Cluster Mooring Facility." Fixed or floating pier(s) with more than 3 three slips to provide dock space to owners of condominiums and other dwellings or customers of marinas.

"Distance from the shoreline." Measured from the contour elevation of 990 feet MSL.

"Dock." A platform generally parallel to the shoreline for the reception, loading, ~~and~~ unloading and mooring of boats.

"Float, swimming." A floating platform anchored near the shoreline for the use of swimmers or boats.

"Lake Boundary." The contour elevation 995 feet MSL. "Lake Boundary" is not synonymous with lake "Shoreline."

"Lake Structure." Anything constructed or erected within the lake boundary including any pier, dock, boathouse, slip, ramp, swimming float, sea wall, or similar facility whether fixed or floating or a combination thereof, used primarily as a stationary facility.

"Lake Structure Certificate." The document that is issued to property owners following approval by the Zoning Administrator that the lake structure adjacent to their property conforms to this chapter.

"Lake Structure Tag." A metal tag, to be affixed to a lake structure, which indicates that a lake structure certificate has been issued.

"Marina." A facility which provides for rent or lease, covered or uncovered temporary or permanent mooring for watercraft.

"Markers." Floating buoys or fixed signs that give navigational or warning information.

"MSL." The elevation above mean sea level, United States Geological Survey datum.

"Permit." Documents that are required prior to any construction of a structure on land or in the lake within the "Lake Boundary."

"Pier." A structure extending from land out into the lake for the mooring of boats and to afford convenient passage of passengers and cargo to and from boats.

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"Ramp." A short slope extending from the shoreline into the lake for the purpose of launching or retrieving a boat.

"Sea Wall." A structure built along the shoreline to resist the erosion of the land caused by the lake and which can also be used to moor boats and as a structure to receive and discharge a boat's passengers and cargo.

"Slip." An area within or alongside a lake structure that is confined by at least two sides of the structure and that is designed for the temporary or permanent mooring of boats. (Amended 8-9-94)

"Shoreline." The line where the land and water meet most of the year which is at the elevation of 990 feet MSL.

"Temporary Mooring Slip." A mooring facility for boats that can only be occupied during the hours between 6:00 a.m. and 12:00 midnight. (Amended 8-9-94)

"Upland Lot." A lot having a boundary coexistent with the portion of the shoreline where a lake structure exists or is planned.

"Water Depth." Measured from the average lake level of 990 feet above mean sea level, United States Geological Survey datum.

(Ord., passed 12-15-92; Am. Ord., passed 8-9-94, 10-20-98) Penalty, see § 94.99

§ 94.03 PERMIT TO CONSTRUCT

- (A) No structure of any kind whether stationary, floating, or access ramp, or fuel dispensing system for boats, shall be constructed or installed before having first made written application for and obtained from the Zoning Administrator, a lake structure permit. A building permit must be obtained from the County Building Inspector. Upon application for a lake structure permit, the applicant shall present to the Zoning Administrator the following information and materials. The application and all plans shall be signed and dated by the property owner.
- (1) Location of the proposed installation with respect to the shoreline and the boundaries of the upland lot to which it is adjacent.
 - (2) Length of shoreline of upland lot.
 - (3) Plans, drawn to scale, showing the height, length, width and configuration of the proposed installation.
 - (4) Whether covered or uncovered (enclosed or open).
 - (5) Specified materials for use in construction or installation.
 - (6) Water depth at the farthest point of projection.
 - (7) Distance from the farthest point of projection to the opposite shore.
 - (8) Proof of liability insurance (see § 94.04).
 - (10) Documents showing approval of fuel storage and dispensing systems from any appropriate federal, state and local agencies (if required).
 - (11) In the case of a boathouse, proof of ownership of a residence or residence under construction on the upland lot or an adjoining lot. (This is not required for any other lake structures).
 - (12) Plans for the construction of a sea wall (if required).

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- (13) The application fee, the amount of which shall be established by the Town Council.
 - (14) A deposit of compliance that is refundable if the structure receives a lake structure certificate. The deposit of compliance shall be a certified or cashier's check for \$500 for any structure or alteration costing more than \$1000 and less than \$5000 or \$1000 for any structure or alteration costing more than \$5000. An irrevocable letter of credit may be accepted instead of a deposit of compliance when a builder that is approved by the town is acting as an agent for the property owner. **(Amended 8-9-94)**
 - (B) Dimensional and structural guidelines are provided in § 94.05 of this chapter.
 - (C) Construction pursuant to the issuance of a lake structure permit must commence within six months of approval and may not, thereafter, cease for a period of twelve consecutive months or the permit shall become invalid. If the structure for which a permit was approved has not received a lake structure certificate within two years after the date of approval, the applicant shall be required to renew the permit and comply with all regulations in effect on the date of renewal.
 - (D) The final approval of the construction shall require an inspection and certification by the Zoning Administrator that the structure was built substantially in accordance with the approved plans. All approved structures, upon final inspection, shall be issued a lake structure certificate and tag. Upon issuance, the tag shall be attached to the structure to indicate it is an approved structure.
- (Ord., passed 12-15-92; Am. Ord., passed 8-9-94, 10-20-98) Penalty, see § 94.99

§ 94.04 LIABILITY INSURANCE

All property owners having structures other than seawalls on Lake Lure (including existing lake structures as well as future lake structures) must at all times keep and maintain in force, at their sole expense, public liability insurance against claims for bodily injury, death or property damage occurring in or about the lake structure in the amount of at least \$500,000 per person. Prior to applying for a lake structure permit or renewal of a lake structure certificate, proof of this liability insurance must be provided the town pursuant to § 94.03 (A) (7).

