



Incorporated 1927

Town of Lake Lure

P. O. Box 255 • Lake Lure, NC 28746-0255 • 704/625-9983 • FAX 704/625-8371

MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, AUGUST 22, 1995, 7:30 P.M. AT THE LAKE LURE COMMUNITY CENTER

PRESENT: Mayor Max E. Lehner
Mayor Pro-tem Bud Schichtel
Commissioner Bill Bush
Commissioner Bill Church

John R. Strutner, Town Manager
Sam Karr, Finance Director
J. Christopher Callahan, Town Attorney

ABSENT: Commissioner Jack Donovan

CALL TO ORDER

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

INVOCATION

Attorney Chris Callahan gave the invocation.

APPROVAL OF MINUTES

Commissioner Schichtel moved, seconded by Commissioner Church, to approve the following minutes as amended (8/08/95, 9:30 a.m., page 5, add: Also complimented former Town Council, former Mayor Priscilla Doyle, and the current Administration for their support of the Police Department):

Page 2 - Minutes of the August 22, 1995 Regular Council Meeting

Regular Council Meeting	7/25/95	7:30 p.m.	Community Center
Regular Council Meeting	8/08/95	9:30 a.m.	Community Center
Closed Session Meeting	7/25/95	7:30 p.m.	Community Center
Closed Session Meeting	8/08/95	9:30 a.m.	Community Center

The vote of approval was unanimous.

AUDIENCE OF CITIZENS

No persons signed up to speak.

OTHER OLD BUSINESS

There was no other old business.

APPOINTMENT OF AUXILIARY POLICE OFFICER

Police Chief Jake Gamble presented Council with the following memorandum of August 17, 1995 addressed to Town Council from Town Manager and Police Chief regarding the appointment of an auxiliary police officer:

Section 30.09 (A) of the Town's Codified Ordinances establishes a Lake Lure Auxiliary Police Department to be made up entirely of volunteer members. The Board of Commissioners, i.e. Town Council, has the duty of both approving and discharging the volunteer members of this auxiliary force per Section 30.09 (B). [A copy of the entire text of Section 30.09 is attached for your review and reference.] Police Chief Gamble has requested authorization to initiate this auxiliary force.

Chief Gamble intends to utilize this Auxiliary Officer position as a "stepping stone" into vacant full-time Town Police Officer positions. The Auxiliary Officer will be trained in the many aspects of law enforcement in Lake Lure. He will begin his volunteer work assignments by working closely

Page 3 - Minutes of the August 22, 1995 Regular Council Meeting

with the present Lake Officer and later will begin training with a "road" Police Officer. Whenever a full-time Police Officer resigns, the Lake Officer *could* move into that vacant Police Officer slot and the Auxiliary Officer *could* (amended 9/26/95 Regular Council Meeting) be hired as the full-time Lake Officer. This system will lessen significantly the Police Department's operational "low time", i.e. the time required to recruit, select and train a new Police Officer whenever a vacancy occurs and during which the Police Department operates with less than the authorized complement of fully trained, full-time Police Officers. In short, this approach will permit the Police Department to seek out a qualified replacement for the Auxiliary Officer without the pressure of filling the vacant full-time Police Officer position as soon as possible.

The Auxiliary Officer will be trained and observed by full-time officers. He will not work alone until he has completed the Lake Lure Police Department's established training program. It will take an Auxiliary Officer volunteering an average of 16 hours a month approximately one (1) year to complete the department's training program.

An Auxiliary Officer is required to volunteer a minimum of 16 hours of service per month per the requirements of North Carolina's Criminal Justice and Training Standards. The Town is not required to tender an Auxiliary Officer any wages or salary, or fringe benefits, e.g. retirement, 401k, hospitalization insurance, dental insurance, etc. It will be necessary to provide the Auxiliary Officer with coverages under our Workmen's Compensation and Police Liability insurance packages. The Town will also need to provide duty uniforms (however, not a full set because the officer is only working 16 hours or so a month) and some basic equipment such as a holster, gunbelt, badge, handcuffs, etc. The total cost for initiating this program - insurance coverages, uniform and equipment - will not exceed \$1,000 and will be covered under the Police Department's current budget allocations.

