

MINUTES OF REGULAR MEETING OF BOARD OF COMMISSIONERS
OF THE TOWN OF LAKE LURE
August 14, 1973

The regular meeting of the Board of Commissioners was held in the Town Hall at 7:30 o'clock p. m. on August 14, 1973. The following members of the Board were present: J. Paul Wilson, Mayor; Avery T. Cashion, Jr., Commissioner; and Zeb V. Dalton, Commissioner. Hollis M. Owens, Jr., Town Attorney, was also present.

Mayor Wilson presided and called the meeting to order. The minutes of the last meeting were read and approved as written.

Mrs. John Bagwell inquired about the possibility of dredging the upper end of the lake known as "Lake Lure". Mayor Wilson advised that he felt that when federal funds became available for such projects the application of the Town of Lake Lure for funds will be among the first to be approved.

Mrs. J. V. Bell advised the Board that the street running by her home is in need of grading and stoning.

Mr. J. V. Bell, Chairman of the Lake Lure Board of Elections stated he felt it desirable for the members of said Board to meet with Mr. John Jones, Chairman of the Rutherford County Board of Elections. Mayor Wilson advised that he would contact Mr. Jones and arrange for such a meeting.

Commissioner Cashion asked about using motor oil on Holmes Road to keep down dust. Mayor Wilson suggested that calcium chloride might be more satisfactory.

The matter of allocation of Revenue Sharing Funds was discussed. Commissioner Cashion moved, seconded by Commissioner Dalton that such funds received by the Town of Lake Lure for the fiscal year 1972-1973 be allocated as follows: Lake Lure Police Department - \$6,639.00; Proposed Town Office Building Fund - \$8,118.00 plus any accrued interest; and that \$13,626.00 which is the estimated amount of Revenue Sharing Funds to be received by the Town of Lake Lure for the fiscal year 1973-1974 be allocated to the proposed Town office building fund. Motion was unanimously adopted.

The need for a new police car was discussed. Mayor Wilson asked acting Chief of Police, Paul Haynes, to obtain bids from Dodge, Ford and Plymouth agencies.

The appointment of a tax collector for the Town of Lake Lure for the 1973-74 fiscal year was discussed. Mayor Wilson advised the Board that a person serving as Treasurer cannot be appointed tax collector, nor may the duties of tax collector be conferred upon him, except with the written permission of the Secretary of the Local Government Commission. Commissioner Cashion moved, seconded by Commissioner Dalton, that the attached Resolution be adopted.

RESOLUTION

A RESOLUTION OF THE Town Board OF Lake Lure, N.C. APPOINTING OR CONFIRMING THE APPOINTMENT OF Blanche B. Liles AS THE CHIEF ACCOUNTING OFFICER AND TAX COLLECTOR, BY AND WITH THE APPROVAL OF THE SECRETARY OF THE LOCAL GOVERNMENT COMMISSION.

Whereas, under the provisions of G.S. 105-349(a), the governing body of each county and municipality shall appoint a tax collector to serve for a term to be determined by the appointing body for the performance of such duties as may be assigned and as expressly enumerated under G.S. 105-350, except where city charter provisions and special legislation relating to the selection of the tax collector provide to the contrary; and

Whereas, under the provisions of G.S. 160-409.1, the governing body shall appoint a person as the municipal accountant who serves as the unit's chief accounting officer with said person having such duties as may be assigned by the appointing body and as imposed upon said person under the provisions of G.S. 160-409.3; and

Whereas, under the provisions of G.S. 105-349(c) "no tax collector shall be allowed to begin his duties until he shall have furnished bond conditioned upon his honesty and faithful performance in such amount as the governing body may prescribe", and as G.S. 159-29, effective July 1, 1973, requires the finance officer of local governments to "give a true accounting and faithful performance bond with sufficient sureties in an amount to be fixed by the governing board, not less than \$10,000 nor more than \$100,000"; and

Whereas, under the provisions of G.S. 105-349(e), "A person appointed or elected as the Treasurer or Chief Accounting Officer of a taxing unit may not be appointed tax collector, nor may the duties of the office of tax collector be conferred upon him, except with the written permission of the Secretary of the Local Government Commission who, before giving his permission, shall satisfy himself that the unit's internal control procedures are sufficient to prevent improper handling of public funds;" and

Whereas, under the provisions of G.S. 160-409.1, it shall be the duty of the governing body to require an annual independent audit of the taxing unit's books and records "if any person upon whom the powers and duties of the municipal accountant are imposed and conferred is a tax collecting officer" of said taxing unit; and

Whereas, under the provisions of G.S. 105-373, it shall be the duty of the tax collector to make an annual settlement failure to do so resulting in civil and criminal penalties, G.S. 105-352(b) (d); and

Whereas, the potential effect of designating the same person as both the chief accounting officer and the tax collector having been fully considered, the governing body concludes that at this time the person appointed is the only person available and capable of serving in either capacity; that the administrative costs of separating the two functions being a dominant factor, the governing body will undertake to prescribe and require the practice of internal control procedures considered sufficient in the opinion of said governing body to prevent improper handling of public funds, which will include the bonding of the tax collector and finance officer as prescribed.

Now, therefore, be it resolved by the Board of Commissioners of The Town of Lake Lure

Section 1. That the governing body of Lake Lure does hereby formally request the Secretary of the Local Government Commission to approve or confirm the appointment of Blanche B. Liles effective July 1, 1971 and until his successor has been appointed and qualified, as both the Chief Accounting Officer and the Tax Collector of said taxing unit.

Section 2. That this Resolution shall become part of the public record of the governing body of Lake Lure and two copies shall be duly certified by the clerk of the governing body and forthwith transmitted to the Secretary of the Local Government Commission.

Section 3. This Resolution shall become effective upon its adoption.

Those voting in the affirmative were: J. Paul Wilson, Mayor; Avery T. Cashion, Jr., Commissioner, Zeb V. Dalton, Commissioner. Those voting in the negative were: None.

The Board discussed the need of an anti littering ordinance. After discussion, Commissioner Cashion moved, seconded by Commissioner Dalton, that the following ordinance be adopted:

AN ORDINANCE PROHIBITING THROWING OR
DEPOSITING TRASH ON PUBLIC OR PRIVATE PROPERTY

The Board of Commissioners of the Town of Lake Lure does ordain as follows:

Section 1: It shall be unlawful for any person, firm, organization, or private corporation to throw or deposit upon any street or sidewalk, or upon any private property, except with written permission of the owner or occupant of such private property, any trash, refuse, garbage, building material, cans, bottles, broken glass, paper or any other type of litter.

Section 2: It shall be unlawful for any person, while a driver or a passenger in a vehicle to throw or deposit litter upon any street or other public place within the Town of Lake Lure, or upon private property.

Section 3: All ordinances or parts or ordinances in conflict with this ordinance are hereby repealed.

Section 4: Any person found guilty of violating this ordinance shall be guilty of a misdemeanor and shall be fined not more than two hundred dollars (\$200.00) or imprisoned for not more than 30 days, or both.

Section 5. This ordinance shall be in full force and effect from and after its adoption.

Attest:

Mayor

Town Clerk

Those voting in the affirmative were: J. Paul Wilson, Mayor; Avery T. Cashion, Jr., Commissioner and Zeb V. Dalton, Commissioner. Those voting in the negative were: None.

There being no further business the meeting adjourned at 10:30 o'clock P. M.

Town Clerk

Mayor