(Ord., passed 12-15-92; Am. Ord., passed 6-28-94, 10-20-98) Penalty, see § 94.99

§ 94.05 DESIGN AND CONSTRUCTION STANDARDS

The following standards shall be adhered to during the design and construction of any structure on Lake Lure. The Zoning Administrator will carefully examine plans submitted with any applications for a lake structure permit as described in § 94.03, to be sure that the plans meet the following provisions. Requests for variances must be made when the lake structure permit application is submitted.

- (A) The minimum shoreline width required to construct any lake structure shall be 100 feet; provided that the minimum shoreline width required to construct any lake structure on lots of record that existed prior to December 15, 1992, shall be 80 feet; and further provided that seawalls and one pier not more than four feet in width may be constructed on any lot, regardless of width.
- (B) No structure shall be placed in the water more than 30 feet or one third the distance to the opposite shore, whichever is less, as measured to and from the shoreline. At least one third of the waterway must be left unobstructed.
- (C) No structure shall be located closer than 15 feet to any side lot line, as projected into the lake. The projection of the lot line shall be a straight line on the same bearing as the lot line. This provision does not apply to seawalls. See also paragraph (M) below regarding boardwalks.
- (D) The maximum width of any boat slip, whether covered or uncovered, shall be 11 feet and a maximum of three

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such slips shall be allowed contiguous to any upland lot. This provision does not apply to cluster mooring facilities (see § 94.13) or marinas (see § 94.14).

(E) Hand rails should be constructed in such a way so as not to interfere with boaters' visibility.

(F) Height

(1) Except as provided below, lake structures shall not exceed 15 feet in height above the shoreline. This does not include the additional height of railings (no greater than 42") around a rooftop deck. Establishing the shoreline elevation of 990 feet MSL can be achieved by using a surveyor's level to shoot an elevation from the top of one or more of the sewer manholes which are all at 995 feet MSL or by calling the Town Office for the lake level reading at the dam on that particular day.

(2) Accessory structures to be used for protection from direct sun and rain may be erected above rooftop decks provided they meet the following standards and are approved by the Lake Structures Appeals Board.

Decktop accessory structures:

(a) Shall not exceed a height of ten feet above the surface of the rooftop deck.

(b) Shall not exceed 50 % of the area of the rooftop deck or 150 square feet, whichever is less.

(c) Shall be completely open on all sides except for partial walls not more than 42 inches in height above the surface of the rooftop deck and insect screens.

(d) Shall be located abutting the shoreward end of the rooftop deck and not extend towards the lake beyond the midpoint of the deck.

(e) Shall not include any sanitary facilities.

(f) May include one storage container not more than 42 inches in height to store deck furnishings.

(3) Decktop accessory structures shall be approved by the Lake Structures Appeals Board upon a finding that the structures meet the standards in this subsection and that they do not materially obstruct the view of the lake from any adjacent or nearby properties.

(G) Materials of construction for pilings shall include reinforced concrete, hot dipped galvanized steel, aluminum, or pressure treated wood, provided railroad ties and other wood treated with creosote or similar material shall not be allowed. Floating structures shall be constructed of hot dipped galvanized steel and polystyrene floatation. Steel drums are prohibited. Anchorage for swimming floats shall be of galvanized steel cables secured to reinforced concrete anchorage vertically below on the lake bottom. Floating docks and piers shall be of galvanized steel cables or the equivalent secured to reinforced concrete anchorage on the lake bottom and/or to steel anchor piles in firm ground on shore. Alternate materials may be approved if found structurally satisfactory and if they do not pose a threat to the environment.

(H) The town exercises no jurisdiction or control over the design of structures to be built over the lake, but strongly urges that the design be compatible with that of the residence(s) that the lake structure will adjoin.

(I) Any sewage or waste water systems installed in or on lake structures must meet State Health Department requirements.

(J) No lake structure shall serve as a temporary or permanent living quarters.