Reserve (or Auxiliary) Police Officers in North Carolina are required to have the same training as a newly hired, full-time Law Enforcement Officer, i.e. completion of the Basic Law Enforcement Training course.

Chief Gamble desires to activate the Auxiliary Police Department with the appointment of Mr. Steve Thorn of Rutherfordton, NC. Mr. Thorn completed the required Basic Law Enforcement Training course in 1990, is employed as a dispatcher with the Rutherford County Sheriff's Department, and has served over 200 hours as a Reserve Officer with the Rutherford County Sheriff's Department. Mr. Thorn is twenty-five years old, married, and a life-long resident of Rutherford County. Both Chief Gamble and the Town Manager have interviewed Mr. Thorn and recommend to Town Council that he be appointed as a Lake Lure Auxiliary Police Officer effective September 1, 1995. (Memo attached).

After discussion, Commissioner Bush moved, seconded by Commissioner Schichtel, to approve the recommendation from both Town Manager Strutner and Police Chief Jake Gamble to appoint Mr. Steve Thorn as the Lake Lure Auxiliary Police Officer effective September 1, 1995. The vote of approval was unanimous.

Police Chief Gamble introduced Mr. Steve Thorn as the Lake Lure Auxiliary Police Officer.

REVIEW AND APPROVAL OF BIDS FOR DAM GATE HOISTS

Town Manager Strutner presented the following memorandum of August 18, 1995 addressed to Town Council regarding review and acceptance of bids for dam gate Hoists:

Sealed bids to furnish and install two (2) gate hoists at the Town's Hydroelectric Dam have been solicited and two (2) bids were received. The advertisement for this bid appeared in the August 7, 1995 issue of the Rutherford Daily Courier. In addition, bids were solicited directly from four (4) firms that had previously expressed an interest in the project. Two of the firms declined to bid; the other two submitted bids. Bids were opened and publicly read aloud in Town Hall at 3:00 p.m. on Wednesday, August 16. The bid tabulation is as follows:

Page 5 - Minutes of the August 22, 1995 Regular Council Meeting

BIDDER

BID AMOUNT

The Clifton Corporation	\$159,700.00
Worldwide Engineering A (Base Bid)	162,657.00
Worldwide Engineering B (Base + option)	119,398.00
Worldwide Engineering C (Proposal #2)	215,127.00
Worldwide Engineering D (#2 + Option)	183,762.00

After review of the bids by William Grimes, Paul Wilson and myself, it is our opinion that the apparent low bidder, THE CLIFTON CORPORATION, is the lowest responsible bidder, taking into consideration quality, performance and the time Clifton specifies in its bid for the performance of the contract.

Clifton's bid of \$159,700 is also within the amount allocated in the FY95-96 Capital Improvement Budget for this project.

In anticipation of the question: What is the difference between Clifton's bid and Worldwide's bid "B" (\$119, 398)?, analysis of the bids reveals that this Worldwide bid involves mounting the chain sprocket directly on the output shaft of the reducer. Both Grimes and Wilson are uncomfortable with this concept believing that it will place a great strain directly on the gear box. The bid specifications called for mounting sprocket on an independent two pedestal horizontal shaft. Both the Clifton Bid and the Worldwide bid "A" meet that specification.

Lastly, Clifton's schedule calls for ordering the components on August 22 and completing installation on December 29, 1995. This is 18 weeks from this week; Worlwide's schedule calls for 20-24 weeks after receipt of the order.

I recommend that the bid submitted by The Clifton Corporation in the amount of \$159,700.00 be accepted and that I be authorized to execute a contract for same.

Page 6 - Minutes of the August 22, 1995 Regular Council Meeting

Commissioner Schichtel moved, seconded by Commissioner Bush, to approve the recommendation from Town Manager Strutner to accept the bid submitted by the Clifton Corporation in the amount of \$159,700.00 and authorize Town Manager Strutner to execute a contract for same. The vote of approval was unanimous.

