

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, JANUARY 8, 2008, 7:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

PRESENT: Mayor Jim Proctor
Commissioner Wayne Hyatt
Commissioner Jeanine Noble
Commissioner Linda Turner

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

ABSENT: Commissioner Russ Pitts

CALL TO ORDER

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

INVOCATION

Attorney Callahan gave the invocation.

APPROVE THE AGENDA

After discussion, Commissioner Noble made a motion to approve the agenda as amended adding an item as 3a for Mayor's Comments and an item under new business as 18g to consider a budget amendment regarding a housing allowance for the new town manager. Commissioner Turner seconded the motion and the vote of approval was unanimous.

Mayor Proctor introduced Steve Wheeler as the new town manager starting effective as of January 15, 2008. He announced that Town Manager H. M. Place is retiring at the end of this month. The Mayor also recognized and thanked Mr. Place on behalf of town council and town staff members for all that he has done for the town. Mayor Proctor invited citizens to attend Mr. Place's retirement party. Mr. Place expressed his appreciation to the town council and staff members.

Public Hearing - Proposed Ordinance No. 08-01-08 Amending Chapter 92 of the Zoning Regulations of the Town of Lake Lure Code of Ordinances; Establishing Regulations and Providing Definitions for Resort Signage

Mayor Proctor opened the public hearing regarding proposed Ordinance No. 08-01-08.

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Community Development Director Shannon Baldwin gave a brief overview and answered questions pertaining to proposed Ordinance No. 08-01-08.

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

After discussion, Commissioner Turner made a motion to close the public hearing. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

Adopt Ordinance No. 08-01-08 Amending Chapter 92 of the Zoning Regulations of the Town of Lake Lure Code of Ordinances; Establishing Regulations and Providing Definitions for Resort Signage

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

After discussion, Commissioner Turner made a motion to adopt Ordinance No. 08-01-08 as presented. Commissioner Noble seconded the motion and the vote of approval was unanimous.

ORDINANCE NUMBER 08-01-08

AN AMENDMENT TO CHAPTER 92 (ZONING REGULATIONS) OF THE TOWN OF LAKE LURE CODE OF ORDINANCES; AMENDING SECTION 92.157 TO ESTABLISH REGULATIONS FOR RESORT SIGNAGE; PROVIDING DEFINITIONS

WHEREAS, the Zoning and Planning Board has recommended modifications to Zoning Regulations of the Town of Lake Lure as noted in the title of this ordinance; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the 8th day of January, 2008, 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 THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE:

SECTION ONE. Section 92.147 of the Zoning Regulations of the Town of Lake Lure, regarding definitions for sign regulations, is hereby amended by adding the following definition:

Resort: A place or places under common management where a large selection of organized activities takes place such as recreation and entertainment, and where facilities are provided for dining and lodging for residents and guests.

SECTION TWO. Paragraph (C) of Section 92.157 of the Zoning Regulations of the Town of Lake

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Lure, regarding standards for resort signs, is hereby enacted to read as follows:

- (C) *Resort Signs.* These standards govern signage located within resorts containing 75 acres or more as that term is defined in §92.147. If any resort sign regulated pursuant to this paragraph is illuminated, it shall only be illuminated by an external bulb.
- (1) *Resort Private Road Sign:* A sign communicating limits on speed and/or messages of warning, caution, and prohibitions for regulating vehicular or pedestrian traffic for safety. These signs shall neither exceed six (6) feet height nor be greater than nine (9) square feet in area per sign face. Said sign may display the insignia or logo of the entity which owns and maintains the private road, so long as not more than 20% of the sign face is used to display the logo or insignia. Signs shall be placed in a manner so as to neither obstruct visibility nor sight distance of motorists.
 - (2) *Resort Direction Sign:* A sign within a resort designed and erected solely for the purpose of vehicular or pedestrian traffic direction. These signs shall neither exceed ten (10) feet in height nor be greater than forty (40) square feet in area per sign face. Such signs may display the insignia or logo of the resort, so long as not more than 20% of the sign face is used to display the logo or insignia. Signs shall be placed in a manner so as to neither obstruct/impair visibility nor sight distance of motorists.
 - (3) *Resort Information Sign:* A single face announcement sign within a resort designed and erected solely for the purpose of conveying information relative to rules of conduct, resort protocol, directives, warnings, or caution. These signs shall neither exceed seven (7) feet in height nor be greater than forty (40) square feet in area per sign face. Such signs may display the insignia or logo of the resort, so long as not more than 20% of the sign face is used to display the logo or insignia. Signs shall be placed in a manner so as to neither obstruct/impair visibility nor sight distance of motorists.
 - (4) *Resort Incidental Sign:* A single face, announcement sign within a resort containing information relative to direction, warning, emergencies, caution, rules, or other similar necessary accessory messages. These signs shall neither exceed five (5) feet in height nor be greater than five (5) square feet in sign area. The total number of resort incidental signs in a resort shall not exceed a number which is the product of three times the number of acres in the resort. For purposes of determining this number, acreage contained within a golf course shall not be counted, nor shall any resort incidental signs contained within such golf course.

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SECTION THREE. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 92.999 of the Zoning Regulations.

SECTION FOUR. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION FIVE. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION SIX. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

SECTION SEVEN. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 8th day of January, 2008.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Jim Proctor
Mayor

APPROVED AS TO FORM:

J. Christopher Callahan
Town Attorney

<p>Public Hearing - Proposed Ordinance No. 08-01-08A Amending Chapter 92 of the Zoning Regulations of the Town of Lake Lure Code of Ordinances; Making Common Amenities Intended to Serve Residential Developments Conditional Uses in Various Zoning Classifications</p>

Mayor Proctor opened the public hearing regarding proposed Ordinance No. 08-01-08 A.