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- (K) Satellite dish antennas of not more than 24 inches in diameter may be installed on lake structures, provided they do not exceed 15 feet in height above the shoreline.
- (L) 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.
- (M) Boardwalks shall not exceed four feet in width and shall not extend more than six feet into the lake. If approved by adjoining property owners, a boardwalk may run the full distance from property line to property line or even cross the property line if the adjacent properties' owners approve of its construction and wish it to continue along in front of their property.
- (N) Covered or enclosed structures, including boathouses, shall be limited to a width of 45 feet or 45% of the shoreline of the upland lot, whichever is less.
- (O) No lake structure, other than seawalls, shall obstruct the free flow of water in the lake.
- (P) As a condition for issuance of a permit, all structures built above the roof of a boathouse, including decks and decktop accessory structures, shall require certification by a competent professional that the boathouse structure is capable of supporting the dead and live load of the rooftop structure.
(Ord., passed 12-15-92; Am. Ord., passed 10-20-98) Penalty, see § 94.99

§ 94.06 ALTERATION OF STRUCTURES

Property owners must apply for a lake structure permit as described in § 94.03 before any alteration to a lake structure costing more than \$1000.00, including plumbing and electrical work, is performed.
(Ord., passed 12-15-92; Am. Ord., passed 10-20-98) Penalty, see § 94.99

§ 94.07 SEA WALLS

- (A) Property owners are required to construct a sea wall on every lot with a lake structure or have a written exemption from the Zoning Administrator regarding this requirement if the property is determined by the Lake Structures Appeals Board to be substantially free of erosion potential. The construction of the wall shall only disrupt the contour of the shoreline to a minimum. The application for the construction of a sea wall shall include the following:
 - (1) An existing site plan with an overlay showing any proposed changes to the contours and profiles of the shoreline.
 - (2) Dimensions and proposed type of construction.
 - (3) Signature of property owner and date.
- (B) The sea wall must be constructed at the shoreline elevation of 990 feet MSL. Earth fills in areas below the shoreline are prohibited. (Note: Refer to § 94.05 (E) for details on how to establish the shoreline elevation of 990 feet MSL.) The sea wall shall be constructed of one of the materials and in the prescribed manner that follow:
 - (1) Concrete - 3000 psi minimum, not less than four inches in thickness, reinforced with steel rod and attached to a footing approved by the County Building Inspector and that extends not less than one foot vertically into the lake bottom and is no less than six inches thick. **(Amended 8-9-94)**
 - (2) Stone - footing at same depth and of same dimensions as concrete with mortar consisting of 1 part Portland

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cement, 1/4 part hydrated lime, 3 3/4 parts sand and no more water than necessary to make a workable mixture.

- (3) A properly designed plastic, steel or aluminum sheet piling system.
- (4) A properly designed pressure treated wood piling system, provided railroad ties and other wood treated with creosote or similar material shall not be allowed.

Alternate materials of construction, including stone rip-rap or gabions may be approved if found structurally satisfactory and not to pose a threat to the environment.

- (C) All sea walls shall be in a good state of repair or the property owner will be subject to penalties outlined in § 94.99.

(Ord., passed 12-15-92; Am. Ord., passed 8-9-94, 10-20-98) Penalty, see § 94.99

§ 94.08 LAKE STRUCTURE CERTIFICATE AND TAG; MAINTENANCE OF STRUCTURES

- (A) All structures on the waters of Lake Lure, either new or existing prior to the adoption of this section, shall require a lake structure certificate and tag issued in accordance with this section. All owners of existing structures deemed in compliance with §§ 94.05 (D), (F), (J) and (K), 94.07, 94.09 through 94.11 and 94.15 will be issued a lake structure certificate and accompanying tag after the Zoning Administrator receives the lake structure certificate fee and approves the property owner's lake structure certificate application. The tag must be attached to the lake structure so it is visible from the water before December 1, 1994 and be renewed every five years. Therefore any structure not having a lake structure tag attached by December 1, 1994 shall be considered in violation of this ordinance. Any boathouse which cannot qualify for a certificate and tag either because it is not in compliance with this section or because it is not in the same ownership as the upland lot shall be removed at the owner's expense. Owners of upland property who fail to comply with this section shall be ineligible to receive a boat permit.
- (B) The property owner shall be responsible for maintaining all lake structures covered by this chapter in good repair. The town shall have the authority to condemn any lake structure due to decay, disrepair, or any hazardous condition. The property owner will be given a written notice and 90 days to comply with the Town Council's determination. If the owner fails to appeal to the Town Council for a hearing or comply with their determination, Council may revoke their lake structure certificate and accompanying tag (if one had been issued) and remove the structure at the property owner's expense.

(Ord., passed 12-15-92; Am. Ord., passed 8-9-94, 10-20-98) Penalty, see § 94.99

§ 94.09 MARKERS

No markers or signs, other than navigational aids that comply with the Uniform Waterway Marking System and the North Carolina Wildlife Resources Commission's regulations shall be placed within the lake bed. Placement of these markers will be reviewed and approved by the Lake Advisory Committee.

(Ord., passed 12-15-92) Penalty, see § 94.99

§ 94.10 ELECTRICAL AND PLUMBING

All electrical wiring and fixtures and all plumbing must be inspected and approved by the County Building Inspector. Lighting, whether public or private, which offers navigational aid on the lake shall comply with the North Carolina Wildlife Resources Commission's regulations. Non-navigational lighting must be non-flashing white or yellow, with the exception of bug lights, and shall be of such a low intensity as to not cause blindness of boat operators on the lake or inhibit their vision in any way.