<p>CONSIDER REQUEST FROM COLONY FOR THE BLUE RIDGE ANTIQUE BOATS SOCIETY</p>

Town Council reviewed both a memorandum of August 17, 1995, addressed to Town Council from the Lake Advisory and a letter of July 19, 1995, from Berkely W. Young. Mr. Young requested that the Town of Lake Lure waive the boat permit fee and length restriction for the Blue Ridge Chapter of the Antique and Classic Boat Society for the purpose of a weekend boat show and conference to be held on September 22 -- 24, 1995 at Colony Lake Lure Golf Resort. (Memo and letter attached).

After much discussion, Commissioner Bush moved, seconded by Commissioner Church, to do the following:

1. **Approve the request from the Blue Ridge Chapter of the Antique and Classic Boat Society to hold a weekend boat show and conference on September 22-24, 1995 at Colony Lake Lure Golf Resort. This meeting will directly benefit the Town in that the owners of the 20-25 boats will rent in the Lake Lure area condominiums, eat in area restaurants, purchase fuel at area marinas, and attract tourists to Lake Lure to see the classic and antique boats.**
2. **Waive the Town's regulations on boat permit fee and length restriction for the Blue Ridge Chapter of the Antique and Classic Boat Society on September 22-24, 1995.**

The vote of approval was unanimous.

Page 7 - Minutes of the August 22, 1995 Regular Council Meeting

It was the consensus of Town Council to authorize Town Manager Strutner to notify Mr. Berkeley Young of their decision and ask that the boat owners use discretion and exercise common sense as to operating speeds and the creation of wakes.

TAX REFUND

Tax Collector Betty Hinson, furnished Council with the following tax refund request for approval:

TAX REFUND

<u>NAME</u>	<u>REASON</u>	<u>AMOUNT</u>
Alex Karr	Reduction in value by State Appeal (94)	\$72.80

TOTAL REFUND \$72.80

Commissioner Bush moved, seconded by Commissioner Schichtel, to approve the tax refund of \$72.80 to Alex Karr. The vote of approval was unanimous.

OTHER NEW BUSINESS

After discussion, Commissioner Schichtel moved, seconded by Commissioner Church, to approve Town Manager Strutner's recommendation to waive the bid bond requirement for the Town of Lake Lure computer hardware bids. The vote of approval was unanimous.

STAFF REPORTS

Town Manager Strutner gave an up-to-date progress report on the construction of the Lake Lure Municipal Center, computer bids, furniture and telephone proposals.

COUNCIL COMMENTS

It was the consensus of Town Council to hold a public hearing during the Regular Town Council meeting on October 24, 1995 at 7:30 p.m. in the Lake Lure Community Center for the purpose of receiving public comment on the franchise renewal with Phoenix Cable.

Council also requested that a notice be published in the Town newsletter prior to this public hearing.

CLOSED SESSION

Commissioner Schichtel moved, seconded by Commissioner Church, to enter into closed session for the purpose of discussing legal matters with the Town Attorney J. Christopher Callahan. The vote of approval was unanimous.

After discussion within the closed session, Commissioner Bush moved, seconded by Commissioner Church, to come out of the closed session and re-enter the regular session of the meeting. The vote of approval was unanimous.

Commissioner Bush moved, seconded by Commissioner Schichtel, to authorize Town Attorney Callahan to take the necessary legal action to instruct Mr. William Breen to remove his boathouse off Town property. The vote of approval was unanimous.

It was the consensus of Town Council to ask Town Manager Strutner to contact Mr. William Breen by telephone as soon as possible informing him of the legal action being pursued by the Town.

ADJOURNMENT

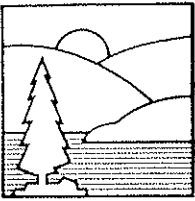
With no further items of discussion, Commissioner Bush moved, seconded by Commissioner Church, to adjourn the meeting. The vote of approval was unanimous.