Community Development Director Shannon Baldwin answered questions pertaining to proposed Ordinance No. 08-01-08A.

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

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After discussion, Commissioner Noble made a motion to close the public hearing. Commissioner Turner seconded the motion and the vote of approval was unanimous.

<p>Adopt Ordinance No. 08-01-08A Amending Chapter 92 of the Zoning Regulations of the Town of Lake Lure Code of Ordinances; Making Common Amenities Intended to Serve Residential Developments Conditional Uses in Various Zoning Classifications</p>

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

After discussion, Commissioner Noble made a motion to adopt Ordinance No. 08-01-08A as presented. Commissioner Turner seconded the motion and the vote of approval was unanimous.

ORDINANCE NUMBER 08-01-08A

AN AMENDMENT TO CHAPTER 92 (ZONING REGULATIONS) OF THE TOWN OF LAKE LURE CODE OF ORDINANCES MAKING COMMON AMENITIES INTENDED TO SERVE RESIDENTIAL DEVELOPMENTS CONDITIONAL USES IN VARIOUS ZONING CLASSIFICATIONS

WHEREAS, the Zoning and Planning Board has recommended modifications to Zoning Regulations of the Town of Lake Lure as noted in the title of this ordinance; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the 8th day of January, 2008, 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 THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE:

SECTION ONE. Section 92.005 of the Zoning Regulations of the Town of Lake Lure, entitled "Definitions", is hereby amended by adding the following definitions:

Common Amenities: Clubhouses (not to include lodging facilities), gazebos, tennis courts, swimming pools, amphitheaters, parks, or other facilities or structures accessory to one or more residential developments, intended to provide recreational, cultural or social enrichment solely to persons residing within the residential development(s) and their guests and not to the general public.

Residential Development: A subdivision or planned unit development. This definition is provided as a means of grouping the aforementioned uses into a category of uses, and is not intended to define a new use under the Zoning Regulations. Use of the term "Residential Development" in the Zoning Regulations shall not be deemed to add any uses to a zoning

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district which are not specifically listed as permitted uses or conditional uses within said district.

SECTION TWO. Paragraph (C) of Section 92.027 of the Zoning Regulations of the Town of Lake Lure, regarding conditional uses in the R-1A, R-1B and R-1C Residential Districts, is hereby amended by adding the following conditional use:

- (2) Common amenities for residential developments provided that they are situated within the residential development so as not to adversely impact existing and/or reasonably foreseeable uses on adjoining properties. Such amenities shall be set back a minimum of 30 feet from such adjoining properties and a minimum of 60 feet from Lake Lure. Buffering may be utilized to assure compatibility with adjoining uses.

SECTION THREE. Paragraph (C) of Section 92.028 of the Zoning Regulations of the Town of Lake Lure, regarding conditional uses in the R-1D Residential District, is hereby amended by adding the following conditional use:

- (2) Common amenities for residential developments provided that they are situated within the residential development so as not to adversely impact existing and/or reasonably foreseeable uses on adjoining properties. Such amenities shall be set back a minimum of 30 feet from such adjoining properties and a minimum of 60 feet from Lake Lure. Buffering may be utilized to assure compatibility with adjoining uses.

SECTION FOUR. Paragraph (C) of Section 92.029 of the Zoning Regulations of the Town of Lake Lure, regarding conditional uses in the R-2 Residential District, is hereby amended by adding the following conditional use:

- (17) Common amenities for residential developments provided that they are situated within the residential development so as not to adversely impact existing and/or reasonably foreseeable uses on adjoining properties. Such amenities shall be set back a minimum of 30 feet from such adjoining properties and a minimum of 60 feet from Lake Lure. Buffering may be utilized to assure compatibility with adjoining uses.

SECTION FIVE. Paragraph (C) of Section 92.030 of the Zoning Regulations of the Town of Lake Lure, regarding conditional uses in the R-3 Residential District, is hereby amended by adding the following conditional use:

- (11) Common amenities for residential developments provided that they are situated within the residential development so as not to adversely impact existing and/or reasonably foreseeable uses on adjoining properties. Such amenities shall be set back a minimum of 30 feet from such adjoining properties and a minimum of 60 feet from Lake Lure. Buffering may be utilized to assure compatibility with adjoining uses.

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SECTION SIX. Paragraph (G) of Section 92.031 of the Zoning Regulations of the Town of Lake Lure, regarding conditional uses in the C-1 General Commercial District, is hereby amended by adding the following conditional use:

- (9) Common amenities for residential developments provided that they are situated within the residential development so as not to adversely impact existing and/or reasonably foreseeable uses on adjoining properties. Such amenities shall be set back a minimum of 30 feet from such adjoining properties and a minimum of 60 feet from Lake Lure. Buffering may be utilized to assure compatibility with adjoining uses.

SECTION SEVEN. Paragraph (C) of Section 92.031C of the Zoning Regulations of the Town of Lake Lure, regarding conditional uses in the CG Commercial General District, is hereby amended by adding the following conditional use:

- (11) Common amenities for residential developments provided that they are situated within the residential development so as not to adversely impact existing and/or reasonably foreseeable uses on adjoining properties. Such amenities shall be set back a minimum of 30 feet from such adjoining properties and a minimum of 60 feet from Lake Lure. Buffering may be utilized to assure compatibility with adjoining uses.