(Ord., passed 12-15-92) Penalty, see § 94.99

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§ 94.11 SWIMMING AREAS

Swimming areas, whether adjacent to public or private property, shall be marked in accordance with the North Carolina Wildlife Resources Commission's regulations and the Town of Lake Lure's ordinances regulating boating and water safety.

(Ord., passed 12-15-92; Am. Ord., passed 8-9-94) Penalty, see § 94.99

§ 94.12 DREDGING AND FILLING

No dredging or filling of the lake shall be allowed except by specific authorization of Town Council. (Ord., passed 12-15-92; Am. Ord., passed 10-20-98) Penalty, see § 94.99

§ 94.13 CLUSTER MOORING FACILITIES

(A) Cluster mooring facilities may be installed in lieu of private docks or boathouses adjacent to property that is zoned R-3 or C. The same requirements apply to cluster mooring facilities as do to all other lake structures except they must be open (no roofs), and have no more than three individual boat slips per 100 front feet of lake front property that is owned by the applicant and that is free of any lake structures (other than sea walls and boardwalks).

(1) For areas that are zoned R-3, the lake front property that is used in the formula for determining the number of slips must be contiguous with the site of the proposed cluster mooring facility and the same lake front property must be developed with roads and structures in place prior to review of the application. Any existing mooring facilities shall be included the total slips allowed by the above formula.

(2) For areas zoned C, only temporary mooring slips shall be allowed. A maximum of three craft owned by the operators of the commercial establishment may be permanently moored at the establishment's cluster mooring facility.

(B) The Zoning Administrator shall review each lake structure permit application for a cluster mooring facility to confirm that the proposed facility conforms to this ordinance and to approve its location with regard to navigation and boating safety. (Amended 10-20-98)

(Ord., passed 12-15-92; Am. Ord., passed 8-9-94, 10-20-98) Penalty, see § 94.99

§ 94.14 MARINAS

(A) The Zoning Administrator shall review each lake structure permit application for a marina to confirm that the proposed facility conforms to this ordinance and submit a recommendation to Council based on this review. The Council shall approve or deny the request based on the report of the Administrator and a determination that the location will not be adverse to navigation and boating safety or to any nearby residential area.

(B) A marina may have not more than five permanent or temporary mooring slips for each 100 feet of shoreline, provided this limitation shall not apply to any marina owned by the Town of Lake Lure.

(C) Permanent mooring slips may be rented or leased for the mooring of any watercraft with a valid permit issued by the town.

(D) Docks and piers at a marina may be either fixed or floating structures.

(E) Sale of fuel, lubricants, boats, marine accessories, bait and fishing supplies and repair of boats shall be permitted at marinas, provided the upland property is zoned C-1.

(Ord., passed 10-20-98) Penalty, see § 94.99

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§ 94.15 PROHIBITED USES

The following uses or activities shall be prohibited unless written approval is given by the Lake Structures Appeals Board.

- (A) Any activity such as dredging or filling which alters the shoreline other than as required by action of the Town Council (see also § 94.12).
- (B) The cutting of standing trees at or below the lake boundary.
- (C) Disposal of any trash, brush, leaves, or scrap building materials into the lake.
- (D) *Allowing any livestock or commercially raised animals to have access to the lake or its shoreline*
- (E) *Allowing a boat to remain on the lake bottom after sinking. (Amended 10/20/98)*
- (F) *Using the waters of the lake for commercial irrigation purposes.*
- (G) *Mooring a boat or any other floating object alongside a lake structure in such a way that it may temporarily or permanently extend beyond the boundaries established in § 94.05 and restrict the passage of boats.*
(Ord., passed 12-15-92; Am. Ord., passed 8-9-94, 10-20-98) Penalty, see § 94.99

§ 94.16 VARIANCES

- (A) *Because of great differences in lot size, property topographies, location of adjacent homes, shoreline and road contours, location of ledges and other variables, the Lake Structures Appeals Board may grant a variance in special situations if the board believes equity so demands and no neighbor (adjoining property owner or other land owner whose projected boundary lines are affected) will have his view of the lake from his house obstructed or the ability to construct or alter lake structures within his projected boundaries impaired. A variance from the maximum height of structures may not be considered. Any exception to this ordinance shall consider the health, safety, and welfare of the general public.*
- (B) *Variances may be granted to a property owner for unusual horizontal or vertical configurations of the shoreline in coves or peninsulas which may prevent a property owner fair access and use of the lake. In such cases, the Lake Structures Appeals Board will make a determination for the entire area affected.*
- (C) *Requests for variance shall be filed with the Zoning Administrator not less than 14 calendar days prior to the meeting of the Lake Structures Appeals Board at which the request is to be heard. The application shall be accompanied by a survey of the property involved and sufficient information in the form of a written description and plans drawn to scale to show the purpose of the variance.*
- (D) *Upon acceptance of a complete application, the Zoning Administrator shall send notice of the hearing to all abutting property owners as well as any property owners that the Administrator determines would be affected by the grant of the variance.*
- (E) *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 hold a hearing on the record within 45 days of the appeal and their decision shall be final.*
(Ord., passed 12-15-92; Am. Ord., passed 10-20-98) Penalty, see § 94.99