Page 9 - Minutes of the August 22, 1995 Regular Council Meeting



Mary A. Flack, CMC/AAE
Town Clerk

Mayor Max E. Lehner



Town of Lake Lure

P. O. Box 255 • Lake Lure, NC 28746-0255 • 704/625-9983 • FAX 704/625-8371

Incorporated 1927

MEMORANDUM

TO: Mayor and Commissioners
FROM: Town Manager and Chief of Police
DATE: 17 August 1995
SUBJECT: Appointment of an Auxiliary Police Officer

Section 30.09 (A) of the Town's Codified Ordinances establishes a Lake Lure Auxiliary Police Department to be made up entirely of volunteer members. The Board of Commissioners, i.e. Town Council, has the duty of both approving and discharging the volunteer members of this auxiliary force per Section 30.09 (B). [A copy of the entire text of Section 30.09 is attached for your review and reference.] Police Chief Gamble has requested authorization to initiate this auxiliary force.

Chief Gamble intends to utilize this Auxiliary Officer position as a "stepping stone" into vacant full-time Town Police Officer positions. The Auxiliary Officer will be trained in the many aspects of law enforcement in Lake Lure. He will begin his volunteer work assignments by working closely with the present Lake Officer and later will begin training with a "road" Police Officer. Whenever a full-time Police Officer resigns, the Lake Officer will move into that vacant Police Officer slot and the Auxiliary Officer will be hired as the full-time Lake Officer. This system will lessen significantly the Police Department's operational "low time", i.e. the time required to recruit, select and train a new Police Officer whenever a vacancy occurs and during which the Police Department operates with less than the authorized complement of fully trained, full-time Police Officers. In short, this approach will permit the Police Department to seek out a qualified replacement for the Auxiliary Officer without the pressure of filling the vacant full-time Police Officer position as soon as possible.

The Auxiliary Officer will be trained and observed by full-time officers. He will not work alone until he has completed the Lake Lure Police Department's established training program. It will take an Auxiliary Officer volunteering an average of 16 hours a month approximately one (1) year to complete the department's training program.

An Auxiliary Officer is required to volunteer a minimum of 16 hours of service per month per the requirements of North Carolina's Criminal Justice and Training Standards. The Town is not required to tender an Auxiliary Officer any wages or salary, or fringe benefits, e.g. retirement, 401k, hospitalization insurance, dental insurance, etc. It will be necessary to provide the Auxiliary Officer with coverages under our Workmen's Compensation and Police Liability insurance packages. The Town will also need to provide duty uniforms (however, not a full set because the officer is only working 16 hours or so a month) and some basic equipment such as a holster, gunbelt, badge, handcuffs, etc. The total cost for initiating this program - insurance coverages, uniform and equipment - will not exceed \$1,000 and will be covered under the Police Department's current budget allocations.

Reserve (or Auxiliary) Police Officers in North Carolina are required to have the same training as a newly hired, full-time Law Enforcement Officer, i.e. completion of the Basic Law Enforcement Training course.

Chief Gamble desires to activate the Auxiliary Police Department with the appointment of Mr. Steve Thorn of Rutherfordton, NC. Mr. Thorn completed the required Basic Law Enforcement Training course in 1990, is employed as a dispatcher with the Rutherford County Sheriff's Department, and has served over 200 hours as a Reserve Officer with the Rutherford County Sheriff's Department. Mr. Thorn is twenty-five years old, married, and a life-long resident of Rutherford County. Both Chief Gamble and the Town Manager have interviewed Mr. Thorn and recommend to Town Council that he be appointed as a Lake Lure Auxiliary Police Officer effective September 1, 1995.

Both Chief Gamble and Mr. Thorn will be in attendance at the August 22nd meeting should you have further questions.

Attachment

crime, arrest offenders, and to protect public and private property and persons in the town;

(2) To enforce the laws, ordinances, police regulations, and executive orders applicable to his jurisdiction;

(3) To require the proper submission and handling of the necessary required reports.

§ 30.09 AUXILIARY POLICE DEPARTMENT.

(A) A Lake Lure Auxiliary Police Department made up entirely of volunteer members is hereby established.

(B) The Board of Commissioners shall have the duty of approval of volunteers to serve as auxiliary personnel, together with the duty of discharging such volunteer members.

(C) Auxiliary law-enforcement personnel shall perform no duties on behalf of the town unless under orders or instructions of the Chief of Police of the town.