SECTION EIGHT. Subparagraph (A)(4) of Section 92.048 of the Zoning Regulations of the Town of Lake Lure, regarding conditional use standards for planned unit developments, is hereby amended by adding the following minimum requirement:

- (k) Common amenities for residential developments provided that they are situated within the residential development so as not to adversely impact existing and/or reasonably foreseeable uses on adjoining properties. Such amenities shall be set back a minimum of 30 feet from such adjoining properties and a minimum of 60 feet from Lake Lure. Buffering may be utilized to assure compatibility with adjoining uses.

SECTION NINE. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 92.999 of the Zoning Regulations.

SECTION TEN. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION ELEVEN. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION TWELVE. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

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SECTION THIRTEEN. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 8th day of January, 2008.

Attest:

Mary A. Flack, MMC
Town Clerk

Jim Proctor
Mayor

Approved as to form:

J. Christopher Callahan
Town Attorney

Public Hearing - Proposed Ordinance No. 08-01-08B Amending Chapter 92 of the Zoning Regulations of the Town of Lake Lure Code of Ordinances; Modifying the Requirements for Amending the Zoning Regulations; Modifying the Requirements for Home Occupations; Requiring Proof of Approval for Water and Septic to Accompany Applications for Zoning Compliance Permits; Requiring Construction Sites to be Kept Clean and Free of Debris

Mayor Proctor opened the public hearing regarding proposed Ordinance No. 08-01-08 B.

Community Development Director Shannon Baldwin gave a brief overview and answered questions pertaining to proposed Ordinance No. 08-01-08B.

Mayor Proctor invited citizens to speak during the public hearing. Bill Bush and John Cloud requested to speak regarding home occupancy and garages.

After discussion, Commissioner Turner made a motion to close the public hearing. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

Adopt Ordinance No. 08-01-08B Amending Chapter 92 of the Zoning Regulations of the Town of Lake Lure Code of Ordinances; Modifying the Requirements for Amending the Zoning Regulations; Modifying the Requirements for Home Occupations; Requiring Proof of Approval for Water and Septic to Accompany Applications for Zoning Compliance Permits; Requiring Construction Sites to be Kept Clean and Free of Debris

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

After discussion, Commissioner Noble made a motion to adopt Ordinance No. 08-01-08AB as presented. Also, direct the zoning and planning board to review the number of employees allowed

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for home occupations and draft an amendment. Commissioner Turner seconded the motion and the vote of approval was unanimous.

ORDINANCE NUMBER 08-01-08B

AN AMENDMENT TO CHAPTER 92 (ZONING REGULATIONS) OF THE TOWN OF LAKE LURE CODE OF ORDINANCES; MODIFYING THE REQUIREMENTS FOR AMENDING THE ZONING REGULATIONS; MODIFYING THE REQUIREMENTS FOR HOME OCCUPATIONS; REQUIRING PROOF OF APPROVAL FOR WATER AND SEPTIC TO ACCOMPANY APPLICATIONS FOR ZONING COMPLIANCE PERMITS; REQUIRING CONSTRUCTION SITES TO BE KEPT CLEAN AND FREE OF DEBRIS

WHEREAS, the Zoning and Planning Board has recommended modifications to Zoning Regulations of the Town of Lake Lure as noted in the title of this ordinance; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the 8th day of January, 2008, 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 THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE:

SECTION ONE. Section 92.171 of the Zoning Regulations of the Town of Lake Lure, regarding applications to amend the zoning regulations, is hereby amended as follows:

§92.171 Application. Before any application on a proposed change or amendment, an application shall be submitted to the office of the Zoning Administrator at least ~~ten~~ 30 days prior to the Zoning and Planning Board's meeting at which the application is to be considered. The application shall contain the name(s) and address(es) of the owner(s) of the property in question, the location of the property, and a description and/or statement of the present and proposed zoning regulation or district. All applications requesting a changes in the zoning map shall include a description of the property in question. The Zoning and Planning Board will not consider a reapplication for any rezoning of any such property denied for a period of twelve months from the date of denial. The provisions of this section and §92.172 regarding application fees shall not apply to amendments generated by the Town of Lake Lure.

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~.]

SECTION TWO. Section 92.173 of the Zoning Regulations of the Town of Lake Lure, regarding Zoning and Planning Board action on applications to amend the zoning regulations, is hereby amended as follows:

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§92.173 Zoning and Planning Board Action. Before taking any action on a proposed amendment to the chapter, the Town Council shall consider the Zoning and Planning Board's recommendations on each proposed amendment. ~~The Zoning and Planning Board shall have 35 days after the first consideration of the application within which to submit its recommendations to the Town Council. Failure of the Zoning and Planning Board to submit recommendations within the 35 day period shall constitute a favorable recommendation.~~ Provided, however, if the Zoning and Planning Board shall not have made its recommendations within 35 days after the first consideration of an application by the Board, the applicant shall have the right to demand that the application be forwarded to the Town Council for a public hearing thereon.

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~.]

