



Incorporated 1927

Town of Lake Lure

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MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, JULY 10, 2001, 7:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER

PRESENT: Mayor Jim Proctor
Commissioner Blaine Cox
Commissioner Dick McCallum
Commissioner George Pressley
Commissioner Jack Stanier

H. M. Place III, Town Manager
J. Christopher Callahan, Town Attorney

ABSENT: Commissioner Jack Stanier

CALL TO ORDER

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

INVOCATION

Attorney Callahan gave the invocation.

APPROVE AGENDA

A motion was made by Commissioner Cox to approve the agenda as amended adding an item as 5a., Committee Report from the Board of Adjustment/Lake Structures Appeals Board. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

PUBLIC HEARING - PROPOSED ORDINANCE NO. 01-07-10 AMENDING CHAPTER 92 OF THE ZONING ORDINANCE

Public notices were duly given and published in the Forest City Daily Courier newspaper.

A motion was made by Commissioner Cox to open the public hearing regarding the proposed

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Ordinance No. 01-07-10 amending Chapter 92 of the Zoning Ordinance. Commissioner Pressley seconded the motion and the vote of approval was unanimous.

Zoning Administrator Terri Potts reviewed and answered questions pertaining to the proposed Ordinance No. 01-07-10.

Mayor Proctor invited citizens to speak during the public hearing. No one requested to speak.

A motion was made by Commissioner Cox to close the public hearing and enter the regular session of the meeting. Commissioner Pressley seconded the motion and the vote of approval was unanimous.

After discussion, Commissioner Cox made a motion to adopt Ordinance No. 01-07-10 as amended. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

ORDINANCE NO. 01-07-10

AN ORDINANCE AMENDING THE ZONING REGULATIONS OF TOWN OF LAKE LURE

WHEREAS, the Town of Lake Lure Zoning and Planning Board, after due consideration, has recommended amendment to Chapter 92, the Zoning Regulations of the Town of Lake Lure, to reflect amendments to sections: 92.005 Definitions; 92.030 R-3 Resort Residential District; 92.030A R-4 Residential/Office District and 92.103 Off-Street Parking Required, for the purpose of establishing definition and standards for bed and breakfast establishments; and a standard for parking uses not specifically referenced in the regulations.

WHEREAS, the Lake Lure Town Council, after due public notice, conducted public hearings on the 10th day of July, 2001, upon the question of amending the zoning regulations 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: Amend 92.005 DEFINITIONS, to *add*:

Bed and breakfast establishment. A residence which provides temporary lodging and a morning meal for transients.

SECTION TWO: Amend 92.030 R-3 RESIDENTIAL DISTRICT, to *read*:

92.030 (B), (4) Hotels, lodges, motels, boarding and rooming houses, **bed and breakfast establishments**, private clubs, to provide lodging, services and board for the general public.

SECTION THREE: Amend 92.030A R-4 RESIDENTIAL DISTRICT, to *add*:

(D) Conditional Use Permits

- (2) **Bed and breakfast establishments: provided the owner/proprietor maintains a permanent, primary residence on site.**
- (3) Number of rooms available for rent at any time shall be limited to five.

SECTION FOUR: Amend 92.103 OFF-STREET PARKING REQUIRED to *add*:

Requirements for off-street parking for uses not specifically mentioned in this section shall be the same as provided for the use most similar to the one sought, it being the intent of these regulations to require all uses to provide off-street parking unless specific provision is made to the contrary.

USES

Rooming and boarding houses,
bed and breakfast establishments

One space for each bedroom for
rent, **plus one space for each 2 employees**

SECTION FIVE: The Zoning Administrator shall make all the necessary corrections to the zoning regulations as to implement the provisions of this ordinance and shall henceforth enforce the regulations as hereby amended.

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

Adopted this 10th day of July, 2001.

PUBLIC FORUM

Mayor Proctor invited the audience to speak on any non-agenda item. Carolee Jones, a Lake Lure resident, asked Council members to consider placing a moratorium on new construction off of Buffalo Shoals road. She expressed her concerns about the environment and impact on wildlife.