§ 94.99 PENALTIES

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- (A) *Unless otherwise specifically provided, violation of any provisions of this ordinance or any other ordinance shall be a misdemeanor or an infraction as the case may be, as provided by G.S. § 14-4, and punishable as provided therein.*
- (B) *Fines*
- (1) *All lake structures built after December 15, 1992 are required to have a permit prior to commencement of construction (see § 94.03). Should construction be started before a permit is issued or alterations not in accord with the permit be made during construction, the owner of the upland property and the building contractor shall each be subject to a fine not to exceed \$500. If the illegal structure or alteration meets all requirements of this chapter, a permit shall be approved upon application and a lake structure certificate shall be issued upon payment of the fine. If the illegal structure or alteration does not meet said requirements, the structure shall either be removed, be brought into compliance or receive a variance (see § 94.16) prior to approval of a permit and receipt of the certificate.*
 - (2) *The owner of the illegal structure shall either apply for a permit or apply for a variance within 30 days or remove the structure within 60 days of receipt of notification that the structure is in violation of this section. Failure to comply with this requirement shall subject the owner to an additional fine, not to exceed \$500, payable immediately upon notification.*
 - (3) *The fines imposed in subsection (1) above shall be due and payable by the owner within 30 days of approval of a permit and due and payable by the contractor within 30 days of notification that the structure is in violation of this chapter.*
 - (4) *In the event that a petition for variance is submitted, the petitioner shall have 30 days in which to apply for a permit in conformance with the conditions of an order granting the variance or 60 days in which to remove the illegal structure if an order denying the variance is issued. Failure to comply with this subsection shall result in an additional fine, not to exceed \$500, payable immediately upon notification.*
- (C) *Violation of any provision of this ordinance shall subject the offender to a civil penalty which would be determined, assessed and recovered by the town in a civil action in the nature of debt if the offender does not pay the penalty within a reasonable period of time prescribed by an administrative officer of the town after such offender has been cited for such violation.*
- (D) *Any provision of this ordinance that makes unlawful a condition existing upon or use made of any property may be enforced by injunction and order of abatement, and the General Court of Justice shall have jurisdiction to issue such orders. When a violation of such a provision occurs, the town may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular. In addition to an injunction, the court may enter an order of abatement as a part of the judgement in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; the fixtures, furniture or other movable property be removed from the building on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this policy or such ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, such defendant may be cited for contempt, and the town may execute the order of abatement. 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. The defendant may secure cancellation of an order of abatement by paying all costs to the town of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full*

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compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

(E) *The provisions of this ordinance may be enforced by any one, all, or any combination of the remedies authorized and prescribed by this section.*

(F) *Except as otherwise specifically provided, each day's continuing violation of any provision of this ordinance shall be a separate and distinct offense.*

(Ord., passed 12-15-92; Am. Ord., passed 10-20-98) Penalty, see § 94.99

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

Adopted this 20th day of October, 1998.

Mayor Jack Powell

ATTEST:

Mary A. Flack, CMC/AAE
Town Clerk

APPROVED AS TO FORM:

J. Christopher Callahan
Town Attorney

<p align="center">ADOPTION OF RESOLUTION NO. 98-10-20 STREET CLOSING ORDER</p>

Commissioner Sheffield moved, seconded by Commissioner Cobb, to adopt the following resolution no. 98-10-20 as presented. The vote of approval was unanimous.

Resolution No: 98-10-20

Street Closing Order

A resolution ordering the closing of that portion of Bottomless Pools Road (Avenue "A") between First Street and a point 180' South of First Street, as well as a 20' wide alley immediately South of said Arcade Building.

WHEREAS, on the 15th day of September, 1998, the Lake Lure Town Council directed the Town Clerk to publish the Resolution of Intent of the Lake Lure Town Council to consider closing that portion of Bottomless Pools Road (Avenue "A") between First Street and a point 180' South of First Street, and a 20' wide alley abounding the South wall of the Arcade Building, in the Forest City Daily Courier newspaper once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in the Council Meeting Room of the Lake Lure Municipal Center on October 20, 1998; and

WHEREAS, the Lake Lure Town Council on the 15th day of September, 1998, ordered the Town Clerk to notify all persons owning property abutting on that portion of Bottomless Pools Road (Avenue "A") between First Street and a point 180' South of First Street, and a 20' wide alley abounding the South wall of the Arcade Building, as shown on the county tax records, by registered or certified mail, enclosing with such notification a copy of the Resolution of Intent; and

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WHEREAS, the Town Clerk has advised the Lake Lure Town Council that adequate notices were posted on the applicable street(s) as required by G.S. 160A-299; and

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said Street in the public hearing held on October 20, 1998; and

WHEREAS, it now appears to the satisfaction of the Lake Lure Town Council that the closing of said street is not contrary to the public interest, and that no individual owning property, either abutting the street or in the vicinity of the street or in the subdivision in which the street is located, will as a result of the closing be thereby deprived of a reasonable means of ingress and egress to his property;

NOW, THEREFORE, subject to the reservation of easements to the Town of Lake Lure for utility purposes as shown on a map recorded in Book of Maps _____, page _____ in the office of the Rutherford County Registered of Deeds, the portion of Bottomless Pools Road (Avenue "A") between First Street and a point 180' South of First Street, which 25' wide strip abounds the Eastern wall of the Arcade Building, and a 20' wide alley which abounds the South wall of said Arcade Building is hereby ordered closed, and all right, title, and interest that may be vested in the public to said area for street purposes are hereby released and quitclaimed to the abutting property owners in accordance with the provisions of G.S. 160A-299.