(D) Neither the town nor its Police Department shall be liable to the auxiliary law-enforcement personnel for any additional fringe benefits, wages, other compensation, or insurance coverage, except as follows: while undergoing official training and while performing duties on behalf of the town pursuant to orders or instructions of the Chief of Police of the town, auxiliary law-enforcement personnel shall be entitled to benefits under the North Carolina Workers' Compensation Act.

(E) Neither the town nor its Police Department shall be liable to any third parties for any actions, intentional or otherwise, malicious or not, including negligence and/or gross negligence, unless said auxiliary law-enforcement personnel was engaged in the performance of duties on behalf of the town pursuant to orders or instructions of the Chief of Police of the town.

(F) Neither the town, the Town Manager, and/or the Board of Commissioners, shall be held responsible for the discipline, good order, and proper conduct of the Auxiliary Law-Enforcement Police Department.

(G) Every person appointed as a volunteer Auxiliary Law-Enforcement Department member shall:

- (1) Be a citizen of the United States;
- (2) Be at least 20 years of age;
- (3) Be of good moral character;

(4) Not have been convicted of a felony or an offense involving moral turpitude;

(5) Have a high school diploma or its equivalent;

(6) Be interviewed and approved by the Council; and

(7) Must complete the Basic Law Enforcement Training, be certified as a law enforcement officer, and meet any additional requirements of law.

(Ord., passed 5-26-89)


Statutory reference:

Authority to establish Auxiliary Police Department, see G.S.

§ 160A-282

MEMORANDUM

TO: Mayor and Commissioners

FROM: Town Manager 

DATE: 18 August 1995

SUBJECT: Review and Acceptance of Bids for Dam Gate Hoists

Sealed bids to furnish and install two (2) gate hoists at the Town's Hydroelectric Dam have been solicited and two (2) bids were received. The advertisement for this bid appeared in the August 7, 1995 issue of the Rutherford Daily Courier. In addition, bids were solicited directly from four (4) firms that had previously expressed an interest in the project. Two of the firms declined to bid; the other two submitted bids. Bids were opened and publicly read aloud in Town Hall at 3:00 PM on Wednesday, August 16. The bid tabulation is as follows:

<u>BIDDER</u>	<u>BID AMOUNT</u>
The Clifton Corporation	\$159,700.00
Worldwide Engineering A (Base Bid)	162,657.00
Worldwide Engineering B (Base + Option)	119,398.00
Worldwide Engineering C (Proposal #2)	215,127.00
Worldwide Engineering D (#2 + Option)	183,762.00

After review of the bids by William Grimes, Paul Wilson and myself, it is our opinion that the apparent low bidder, THE CLIFTON CORPORATION, is the lowest responsible bidder, taking into consideration quality, performance and the time Clifton specifies in its bid for the performance of the contract.

Clifton's bid of \$159,700 is also within the amount allocated in the FY95-96 Capital Improvement Budget for this project.

In anticipation of the question: What is the difference between Clifton's bid and Worldwide's bid "B" (\$119,398)?, analysis of the bids reveals that this Worldwide bid involves mounting the chain sprocket directly on the output shaft of the reducer. Both Grimes and Wilson are uncomfortable with this concept believing that it will place a great strain directly on the gear box. The bid specifications called for mounting this sprocket on an independent two pedestal horizontal shaft. Both the Clifton Bid and the Worldwide bid "A" meet that specification.

[2]

Lastly, Clifton's schedule calls for ordering the components on August 22 and completing installation on December 29, 1995. This is 18 weeks from this week; Worldwide's schedule calls for 20-24 weeks after receipt of the order.

I recommend that the bid submitted by The Clifton Corporation in the amount of \$159,700.00 be accepted and that I be authorized to execute a contract for same.

AUG 25 1995

AFFIDAVIT OF PUBLICATION

STATE OF NORTH CAROLINA

RUTHERFORD COUNTY

ADVERTISEMENT FOR BIDS

FURNISH AND INSTALL TWO
GATE HOISTS AT HYDROELEC-
TRIC DAM, TOWN OF LAKE
LURE, NORTH CAROLINA

Sealed bids for the above-styled work
will be received by the Town of Lake
Lure, US Highway 64/74-A, Post Of-
fice Box 255, Lake Lure, North Caro-
lina, 28746, in the Town Hall up to
3:00 PM, local time, on Wednesday,
August 16, 1995, and shall be immo-
diately opened publicly and read
aloud.