**COMMITTEE REPORT FROM THE BOARD OF ADJUSTMENT/
LAKE STRUCTURES APPEALS BOARD**

Eugene Whiteside, Chairman of the Board of Adjustment/Lake Structures Appeals Board, reported on the activities of his board. Mr. Whiteside said his board reviewed 11 cases this year. He asked the town to consider as a high priority enforcement of town ordinances.

Town Manager Place said the town was hiring an additional staff member in the Zoning Department to help the Zoning Administrator.

CONSENT AGENDA

Mayor Proctor presented the consent agenda and asked if any items should be removed before calling for action. A motion was made by Commissioner McCallum to approve the following consent agenda items as presented and Commissioner Pressley seconded the motion. Therefore, the consent agenda, incorporating the following items was unanimously approved:

- a. approved minutes of June 12, 2001 (regular and closed session meeting), June 18, 2001 (recessed regular meeting), and June 22, 2001 (recessed regular meeting);
- b. approved amendments to the 1997 Municipal Records Retention and Disposition Schedule as submitted by the North Carolina Department of Cultural Resources, Division of Archives and History; and
- c. approved request from Stanley Long to hold an annual F-100 truck show "Run to the Rock" on town property at the Lake Lure community center on September 14-16, 2001; town will provide a Mayor's choice trophy; suspended the town peddling ordinance in order that food, t-shirts, truck parts, and other items may be sold on site during the show; and suspended the town alcohol ordinance in order to serve beer (consumption of beer restricted to the grassy area designated for this event only) during the Friday evening cookout on September 14, 2001.

End of Consent Agenda

UNFINISHED BUSINESS

- a. **Adopt Ordinance No. 01-07-10A Amending Chapter 94 of the Town Code of Ordinances Regarding the Lake Structures Regulations Relating to Moored Floating Platforms**

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A motion was made by Commissioner Pressley to table the adoption of Ordinance No. 01-07-10A Amending Chapter 94 of the Town Code of Ordinances regarding the Lake Structures regulations relating to moored floating platforms until all Council members were present to vote. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

ORDINANCE NO. 01-07-10

AN ORDINANCE AMENDING CHAPTER 94 (THE LAKE STRUCTURES REGULATIONS) OF THE CODE OF ORDINANCES FOR TOWN OF LAKE LURE RELATING TO MOORED FLOATING PLATFORMS

WHEREAS, the Town of Lake Lure Lake Advisory Committee has recommended an amendment to the Chapter 94 of the Code of Ordinances, commonly known as the Lake Structures Regulations recommending revisions relating to the regulation of moored floating platforms;

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 §94.02 DEFINITIONS of the Lake Lure Code of Ordinances as follows:

Delete the definition ““Float, swimming.” A floating platform anchored near the shoreline for the use of swimmers or boats.” and add the following: ““Moored Floating Platform.” A floating platform anchored near the shoreline for the use of swimmers, to include both solid surfaced swimming floats and inflatable water recreational platforms.”

SECTION TWO: To amend §94.05 DESIGN AND CONSTRUCTION STANDARDS as follows:

A. (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.~~ Anchorage for 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.”

B. Delete paragraph (L) as written and replace with the following:

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(L) Moored Floating Platforms.