The Town Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Rutherford County a certified copy of this resolution and order.

Upon motion duly made by Commissioner Gene Sheffield and duly seconded by Commissioner Carolyn Cobb, the above Resolution/Order was duly adopted by the Lake Lure Town Council at a meeting held on the 20th day of October, 1998, in the Council Meeting Room of the Lake Lure Municipal Center.

Upon call for a vote the following voted in the affirmative: Commissioner Carolyn Cobb, Commissioner Gene Sheffield, and Commissioner Jack Stanier. The vote of approval was unanimous.

This 20th day of October, 1998, at 7:00 p.m.

ATTEST:

Mary A. Flack, CMC/AEE
Town Clerk

Mayor Jack Powell

APPROVED AS TO FORM

J. Christopher Callahan
Town Attorney

PUBLIC FORUM

Mayor Powell invited the audience to speak on any non-agenda item. No one requested to speak.

CONSENT AGENDA

Mayor Powell presented the consent agenda and asked if any item should be removed before calling for action.

Commissioner Cobb moved, seconded by Commissioner Stanier, to approve the consent agenda items as presented. Therefore, the consent agenda, incorporating items was unanimously approved:

- a. **Approved Minutes of September 15, 1998 (Regular Meeting), September 11, 1998 (Special Workshop Meeting), and September 8, 1998 (Recessed Regular Meeting);**
- b. **Approved request to waive the Lake Lure Community rental fee for the Hickory Nut Gorge Children's Christmas Party sponsored by Martha Jane Powers on December 5th from 3:00 a.m. until 5:00 p.m. This is a non-funded event which is free to all children in the Gorge;**
- c. **Scheduled a public hearing (zoning regulations amendment to AM-98-3 -- foundation surveys) to be held on November 17, 1998; and**
- d. **Approved a temporary 10% pay increase in compensation for Acting Town Manager Sam A. Karr retroactive to the date he assumed this additional responsibility. This adjustment will terminate at such time as a full time Town Manager begins work.**

End of Consent Agenda

OLD BUSINESS

- | |
|------------------------------|
| a. Other Old Business |
|------------------------------|

There was no other old business for discussion.

NEW BUSINESS

- | |
|--|
| a. Adopt Resolution No. 98-10-20A (In Support of the Proposed State Bond Issues for Water, Sewer and Natural Gas) |
|--|

Commissioner Cobb read into the record the following proposed resolution no. 98-10-20A:

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Resolution No: 98-10-20A

**In Support of the Proposed State Bond Issues for
Water, Sewer and Natural Gas**

WHEREAS, the North Carolina General Assembly in its 1998 session ratified SB 1354 Bonds/Critical Infrastructure Needs, and Governor James B. Hunt Jr. signed the bill into law and pledged his active support;

WHEREAS, SB 1354 provides \$800 million in loans and grants for much needed water and wastewater capital projects;

WHEREAS, SB 1354 provides \$200 million to extend natural gas service into underserved areas of the state;

WHEREAS, a recent study has identified more than \$11 billion in water and sewer capital needs, and the bonds are a critical step in meeting these long-range infrastructure needs;

WHEREAS, the water and sewer bonds will assist local governments in all areas of the state to protect the quality of our surface and drinking waters and promote sound economic development;

WHEREAS, the Town of Lake Lure will be required to make major changes in treatment technology at the Lake Lure Wastewater Treatment Plant;

WHEREAS, many community water/sewer systems were built more than 60 years ago. The state now has almost 100 local governments under moratoriums, preventing them from adding new homes and/or businesses to their systems until they are upgraded;

WHEREAS, more federal and state water quality regulations are inevitable and will drive up the cost of treatment. At the same time, there is much less federal assistance available to meet those regulations and little funding is available;

WHEREAS, the water, sewer and natural gas bonds will facilitate smart growth and result in more jobs for North Carolinians; and

WHEREAS, the bond issues will help move North Carolina forward;

NOW, THEREFORE, BE IT RESOLVED that the Lake Lure Town Council strongly supports the bond issues proposed by SB 1354 for water, sewer and natural gas and encourages citizens to vote in favor of these bond issues at the polls on November 3.

Adopted this 20th day of October, 1998.

ATTEST:

Mary A. Flack, CMC/AAE
Town Clerk

Jack Powell, Mayor

APPROVED AS TO FORM:

J. Christopher Callahan
Town Attorney

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Commissioner Sheffield moved, seconded by Commissioner Stanier, to adopt resolution no. 98-10-20A as presented. The vote of approval was unanimous.