SECTION THREE. The definition of "home occupation", contained in Section 92.005 of the Zoning Regulations of the Town of Lake Lure, is hereby amended as follows:

Home Occupation: Any profession or occupation conducted entirely within a dwelling and/or a building which is customarily accessory thereto, by a family member or occupant permanently residing on the premises that is incidental to the primary use of the dwelling as a residence. ~~No merchandise shall be sold or displayed on the premises, and no mechanical equipment shall be installed which is not normally used for domestic or professional purposes. No more than 25% of the total floor space of the dwelling unit may be used for a home occupation. No exterior evidence of the presence of a home occupation shall be allowed other than a sign as permitted in §§ 92.145 through 92.161. Only members of the immediate family residing in the same dwelling unit and not more than one other employee may be employed in the operation of a home occupation. One off-street parking space shall be required in addition to the parking requirements for the dwelling unit.~~

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~.]

SECTION FOUR Section 92.117 of the Zoning Regulations of the Town of Lake Lure, entitled "Home Occupations", is hereby amended as follows:

§92.117 HOME OCCUPATIONS:

- (A) The person conducting the home occupation must be the owner of the dwelling unit/building or accessory building in which the home occupation is to be located, or if the applicant is a tenant, written approval of the owner must be provided.
- (B) The use of the dwelling unit/building or accessory building for home occupations shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of it.

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- (C) Deliveries or pick-ups of supplies or products associated with the home occupation are allowed only between 8a.m. and 6p.m.
- (D) The home occupation shall not generate additional traffic beyond what is customary to and of the type associated with residential use.
- (E) Goods or materials used in connection with a home occupation shall only be stored within a completely enclosed structure.
- (F) No vehicles used primarily in connection with a home occupation which advertises that home occupation may be parked where they are visible from the road.
- (G) No merchandise or articles for sale shall be displayed for advertising purposes so as to be visible from outside the main dwelling.
- (H) No persons other than the resident occupants and 3 individuals shall be working on the home occupation in the dwelling unit/building or accessory building at any given time. ~~Parking for such employees must be off the street.~~
- (I) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference which is detectable.
- (J) There shall be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot. No changes shall be made to the outside appearance of the dwelling unit or lot, ~~including the posting of any signs~~, for the use in conjunction with a home occupation, and there shall be no other visible evidence of the conduct of such home occupation on the lot. Notwithstanding the foregoing, a home occupation may utilize one non-illuminated sign, not exceeding two square feet in area, affixed to the residence.
- (K) The home occupation shall cease immediately when the use is determined by the Zoning Administrator to be a nuisance or is in violation of any statute, ordinance, law or regulation.
- (L) Parking adequate to accommodate employees, clients or customers, and residents shall be provided off the street and shall be screened from view from adjoining properties.

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~.]

SECTION FIVE. Section 92.062 of the Zoning Regulations of the Town of Lake Lure, entitled “Certificate of Zoning Compliance Required; Applications”, is hereby amended as follows:

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§ 92.062 CERTIFICATE OF ZONING COMPLIANCE REQUIRED; APPLICATIONS

- (A) Except as otherwise provided in these Zoning Regulations, no building or other structure shall be erected, moved, added to or structurally altered, nor shall any County building permit be issued nor shall any change in the use of any building or land be made until a certificate of zoning compliance shall have been issued by the Zoning Administrator. No certificate of zoning compliance shall be issued except in conformity with the provisions of this chapter. Upon approval of a conditional use permit or variance by the Board of Adjustment the Zoning Administrator shall issue a certificate of zoning compliance.
- (B) All applications for zoning compliance certificates shall be accompanied by ~~detailed site plans, in duplicate and drawn to scale, showing the following:~~
 - (1) Detailed site plans, in duplicate and drawn to scale, showing the following:
 - (a) actual dimensions and general topography of the lot to be built upon;
 - (b) accurate dimensions, uses and locations on the lot of the building(s); proposed to be erected or altered;
 - (c) the significant trees to be protected or removed; and
 - (d) a steep slope plan in accordance with § 92.119 where such slopes occur. and
 - (2) If connection is to be made to the Town's water or sewer systems, proof of approval for taps from the Town.
 - (3) If individual septic tanks and/or wells are to be used, proof of approval from the County Health Department.
 - (4) Such other information as may be necessary to provide for the enforcement of the provisions of this chapter.

Prior to issuance of a certificate of zoning compliance, the Zoning Administrator may consult with such qualified personnel as surveyors, geotechnical engineers, the tree protection officer, the erosion control officer, and others, as needed, for assistance to determine if the application meets the requirements of this chapter. The cost of a zoning compliance certificate shall be as set forth in the Town of Lake Lure fee schedule at the time the application for a zoning compliance certificate is made.

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[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~.]

SECTION SIX. Section 92.063 of the Zoning Regulations of the Town of Lake Lure, entitled “Requirements Prior to Issuance of a Building Permit”, is hereby repealed.

SECTION SEVEN. Section 92.066 of the Zoning Regulations of the Town of Lake Lure, entitled “Construction Progress”, is hereby amended as follows:

§ 92.066 CONSTRUCTION PROGRESS. Construction sites shall be kept clean and free of debris. If work has not commenced within six months of the date of the issuance of the certificate of zoning compliance, or if work begins and then ceases for a period of 12 months, the certificate of zoning compliance shall become invalid.

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~.]

SECTION EIGHT. Paragraph (A)(3) of §92.157 of the Zoning Regulations of the Town of Lake Lure, concerning signs permitted in the R-1, R-2, R-3 and R-4 zoning classifications, is hereby amended as follows:

- (a) One flat sign not to exceed 12 square feet, identifying the premises of or on which permitted non-residential uses are located. Such signs shall not be illuminated by either an internal or external source. This paragraph shall not apply to home occupations, signs in which are regulated by the terms of §92.117(J).