- (1) Moored wooden or other solid surfaced floating swimming platforms shall be no greater than 64 square feet in area and have white reflectors affixed to both sides of each corner. The frames for such structures shall be constructed of hot dipped galvanized steel or pressure treated lumber and with polystyrene floatation. Steel drums are prohibited. Alternate materials may be approved if found structurally satisfactory and if they do not pose a threat to the environment. Only one permanently moored floating platform (solid or inflatable) shall be permitted for each upland lake front lot, except as provided in subparagraph (3) below.
- (2) Permanently moored inflatable floating platforms shall be no greater than 178 square feet in area or 15 feet in diameter and have white reflectors affixed to both sides of each corner or, for circular platforms, at least every six feet of circumference. Such platforms shall be located not less than 10 feet from the shore or any hard surfaced structures and shall be moored in water not less than ten feet in depth at any point below the platform. All permanently moored inflatable floating platforms shall be removed from the lake between November 1 and April 1 of each year and at any time they deflate or are in a state of disrepair. As part of the permit application process, the applicant shall provide a copy of the manufacturer's recommended safety specifications and shall specify the manner in which the applicant will adhere to said specifications. Only one permanently moored floating platform (solid or inflatable) shall be permitted for each upland lake front lot, except as provided in subparagraph (3) below.
- (3) Permanently moored inflatable floating platforms larger than 178 square feet in area may be approved by town council, but only for organized group recreation programs supervised by appropriately trained personnel meeting the standards of the American Red Cross. Said platforms shall only be approved adjacent to land zoned R-3, CG or GU under Chapter 92 of this code and shall have white reflectors affixed to both sides of each corner or, for circular platforms, at least every six feet of circumference.. All permanently moored inflatable floating platforms shall be removed from the lake between November 1 and April 1 of each year and at any time they deflate or are in a state of disrepair. As part of the permit application process, the applicant shall provide a copy of the manufacturer's recommended safety specifications and shall specify the manner in which the applicant will adhere to said specifications. At it's discretion, the town council may allow more than one permanently moored inflatable floating platforms adjacent to land zoned R-3, CG or GU.

- (4) Anchorage for moored floating platforms shall be of galvanized steel cables or the equivalent secured to reinforced concrete anchorage on the lake bottom, vertically below. Alternate materials may be approved if found structurally satisfactory and do not pose a threat to the environment.
- (5) Temporarily moored inflatable water recreation devices shall be no greater than 80 square feet in area or 10 feet in diameter and are permitted on Lake Lure only during daylight hours and are to be used only by swimmers. Such devices shall be removed from the lake when not in use."

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

Adopted this July 10, 2001.

NEW BUSINESS

a. Review Requests from the Zoning and Planning Board

Richard Washburn, Chairman of the Zoning and Planning Board, asked Council members to schedule a joint workshop meeting to discuss the expansion of the town's water system.

A motion was made by Commissioner Pressley to schedule a joint workshop meeting with the Zoning and Planning Board to be held on August 28th, 9:30 a.m., at the Lake Lure Municipal Center in the Town Council meeting room. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

NEW BUSINESS

b. Adopt Ordinance No. 01-07-10B Declaring the Intent to Modify the Speed Limits on U.S. Highway 64/74A within the Town of Lake Lure and Requesting a Concurring Ordinance by the North Carolina Department of Transportation

Town Manager Place reviewed and answered questions pertaining to the proposed Ordinance No. 01-07-10B declaring the intent to modify the speed limits on U.S. Highway 64/74A within the Town of Lake Lure and requesting a concurring ordinance by the North Carolina Department of Transportation.

A motion was made by Cox to adopt Ordinance No. 01-07-10B as presented. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

ORDINANCE NO: 01-07-10B

AN ORDINANCE DECLARING THE INTENT TO MODIFY THE SPEED LIMITS ON US HWY 64/74A WITHIN THE TOWN OF LAKE LURE AND REQUESTING A CONCURRING ORDINANCE BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

WHEREAS, the Town of Lake Lure Town Council desires to reduce to maximum speed limits on US Highway 64/74A within the Town limits; and,

WHEREAS, the Lake Lure Town Manager and Police Chief have consulted with the office of Traffic Engineering in the North Carolina Department of Transportation's 13th Division; and,

WHEREAS, said office conducted an engineering and traffic investigation pursuant to the authority granted by G.S. 20-141(f); and,

WHEREAS, the result of that investigation is a joint recommendation by the Town Manager and Police Chief to the Lake Lure Town Council to modify the existing speed limits;

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: That the maximum speed allowed on US Highway 64/74A from a point 0.79 miles east of Boys Camp Road (old SR 1305), westward to a point 0.49 miles south of Boys Camp Road be 25 miles per hour.

