

TOWN OF LAKE LURE • P. O. BOX 255 • LAKE LURE, N.C. 28746
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**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN
COUNCIL HELD TUESDAY, JULY 28, 1992, 7:30 P.M. AT THE LAKE
LURE COMMUNITY CENTER**

PRESENT: Mayor Priscilla Doyle
Commissioner Bill Bush
Commissioner Jack Donovan
Commissioner Alex Karr
Commissioner Max Lehner

Thomas M. Hord, Town Manager
J. Christopher Callahan, Town Attorney

ABSENT: N/A

CALL TO ORDER

Mayor Doyle called the meeting to order at approximately 7:30 p.m.

INVOCATION

Tom Hord, Town Manager, gave the invocation.

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APPROVAL OF MINUTES

Commissioner Lehner moved, seconded by Commissioner Karr, to approve the minutes of the June 23, 1992 regular Council meeting and the minutes of the July 7 and July 21, 1992 recessed Council meetings. The vote of approval was unanimous.

RESOLUTION HONORING LEE POWERS

Commissioner Bush moved, seconded by Commissioner Donovan, to approve the Resolution Honoring Lee Powers. The vote of approval was unanimous. The Resolution reads as follows:

RESOLUTION OF APPRECIATION

**HONORING AND RECOGNIZING THE MANY CONTRIBUTIONS OF
MR. LEE POWERS**

WHEREAS, it is the good fortune of the Town of Lake Lure and the surrounding areas that Mr. LEE POWERS, a man of influence, vision and love, chose to make this his home; and,

WHEREAS, LEE POWERS was instrumental in engineering what has been called the "Town of Lake Lure's Greatest Deal", the purchase of the Dam and Lake; and,

WHEREAS, with a background in building and finance, MR. POWERS supervised the construction of the log Golf Club House, the Old North Carolina Highway Patrol Building which is now Lodge on Lake Lure, and the Town's

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water reservoirs and many others; and,

WHEREAS, we should all note that LEE POWER'S energies and decisions were geared to what would be best for Lake Lure and that his substantial gifts to our Town were motivated by concern for the environment; and,

NOW THEREFORE, be it resolved by the Lake Lure Town Council, assembled in session on Tuesday, July 28, 1992, that they say a sincere thank you to MR. LEE POWERS for his many positive contributions to the Town of Lake Lure, its citizens and to future generations and by this action honor him for a lifetime of service to his community.

*_____
Mayor Priscilla Doyle*

*_____
Mayor Pro-tem Max Lehner*

*_____
Commissioner Bill Bush*

*_____
Commissioner Jack Donovan*

*_____
Commissioner Alex Karr*

ATTEST:

*_____
Anita Taylor, Town Clerk*

*_____
Tom Hord, Town Manager*

Martha Jane Powers, Daughter of Lee Powers, accepted the Resolution for her father.

Mr. Dick Washburn spoke on behalf of Lee Powers and his many accomplishments.

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AUDIENCE OF CITIZENS

Mrs. Frankie Queen spoke on behalf of the kiosk signs along Highway 64/74. Mrs. Queen requested that the kiosk signs remain along 64/74 as they currently are. Mrs. Queen also requested Council to advertise more vividly the recessed Council meetings.

Mr. Donald Piers also spoke on the kiosk signs. Mr. Piers, as well as Mrs. Queen, also felt that these signs are a necessity for their businesses.

Mr. Jim Barrett and Mrs. Geri Corbin also spoke on sign regulations.

**REPORT ON U.S. FEDERAL ENERGY
REGULATORY COMMISSION ON DECLARATION OF
INTENTION AND FUNDING: LICENSING NOT
REQUIRED**

Mr. Hord announced that on December 27, 1991, the Town filed a Declaration of Intention (DI) with the United States of America Federal Energy Regulatory Commission concerning the existing Lake Lure Hydroelectric Project. The Town questioned whether licensing is required for the project under Part I of the Federal Power Act (FPA).

Notice of the DI was published January 28, 1992. Protests, comments, and petitions to intervene were to be filed on or before February 27, 1992. Comments were received on February 25, 1992 from the Department of Environment, Health, and Natural Resources, State of North Carolina, concerning water quality and minimum flow requirements. The comments did not address issues of jurisdiction. No other protests or motions to intervene were received by that date.