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~.]

SECTION NINE. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 92.999 of the Zoning Regulations.

SECTION TEN. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION ELEVEN. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION TWELVE. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

SECTION THIRTEEN. This ordinance shall be in full force and effect from and after the date of its adoption.

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Adopted this 8th day of January, 2008.

Attest:

Mary A. Flack, MMC
Town Clerk

Jim Proctor
Mayor

Approved as to form:

J. Christopher Callahan
Town Attorney

Public Hearing - Proposed Ordinance No. 08-01-08C Amending the Zoning Map of the Town of Lake Lure By Rezoning a Lot from CTC and R-2 to R-2 as Requested By Chris Conard, Agent for Tom Zink dba Raven Ridge LLC Rezoning Petition RZ-07-04

Mayor Proctor opened the public hearing regarding proposed Ordinance No. 08-01-08C.

Amos Gilliam, Planner/Subdivision Administrator gave a brief overview and answered questions pertaining to proposed Ordinance No. 08-01-08C.

Mayor Proctor invited citizens to speak during the public hearing and no requested to speak.

After discussion, Commissioner Turner made a motion to close the public hearing. Commissioner Noble seconded the motion and the vote of approval was unanimous.

Adopt Ordinance No. 08-01-08C Amending the Zoning Map of the Town of Lake Lure By Rezoning a Lot from CTC and R-2 to R-2 as Requested By Chris Conard, Agent for Tom Zink dba Raven Ridge LLC Rezoning Petition RZ-07-04

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

After discussion, Commissioner Turner made a motion to adopt Ordinance No. 08-01-08C as presented. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

ORDINANCE NUMBER 08-01-08C

AN ORDINANCE AMENDING THE ZONING MAP OF TOWN OF LAKE LURE BY REZONING A LOT FROM CTC and R-2 TO R-2 AS REQUESTED BY REZONING PETITION RZ-07-04

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WHEREAS, Raven Ridge, LLC is the owner of a parcel identified by tax Parcel Identification Number (PIN) 1644615 and described in deed book 942 page 656 at the Rutherford County Register of Deeds Office; and,

WHEREAS, the current zoning of the above referenced parcel is CTC/Commercial, Town Center and R-2/General Residential District; and,

WHEREAS, Tom Zink dba Raven Ridge, LLC has petitioned to have this parcel rezoned to R-2/General Residential District as described with petition number RZ-07-04; and,

WHEREAS, the Lake Lure Zoning and Planning Board, after due consideration on the 18th of December, 2007, recommended approval of this petition; and,

WHEREAS, the Lake Lure Town Council, after due public notice, conducted a public hearing on the 8th day of January, 2008, on the question of amending the zoning map in this respect and, after further consideration, determined that the rezoning is in the best interests of the Town of Lake Lure;

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 zoning map referenced in Chapter 92 of the Lake Lure Code of Ordinances is hereby amended to change the lot having County tax PIN 1644615 from CTC/Commercial, Town Center and R-2/General Residential District to R-2/General Residential District.

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 zoning regulations as hereby amended.

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

Adopted this 8th day of January, 2008.

Attest:

Mary A. Flack, MMC
Town Clerk

Jim Proctor
Mayor

Approved as to form:

J. Christopher Callahan
Town Attorney

Hearing - Appeal the Decision of the Lake Structures Appeals Board Regarding Case No. LSA-07-08; John Bittle of Bittle, Inc. Agent for Thomas and Victoria Rogers)

A motion was made by Commissioner Hyatt to excuse Commissioner Turner from the hearing on the appeal of the decision of the Lake Structures Appeals Board regarding Case Number LSA-07-08, John Bittle, of Bittle, Inc., agent for Thomas and Victoria Rogers because of a contractual agreement between Commissioner Turner and John Bittle of Bittle, Inc. Commissioner Noble seconded the motion and the vote of approval was unanimous.

Town Attorney Chris Callahan sworn in John Bittle of Bittle, Inc. to give testimony regarding Case Number LSA-07-08 appealing the decision of the Lake Structures Appeals Board on behalf of Thomas and Victoria Rogers. Mr. Bittle stated that he had built a boat house for Thomas and Victoria Rogers. Mr. Bittle testified that he began measuring from the shoreline out 30 feet and then drove the pilings. Next, he added the band and siding to the pilings, resulting in an extension of 30 feet and four inches. Mr. Bittle said because of the protection of the overhang and esthetics of the boathouse the architect showed on the sides a two foot overhang. He said they put an overhang on both the lake side and the shore side up to a foot. Mr. Bittle said he requested Zoning Administrator Teresa Reed to come out for a final inspection and she measured the boathouse at 30 feet, four inches and 32 feet with the overhang. He then applied for a variance application with the Lake Structure Appeals Board requesting that the structure be increased from 30 feet to 30' 6" in order to avoid tearing down the end of the boathouse or 32' 6" leaving the overhang on the boathouse. Mr. Bittle referred to pictures showing the boathouse in the open water and informed council members that the location of the boathouse will not cause impairment to neighbors. He said the overhang will not interfere with the visibility nor the navigation of his neighbors. Mr. Bittle stated that it would be difficult to tear down the end of the boathouse and that it would change the stability of the structure. Mr. Bittle referred to motions stated in the minutes of the regular meeting of the Lake Structure Appeals Board held on Tuesday, November 27, 2007 with regards to his variance application. Mr. Bittle stated that Thomas and Victoria Rogers informed him that they would like to keep the overhangs on their boathouse. Mr. Bittle commented about a memorandum dated November 26, 2007 from the Community Development Attorney Michael Egan regarding Mr. and Mrs. Rogers case. Mr. Bittle requested that council members consider granting a variance to Mr. and Mrs. Rogers to leave the boathouse as it is and as stated in the Lake Structures Appeals Board minutes of November 27, 2007 where a motion was made for a 2' 6" variance and LSAB member Jacques, LSAB member Maringer, and LSAB member Webber were in favor of the motion. Mr. Bittle said it would be very difficult and a financial hardship to remove the overhangs. Mr. Bittle asked council members to consider revising the Lake Structures Regulations to allow overhangs for the protection of boathouses esthetic purposes.