SECTION TWO: That the maximum speed of 45 miles per hour allowed on US Highway 64/74A from a point 0.92 miles east of Boys Camp Road (old SR 1305), eastward to NC 9 established by NCDOT Ordinance 800200030 and from NC 9 to the eastern corporate limits of the Town of Lake Lure by NCDOT Ordinance 800200031 be rescinded; the effect of this amendment being to limit the speed in these sections of US Highway 64/74A to 35 miles per hour.

SECTION THREE: That the North Carolina Department of Transportation adopt a concurring ordinance and erect the appropriate signage.

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

Adopted this 10th day of July, 2001.

NEW BUSINESS

- c. Adopt Ordinance No. 01-07-10C Amending Chapter 85 of the Town Code of Ordinances Regarding the Lake Use Regulations Limiting the Number of Boat Permits to be Issued per Lot**

After discussion, Council members agreed to table the adoption of Ordinance No. 01-07-10C (Amending Chapter 85 of the Town Code of Ordinances Regarding the Lake Use Regulations limiting the number of boat permits to be issued per lot) until further review at the next special workshop meeting with the Lake Advisory Committee on July 17, 2001, 9:30 a.m., at the Lake Lure Municipal Center.

STAFF REPORTS

Town Manager Place reported on the following:

1. The town received a "final determination of categorical exclusion - state funding" from DENR. Mr. Place said this means that the town is exempt from having to complete an environmental assessment for the water system grant. Mr. Place explained that it does not mean the town has been awarded the grant, but is a necessary precedent to such an award. He said the town still had a good chance of receiving this grant.
2. Mr. Place informed Council members that he will meeting with John Condrey, Rutherford County Town Manager, next week to discuss the federal water and sewer funds that Senator Taylor was successful in having allocated to our area. The town will be notified of the amount of the town's share and the timetable for it's receipt.
3. Hydro Plant Operator William Grimes continues to struggle with the pumps at the lift station. A meeting was held yesterday with the town's consultant and contractor to discuss options. The town will complete the changes recommended by the pump manufacturer. If this does not correct the problem, the town will request to have these pumps replaced with new ones.
4. The golf course continues to rack up record rounds and income. June's income almost doubled as compared to last year's revenue. Membership at the golf course increased from 44 members last September to 150 members.
5. Applicants are being interviewed for the new administrative assistant's position in the zoning department.

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6. The pay and classification study by the North Carolina League of Municipalities continues. Town employees are currently being interviewed by consultants from NCLM for this study.
7. The Independence day holiday was safe and mostly sane. There were several people in the area and very few incidents.
8. Mr. Place said he will be on vacation until next Tuesday. Finance Director Sam Karr will be serving as acting town manager during Mr. Place's absence.

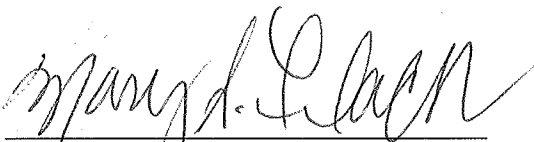
COUNCIL COMMENTS

Mayor Proctor recognized town employees Ron Morgan, Gary Roberts, and Tony Hennessee for assisting Kevin English, former town employee, when he broke his leg.

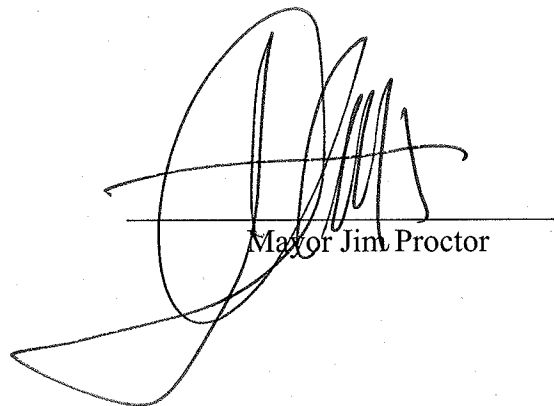
ADJOURNMENT

With no further items of discussion, Commissioner McCallum made a motion to adjourn the meeting at 9:15 p.m. Commissioner Pressley seconded the motion and the vote of approval was unanimous.

ATTEST:



Mary A. Flack, MMC
Town Clerk



Mayor Jim Proctor