NEW BUSINESS

- b. Review and adopt Ordinance No. 98-10-20A (Regulating Traffic Flow, Providing for Traffic Signs, Establishing Pedestrian Crosswalks, and Establishing on Street Parking on First Street, Avenue "B" and Bottomless Pools Road in the Lake Lure Town Center**

Zoning Administrator Chuck Place read into the record the following proposed ordinance no. 98-10-20A.

ORDINANCE NO. 98-10-20A

AN ORDINANCE REGULATING TRAFFIC FLOW, PROVIDING FOR TRAFFIC SIGNS, ESTABLISHING PEDESTRIAN CROSSWALKS, AND ESTABLISHING ON STREET PARKING ON FIRST STREET, AVENUE "B" AND BOTTOMLESS POOLS ROAD IN THE LAKE LURE TOWN CENTER

WHEREAS, Section 160A-300, General Statutes of the State of North Carolina, authorizes municipalities to prohibit, regulate, divert, control and limit pedestrian and vehicular traffic on the public streets, sidewalks, alleys and bridges of the municipalities; and,

WHEREAS, Section 160A-301, General Statutes of the State of North Carolina, authorizes municipalities to regulate, restrict and prohibit the parking of vehicles on public streets, alleys and bridges in the municipalities; and,

WHEREAS, the Town of Lake Lure Zoning and Planning Board, after review and due consideration of a report prepared by the Zoning Administrator with the concurrence of the Police Chief and Supervisor of Public Works, has recommended implementation of a traffic flow and parking plan for First Street, Avenue "B" and Bottomless Pools Road in the Lake Lure Town Center;

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: The general plan for traffic flow, traffic signs, pedestrian crosswalks and parking for First Street, Avenue "B" and Bottomless Pools Road in the Lake Lure Town Center as shown in "Attachment A" is hereby adopted and the Acting Town Manager is directed to implement this plan, subject to availability of funds.

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

Adopted this 20th day of October, 1998.

Mayor Jack Powell

ATTEST:

Mary A. Flack, CMC/AEE
Town Clerk

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APPROVED AS TO FORM:

J. Christopher Callahan
Town Attorney

Commissioner Cobb moved, seconded by Commissioner Stanier, to adopt ordinance no. 98-10-20A as presented. The vote of approval was unanimous.

NEW BUSINESS

- c. Review a Request from the Mountains Valleys Resource Conservation & Development (RC&D), Inc. asking the Town to Share the Costs Associated with a Lake Lure Watershed project**

Mayor Powell presented a letter (October 15, 1998) of request from the Mountains Valleys Resource Conservation & Development (RC&D), Inc. asking the Town to share the costs (such as office space, support salary, & office supplies for a technical position for a two-year period) associated with a Lake Lure Watershed project. (Copy of letter attached).

After discussion, Commissioner Stanier moved, seconded by Commissioner Cobb, to grant the use of the Paul Wilson room located in the Municipal Center to be used as office space (two-year period) for the technical position as requested by Mountain Valleys Resource Conservation/Development, Inc. Also, authorize acting Town Manager Karr and Mayor Powell to work out the other details which were requested. The vote of approval was unanimous.

Mr. Jimmie Hinkle, owner of the Arcade Building, offered an office space free of charge in his building to be used if needed by the Town for the Lake Lure Watershed project.

NEW BUSINESS

- d. Review a Request from Sharon Theiss to Suspend Section 63.01 of the Town Code of Ordinances in order to hold a German Fest**

Sharon Theiss, owner of the Red Barn & Bear Company, submitted a letter of October 20, 1998, asking the Town of Lake Lure to suspend section 63.01 of the Town Code of Ordinances in order to serve beer and wine at a German Fest on Saturday, November 14, from 12:00 noon until 10:00 p.m.

Commissioner Cobb moved, seconded by Commissioner Stanier, to approve the request from Sharon Theiss to hold a German Fest on Saturday, November 14, from 12:00 noon until 10:00 p.m. and suspend Section 63.01 of the Town Code of Ordinances (Consumption of Malt Beverages and Unified Wine, Spirituous Liquors, or Mixed Beverages) so that wine can be beer and wine can be served. The vote of approval was unanimous.

NEW BUSINESS

e. Adopt an Ordinance Establishing a Temporary Moratorium on Sexually Oriented Businesses in the Town of Lake Lure

Attorney Callahan read into the record the following proposed ordinance no. 98-10-20C establishing a temporary moratorium on sexually oriented businesses in the Town of Lake Lure.

Ordinance No.: 98-10-20-C

**ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON
SEXUALLY ORIENTED BUSINESSES IN THE TOWN OF LAKE LURE**

WHEREAS, the Town is authorized pursuant to N.C.G.S. Section 160A-181.1 to adopt regulations effectuating the operation of sexually oriented businesses; and

WHEREAS, N.C.G.S. Section 160A-181.1(d) authorizes the Town to adopt a moratorium of reasonable duration on the opening or expansion of sexually oriented businesses in order to preserve the status quo while appropriate studies are conducted and the scope of potential regulations is deliberated;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE THAT:

Section 1.