Council members reviewed a packet of information furnished by Community Development Technician Sheila Spicer on behalf of the Lake Structures Appeals Board including the following documents relating to Case Number LSA-07-08. (Copies of these documents are attached and made part of the minutes).

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1. Application for variance No. LSA-07-08 (3 pages).
2. Letter from Thomas and Victoria Rogers authorizing John Bittle to act as their agent (1 page).
3. Lake Structure Permit No. LSP-06-22 (2 pages).
4. 25 pictures of the property and structure in question (25 pages).
5. Rutherford County GIS map and property information (2 pages).
6. Directions to the property (1 page).
7. Letters to adjacent property owners notifying them of the public hearing (2 pages).
8. Memo to the Lake Structures Appeals Board from Community Development Attorney Mike Egan (2 pages).
9. Site plan (1 page).
10. Building plans (1 page).
11. A copy of the official minutes of the November 27, 2007 Lake Structures Appeals Board meeting (6 pages).
12. A copy of the decision of the Board of Adjustment regarding Case Number LSA-07-02 (2 pages).
13. A copy of the affidavit of publication of the hearing notice from The Daily Courier newspaper (1 page).

A motion was made by Commissioner Hyatt to grant a 2' 6" variance for Thomas and Victoria Rogers to extend their boathouse. Commissioner Hyatt voted in favor of the motion. Commissioner Noble voted against the motion. Mayor Proctor voted against the motion breaking the tie vote. Therefore, the motion did not carry with a vote of 2 to 1.

After discussion, Commissioner Hyatt made a motion to grant a 6" variance for Thomas and Victoria Rogers to extend their boathouse not to include the overhang in accordance with and only to the extent represented in the variance application. Commissioner Hyatt voted in favor of the motion. Commissioner Noble voted against the motion. Mayor Proctor voted in favor of the motion breaking the tie vote. Therefore, the motion carried with a vote of 2 to 1.

PUBLIC FORUM

Mayor Proctor invited the audience to speak on any non-agenda item and the following requested to speak.

Nancy McNary requested that meeting places for citizens be considered when remodeling the existing community center.

Chuck Ross asked about a rumor regarding the Lake Lure library being moved to another location.

John Bittle explained the effect it would have on his current business if the number of employees allowed for home occupations is reduced.

STAFF REPORTS

Town Manager Place read his report into the record dated January 8, 2008. (Copy of the town manager's report is attached).

COUNCIL LIAISON REPORTS & COMMENTS

Council members held a brief discussion regarding the new lake management position and responsibilities. Council members expressed their desire to fill this position as soon as possible.

Commissioner Turner reported on the activities of the Parks and Recreation Board.

Commissioner Noble reported on the activities of the Lake Advisory Committee and the Golf Course Committee.

Commissioner Hyatt reported on the activities of the Lake Lure ABC Board and the Board of Adjustment/Lake Structures Appeals Board.

CONSENT AGENDA

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

Commissioner Noble moved, seconded by Commissioner Turner, to approve the consent agenda items as presented. Therefore, the consent agenda, incorporating the following items were unanimously approved:

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- a. minutes of the December 11, 2007 (regular meeting), and January 3, 2008 (special meeting);
- b. a budget amendment regarding insurance for new council members as submitted by the finance director; transfer \$2,399 from the contingency fund (#10-991000-970 to the insurance account (#10-411000-111); (Attached is a copy of the memorandum from the finance director dated December 28, 2007); and
- c. a request from James Dunn on behalf of the Hickory Nut Gorge Foundation to waive the rental fees for use of the conference room in the Lake Lure Municipal Hall on 1/23/08, 2/27/08, 3/26/08, 4/30/08, 5/28/08, 6/25/08, 7/30/08, 8/27/08, 9/24/08, 10/29/08, & 11/06/08 from 6:30 p.m. until 8:30 p.m.

End of Consent Agenda

UNFINISHED BUSINESS:

a. Other Unfinished Business

There was no other unfinished business for discussion.

NEW BUSINESS:

a. Presentation of Municipal Projects Development Report; Approve the Design of the New Youth Center, the Remodeling of the Existing Community Center, and the Design of the New Park Shelter

Carroll Hughes, AIA, NCARB of SpacePlan, made a power point presentation regarding the municipal projects development, the design of the new youth center, the remodeling of the existing community center, and the design of the new park shelter.

Council members agreed with the idea of remodeling the youth center to be used for multiple purposes for public service.

After discussion, council members agreed by consensus to direct SpacePlan to proceed with the design drawings.