Section 23 (b) of the FPA requires that waterpower projects be licensed if they are located on navigable waters of the United States, occupy any part of the public lands or reservations of the United States, use surplus water or

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waterpower from a Federal Government dam, or, if constructed after August 26, 1935, are located on any part of a non-navigable water subject to Congress' jurisdiction under the Commerce Clause and affect the interests of interstate or foreign commerce.

The project is not located on a navigable water of the United States. It does not occupy any public lands or reservations of the United States and does not use surplus water or waterpower from a Federal Government dam. The power generated by the project is fed into an interstate power system through the Duke Power grid and is transported across state lines. The Rocky Broad River is a commerce clause waterway. However, there is no evidence of any post-1935 construction.

Consequently, under section 23 (b) of the FPA, the project does not require licensing. If evidence of jurisdiction is found in the future, however, Section 23 (b) would require licensing, and under Section 4 (g), the project owner could then be required to apply for a license.

The Director Orders:

(A) Pursuant to Section 23 (b) of the Federal Power Act, the Lake Lure Hydroelectric Project is not required to be licensed. This order is issued without prejudice to any future determination, upon new or additional evidence, that licensing is required.

(B) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. 385.713.

Council thanked Hugo Moirano for his time and efforts in this matter.

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**A REQUEST FROM OWNERS OF LODGE ON LAKE LURE
ON REMOVAL OF KIOSK SIGNS**

Mr. Jack Stanier, representative for the Lodge on Lake Lure, discussed the kiosk sign referring to the Lodge. Mr. Stanier requested an extension to keep the sign up until an agreement could be reached.

It was the consensus of the Council to not remove the kiosk signs until they could get with the Department of Transportation for further information.

**CONSIDER LAUREL LANDING SUBDIVISION
FOR FINAL APPROVAL (IMPROVEMENTS
GUARANTEED BY BB&T IRREVOCABLE LETTER
OF CREDIT)**

Branch Banking and Trust Company established an Irrevocable Letter of Credit at the request of and for the account of Hy-Tech Development Corporation, to the extent of \$122,000. This amount is to secure performance on the Laurel Landing Development Project and is based on projected costs to complete improvements in the subdivision.

Commissioner Bush moved, seconded by Commissioner Lehner, to approve the letter of credit from BB&T, dated July 13, 1992.

Commissioner Bush moved, seconded by Commissioner Lehner, to approve the final plat of the Laurel Landing Development Project.

REPORT ON BEAUTIFICATION COMMITTEE

Mary Karr, Chairman of the Beautification Committee, announced that the Beautification Committee is currently discussing installing a sidewalk from the Boardwalk to Dr. Burch's Office. The Committee feels that the sidewalk will

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help control the congested automobile traffic around the beach area. The Committee is considering either asphalt or wood for the walk and is discussing possibly constructing the walk in sections. Mrs. Karr also announced that the Committee is considering a gazebo on Shakespeare Point and will welcome any other beautification ideas.

**REQUEST BY HICKORY NUT GORGE CHAMBER OF
COMMERCE TO SPONSOR A SANTA CLAUS BOAT
PARADE ON DECEMBER 5, 1992**

The Hickory Nut Gorge Chamber of Commerce requested permission from Council to sponsor a Santa Claus Boat Parade on December 5, 1992. The parade would be in the form of a competition of decorated boats which would tour parts of the lake. A central site would be selected either on the beach, the walkway, or the point for judging parade entrants, and a trophy or trophies would be presented to the boat or boats who win.

It was the consensus of the Council to give the Chamber permission to sponsor a Santa Claus Boat Parade on December 5, 1992, therefore, leaving the lake level up through December 5, 1992 for the festival. Council requested that the Town Manager give a recommendation at the next regular Council meeting on the lowering of the lake after the festival.

**REQUEST BY HICKORY NUT GORGE CHAMBER OF
COMMERCE TO SPONSOR SECOND ANNUAL VOLLEYBALL
TOURNAMENT**

The Hickory Nut Gorge Chamber of Commerce requested the Town to assist in the sponsorship of their second annual volleyball tournament on the Beach. The Chamber requested that the Town be their primary sponsor by donating \$500 along with permitting them to use the Beach for the event.