- (a) No adult establishment shall be permitted to open or be established within the Town of Lake Lure.
- (b) No adult establishment currently located or existing within the Town of Lake Lure may be enlarged or expanded.
- (c) "Adult establishment" as used herein shall include "Adult establishment", "Adult live entertainment", "Adult live entertainment business", "Adult motion picture theatre", "Adult mini motion picture theatre" as those terms are defined in N.C.G.S. Section 14-202.10, *et seq.*
- (d) Unless sooner repealed or extended by ordinance duly adopted by the Town Council, the operation of this ordinance shall cease and it shall be deemed repealed on April 20, 1999.

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Council hereby

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declares that it would have passed this Ordinance, and in each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. This ordinance shall become effective upon adoption.

Read, approved and adopted this 20th day of October, 1998.

Mayor Jack Powell, Mayor

ATTEST:

Mary Flack, CMC/AE
Town Clerk

APPROVED AS TO FORM:

J. Christopher Callahan, Town Attorney

Commissioner Sheffield moved, seconded by Commissioner Cobb, to adopt ordinance no. 98-10-20C as presented by Town Attorney Callahan. The vote of approval was unanimous.

NEW BUSINESS

f. Other New Business

There was no other new business for discussion.

STAFF REPORTS

Sam Karr, Acting Town Manager, reported the following:

1. The Town's major expense for the month of September 1998 was \$22,000 to Chimney Rock Volunteer Fire Department for annual contribution;
2. The Town's major revenue for the month of September 1998 was \$313,772.77 received from Ad Valorem 1998 tax collections;

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3. For the most part, the Town's budget is in-line with budget estimates. Due to unexpected expenses at the Waste Water Treatment Plant, this department will need to be monitored as the fiscal year progresses;
4. On September 23, Town representatives met with the Division of Emergency Management about moving the lift stations at the Waste Water Treatment Plant. The Town has been notified verbally that the Town's lift station grant has been approved and construction shall begin sometime early in 1999;
5. Street paving should be completed this week. The money spent for this paving was out of last year's Powell bill funds. Early next calendar year will start second phase of paving out of the current year's Powell bill funds; and
6. Andy Givens, consultant of the Hydro-Electric Plant, scheduled a meeting with the Town and Duke Power representatives in Charlotte to discuss the Town's contract with Duke Power on Tuesday, October 27, 1998. Mr. Givens plans to make recommendations at the December Town Council meeting regarding this contract which expires February 15, 1999.

COUNCIL COMMENTS

Mayor Powell thanked Commissioner Cobb for her work in coordinating the Fall 1998 Clean-up.

An announcement was made by Mayor Powell reminding individuals about the Lake Lure Convention Center will be opening soon and plans to have a ribbon cutting ceremony on October 24, 1998. He thanked Mr. Jimmie Hinkle for offering the use of the Lake Lure Convention Center Conference room to the Town free of charge when needed.

Mayor Powell stated that he had attended a North Carolina Municipal League Business Meeting in Charlotte. He was introduced to the North Carolina Association of Resort Centers who are looking into the distribution of funds based on census. The Mayor said he would like to see the Town join this association (cost of dues approximately \$100).

Commissioner Stanier reported that Chimney Rock Village had a ribbon cutting ceremony recently for a new river walk open to the public. He congratulated them for a wonderful job done.

**CLOSED SESSION - ATTORNEY CLIENT PRIVILEGE/LEGAL
MATTERS (G.S. 143-318.11(A) 3)**

Commissioner Sheffield moved, seconded by Commissioner Cobb, to enter into closed session at 9:40 p.m. for the purpose of discussing attorney client privilege/legal matters (G.S. 143-318.11(a)3) regarding Pamer/Breen case and Powers/Moore case. The vote of approval was unanimous.

With no further discussion in closed session, Commissioner Cobb moved, seconded by Commissioner Cobb, to come out of the closed session and re-enter the regular session of the meeting. The vote of approval was unanimous.

While in closed session, Council voted to seal the minutes of the closed session meeting in order to avoid frustrating the purpose of the closed session.

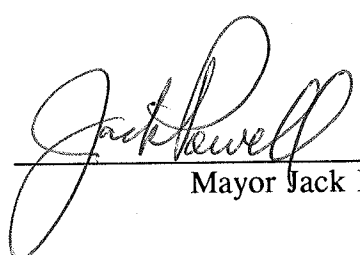
After coming out of closed session, Commissioner Cobb moved, seconded by Commissioner Stanier to ratify the consent judgment of October 1, 1998 between the Town of Lake Lure and Margaret Pamer. The vote of approval was unanimous.

ADJOURNMENT

With no further items of discussion, Commissioner Cobb moved, seconded by Commissioner Stanier, to adjourn the Town meeting. The vote of approval was unanimous.

ATTEST:


Mary A. Flack, CMC/AE
Town Clerk


Mayor Jack Powell