NEW BUSINESS:

b. Consider a Request from John Cloud for Approval of Financial Guarantee of the Installation of Infrastructure for Phase I of the Ridge at Firefly Cove Subdivision with the Town Regarding the Installation of improvements in the Development

Amos Gilliam, Planner/Subdivision Administrator gave a brief overview and answered questions pertaining to a request from John Cloud for approval of a financial guarantee of the installation of infrastructure for Phase I of the Ridge at Firefly Cove Subdivision with the town regarding the installation of improvements in the development. (Attached are copies of a memorandum from Amos Gilliam dated January 2, 2008, a letter from David Odom dated December 7, 2007, an agreement with Firefly Cove, Inc. (Ridge at Firefly Cove), and a cost estimate report from Odom Hollifield Associates dated December 7, 2007.)

After discussion, Commissioner Turner made a motion to approve the financial guarantee agreement as submitted by John Cloud regarding the installation of the infrastructure for Phase I of the Ridge at Firefly Cove subdivision with the town for installation improvements in the development. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

c. Consider a Request from John Cloud for Approval of Reduction in the Bond Agreement with the Town Regarding the Installation of Improvements for Firefly Cove Subdivision

Amos Gilliam, Planner/Subdivision Administrator gave a brief overview and answered questions pertaining to a request from John Cloud for approval of reduction in the bond agreement with the town regarding the installation of improvements for Firefly Cove Subdivision. (Attached are copies of a memorandum from Amos Gilliam dated January 2, 2008, a letter from David Odom dated December 5, 2007, an agreement with Firefly Cove, Inc. (Firefly Cove), a cost estimate report from Odom Hollifield Associates dated December 5, 2007.)

After discussion, Commissioner Noble made a motion to approve the financial guarantee as submitted by John Cloud to reduce the bond agreement with the town regarding installation improvements for Firefly Cove subdivision. Commissioner Turner seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

d. Consider a Budget Amendment for Consulting Services Relating to a Subsequent Inspection of the Town's Dam by Dr. Grenoble and Authorize the Town Manager to Sign this Agreement Between the Town of Lake Lure and Devine Tarbell & Associates, Inc.

Town Manager Chuck Place read into the record his memorandum dated January 2, 2008 regarding the inspection report of the town's dam and a budget amendment. (Attached are copies

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of a memorandum from Chuck Place dated January 2, 2008 and an agreement with Devine Tarbell and Associates, Inc..)

After discussion, Commissioner Noble made a motion to approve a budget amendment of \$1,300.00 for consulting services regarding a subsequent inspection of the town's dam by Dr. Grenoble as submitted by the town manager and authorize the town manager to sign the agreement between the Town of Lake Lure and Devine Tarbell & Associates, Inc. as presented. Commissioner Turner seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

e. Consider the Adoption of Resolution No. 08-01-08 A Policy for Mutual Assistance with Other Law Enforcement Agencies

Town Manager Chuck Place read into the record his memorandum dated December 18, 2007 and a letter from Police Chief Eric Hester dated December 7, 2007 pertaining to a law enforcement mutual aid agreement policy. (Attached are copies of a memorandum from Chuck Place dated December 18, 2007 and a letter from Eric Hester dated December 7, 2007.)

After discussion, Commissioner Turner made a motion to adopt Resolution No. 08-01-08 re-establishing a policy for mutual assistance with other law enforcement agencies as presented. Commissioner Noble seconded the motion and the vote of approval was unanimous.

RESOLUTION 08-01-01

A RESOLUTION ADOPTING A POLICY FOR MUTUAL ASSISTANCE WITH OTHER LAW ENFORCEMENT AGENCIES

WHEREAS, pursuant to North Carolina General Statutes § 160A-288, the governing body of a city may adopt appropriate guidelines for the purpose of mutual assistance with other municipal and county law enforcement agencies; and

WHEREAS, pursuant to said laws, the law enforcement assistance to be rendered authorizes lending officers to work temporarily with officers of the requesting, including in an undercover capacity, and lending equipment and supplies; and

WHEREAS, it is deemed to be in the best interests of the citizens of Lake Lure to adopt a reasonable policy and guidelines whereby reciprocal law enforcement assistance can be both rendered to and obtained from other governmental jurisdictions; and

WHEREAS, such reciprocal assistance is necessary for effective law enforcement for the protection of the citizens of Lake Lure;

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

1. The Lake Lure Chief of Police is hereby authorized to enter into mutual assistance arrangements with other municipal and county law enforcement agencies, provided that the head of the requesting law enforcement agency makes such a request in writing.
2. The Lake Lure Chief of Police is hereby authorized to permit officers of the Lake Lure Police Department to work temporarily with officers of the requesting agency, including in an undercover capacity, and the Chief of Police may lend such equipment and supplies to requesting agencies as he deems advisable.
3. All such request and authorizations shall be in accordance with North Carolina General Statutes § 160A-288, as applicable.
4. While working with a requesting agency, an officer shall have the same jurisdiction, powers, rights, privileges and immunities (including those relating to the defense of civil actions and payment of judgments) as the officers of the requesting agency in addition to those the officer normally possesses.
5. While on duty with the requesting agency, an officer shall be subject to the lawful operational commands of the officer's superior officers in the requesting agency, but the officer shall for personnel and administrative purposes, remain under the control of the officer's own agency, including for purposes of pay. An officer shall furthermore be entitled to worker's compensation and the same benefits to the extent as though he were functioning within the normal scope of the officer's duties.
6. The Lake Lure Chief of Police is hereby authorized to enter into mutual assistance agreements with other law enforcement agencies in accordance with such reasonable arrangements, terms and conditions as may be agreed upon between the respective heads of the law enforcement agencies.