Commissioner Donovan moved, seconded by Commissioner Karr, to

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permit the Chamber to hold their second annual volleyball tournament on the Beach Saturday, September 19, 1992.

Council suggested that Peter O'Leary, President of the Chamber of Commerce, come back before the Council at the next regular Council meeting with a revised financial assistance. Council did not approve of the Town contributing \$500 without appropriate financial assistance from the other communities in the gorge.

Mayor Doyle announced that there would be an all-star ball game between Chimney Rock and Lake Lure against WLOS TV on Saturday, August 15, 1992. All participants and fans are asked to bring a minimum of three cans of food per adult and one per child as the price of admission to help fill the shelves of the Rutherford County Food Pantry during a time of year when the needy are not traditionally considered.

TAX RELEASE

Commissioner Karr moved, seconded by Commissioner Lehner, to release the tax amount of \$71.40 under the name of Alfred Mayo. The reason for the release is that the property is outside of Town. The vote of approval was unanimous.

FIX DATE FOR PUBLIC HEARING FOR ZONING AMENDMENT (SECTION 801)

After a study of the present development trends along U.S. Highway 64/74 and other Town thoroughfares, and in keeping with the intent of the Land Development Plan, which discourages strip commercial development and recommends designated cluster-type commercial centers, the Planning and Zoning Board recommended deleting Section 801 from the Zoning Ordinance of the Town of Lake Lure.

Commissioner Lehner moved, seconded by Commissioner Bush, to call

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for a public hearing on August 25, 1992 at 7:30 p.m. to consider the Zoning Board's recommendation to delete Section 801 of the Zoning Ordinance.

**REPORT ON ISOTHERMAL NARCOTICS TASK
FORCE AND APPOINTMENT TO BOARD OF
DIRECTORS**

Mr. Hord announced that the Isothermal Narcotics Task Force went into effect as of July 17, 1992. A letter from the Task Force was sent out to each participating municipality requesting that an elected official be appointed to serve on the Board of Directors.

Commissioner Bush moved, seconded by Commissioner Lehner, to nominate Mayor Doyle to serve on the Isothermal Narcotics Task Force Board of Directors with the understanding that the Mayor Pro-tem could stand in when needed. The vote of approval was unanimous.

**REVIEW AND RATIFY COMMUNICABLE DISEASES
EXPOSURE CONTROL PLAN FOR POLICE OFFICERS
AND LIFEGUARDS**

Mr. Hord announced that the Town has made arrangements with the Health Department to provide to Town employees the Hepatitis B immunization as soon as the serum becomes available. Those who are at greater risk consist of the Police Officers and Lifeguards. The Town is required to provide training sessions and Hepatitis B immunizations to their employees.

Commissioner Lehner moved, seconded by Commissioner Karr, to adopt the Administrative Order, as presented by the Town Manager, on Communicable Diseases Exposure Control Plan for the Town of Lake Lure, North Carolina Police Officers and Lifeguards.

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OTHER NEW BUSINESS

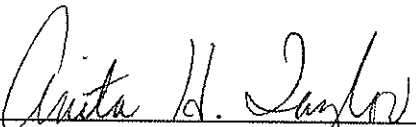
Frankie Queen spoke on the lake level. She felt that the lake level was too low. Mrs. Queen was asked to come into Town Hall and discuss this matter with the Town Manager.

Mr. Hord announced that the bids are to be opened for the dredging project on July 31, 1992 at Town Hall. Bids are to be opened for the mowing equipment for the golf course on August 4, 1992 at Town Hall.

Mr. Hord highlighted 20 major accomplishments of fiscal year 1991-92 and 20 objectives for fiscal year 1992-93.

With no further items of discussion, Commissioner Bush moved, seconded by Commissioner Karr, to recess to Tuesday, August 4, 1992 at 1:00 p.m. at the Lake Lure Town Hall. The vote of approval was unanimous.

ATTEST:


Anita H. Taylor, Town Clerk


Mayor Priscilla Doyle