This resolution shall be in effect upon it's adoption.

Adopted this 8th day of January, 2008.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Jim Proctor
Mayor

APPROVED AS TO FORM

J. Christopher Callahan
Town Attorney

NEW BUSINESS:

f. Consider the Adoption of Resolution No. 08-01-08A Amending Resolution No. 92-03-24 which Created a Lake Advisory Committee to Advise Council on Matters Relating to the Safe and Enjoyable Use of Lake Lure

Town Manager Place reviewed and answered questions regarding Resolution No. 08-01-08A.

After discussion, Commissioner Noble made a motion to adopt Resolution No. 08-01-08A amending Resolution No. 92-03-24 which created a Lake Advisory Committee to advise council on matters relating to the safe and enjoyable use of Lake Lure (changing the Lake Advisory Committee to a Lake Advisory Board, revising the membership and adding the Lake Operations Administrator as an ex-officio member on this board). Commissioner Turner seconded the motion and the vote of approval was unanimous.

RESOLUTION NO. 08-01-08A

A RESOLUTION OF THE TOWN COUNCIL OF LAKE LURE, NORTH CAROLINA AMENDING RESOLUTION 92-03-24 WHICH CREATED A LAKE ADVISORY COMMITTEE TO CHANGE THE NAME OF THE COMMITTEE TO LAKE ADVISORY BOARD AND TO ADD AN EX-OFFICIO MEMBER

WHEREAS, Resolution 92-03-24, adopted by the Lake Lure Town Council on the 24th day of March, 1992, created a Lake Advisory Committee to study and make recommendations to Council concerning the safe and enjoyable use of Lake Lure; and

WHEREAS, the town council has determined that the functions and duties of the Lake Advisory Committee are more properly the functions and duties of a permanent Lake Advisory Board; and

WHEREAS, it is the desire and intent of the council to establish a permanent membership of seven members and add an ex-officio member to said advisory board; now,

THEREFORE BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF LAKE LURE, NORTH CAROLINA:

Section 1: That Resolution 92-03-24 be amended by replacing the term “committee” with the term “board” throughout.

Section 2: That Sections 3, 4 and 5 of Resolution 92-03-24 be amended to read:

“Section 3: That the Board shall consist of ~~eight~~ seven members each

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appointed by a majority vote of Town Council plus one ex-officio member who shall be the staff member responsible for lake operations and appointed by the town manager.

Section 4: That the term of appointment of each member shall be for two years, ~~except in appointing the original members of such committee, the Council shall designate four members for one year terms, with the other four original members being appointed to the usual two year terms, thereafter the~~ and terms of all members shall not expire at the same time.

Section 5: That vacancies on the ~~Lake~~ Board other than the ex-officio member shall be filled by vote of Town Council to fill the unexpired term. The ex-officio position shall be reappointed by the town manager."

Section 3: That Section 9 shall be renumbered as "Section 10" and a new Section 9 be added as follows:

"Section 9: The ex-officio member shall have the right to participate in all deliberations of the board but shall not have the right to vote."

This resolution shall be in effect upon it's adoption.

Adopted this 8th day of January, 2008.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Jim Proctor
Mayor

APPROVED AS TO FORM

J. Christopher Callahan
Town Attorney

NEW BUSINESS:

g. Consider a Budget Amendment Regarding a Housing Allowance for the New Town Manager

After discussion, Commissioner Hyatt made a motion to approve a budget amendment as submitted by the finance director, transferring \$5,000.00 from the contingency fund (#10-991000-

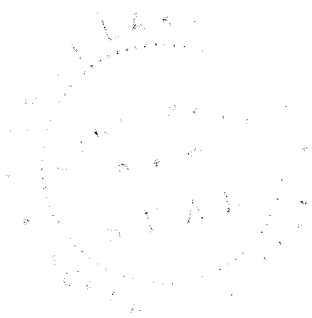
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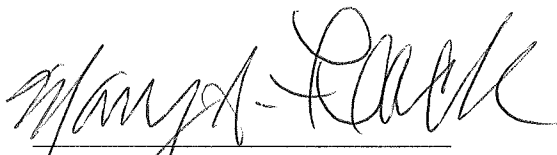
970) to the travel and transportation account (#10-413000-310) regarding housing allowance for the new town manager. Commissioner Turner seconded the motion and the vote of approval was unanimous.

RECESSED THE MEETING

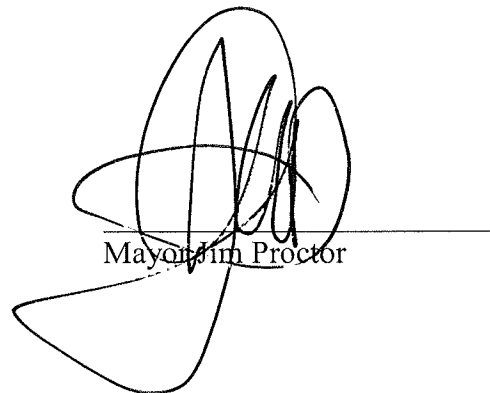
With no further items of discussion, Commissioner Noble made a motion to recess this meeting to be continued on January 15, 2008, 9:30 a.m., at the Law Office of Attorney J. Christopher Callahan, 252 Charlotte Road, Rutherfordton. Commissioner Turner seconded the motion and the vote of approval was unanimous.

ATTEST:





Mary A. Flack, MMC
Town Clerk



Mayor Jim Proctor