A copy of the Specifications and Bid
Proposal Form for this project may
be reviewed at and obtained from:

Town of Lake Lure
P.O. Box 255

Lake Lure, NC 28746

Phone: 704/625-8983

Fax: 704/625-8371

Attention: Town Manager

Office Hours are M - F,

8:30 am - 4:30 PM

The Town Council of the Town of
Lake Lure reserves the right to reject
any or all bids and to waive informal-
ties.

FOR SALE

Sealed bids are being received for
house to be moved from lot. For in-
formation, call 245-5411.

Before the undersigned, a Notary Public of said County and State, duly
commissioned, qualified, and authorized by law to administer oaths,
personally appeared

Duborah Oakes

who being first duly sworn, deposes and says: that they are

Class. Adv. Mgr.

(Owner, partner, publisher, or other officer or employee authorized to
make this affidavit) of THE DAILY COURIER, a newspaper published,
issued and entered as second class mail in the town of FOREST CITY, in
said County and State; that they are authorized to make this affidavit and
sworn statement; that the notice or other legal advertisement, a true
copy of which is attached hereto, was published in
THE DAILY COURIER on the following dates:

Aug. 7, 1995

and that said newspaper in which such notice, paper, document, or legal
advertisement was published was, at the time of each and every such
publication, a newspaper meeting all of the requirements and
qualifications of Section 1-597 of the General Statutes of North Carolina
and was a qualified newspaper within the meaning of Section 1-597 of
the General Statutes of North Carolina.

This 10th day of August, 1995

Duborah Oakes
(Signature of person making affidavit)

Sworn to and subscribed before me this 10

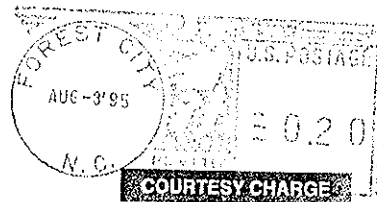
day of August, 1995

Jim B. Blum
(Notary Public Signature)

My commission expires: 7-31-96

The Daily Courier

P.O. Box 1149
1111 Oak Street, Forest City, N.C. 28043
Phone: (704) 245-6431 FAX: (704) 248-2790



ADVERTISING INVOICE 101895

START DATE	RUN DAYS	
08/07/95		
STOP DATE	INSERTIONS	WORDS
08/07/95	1	140

Town of Lake Lure
PO Box 255
Lake Lure, NC 28746-0255

AMOUNT DUE: \$21.40 PAYABLE UPON PRESENTATION

PLEASE RETURN THIS STUB
WITH YOUR REMITTANCE

ADVERTISEMENT FOR BIDS
FURNISH AND INSTALL TWO GATE
HOISTS AT HYDROELECTRIC DAM,
TOWN OF LAKE LURE, NORTH
CAROLINA Sealed bids for the

Start Stop
08/07/95 08/07/95
Amt. \$21.40



JUL 28 1995

19 July, 1995

Mr. John Strutner
Town Manager
Town of Lake Lure
P.O. Box 255
Lake Lure, North Carolina 28746-0255

Dear John;

The weekend of September 22 - 24, 1995 The Blue Ridge Chapter of The Antique & Classic Boat Society is planning a meeting at Colony Lake Lure Golf Resort. We anticipate having 20 - 25 boats participate in this weekend show and conference. Naturally, the owners of the boats would accompany their vessels, rent our condominiums for the weekend and eat in area restaurants, and buy fuel at the marinas.

At Mayor Max Lehner's recommendation I am requesting that the Town of Lake Lure waive it's Boat Permit Fee and length restriction for this group. It is estimated that one or two boats may be 25 feet long. The boat's will be placed in the water on Friday afternoon at the Fairfield Mountains Marina and stay docked here at our pier for the weekend.

This group has volunteered to give the town a boat parade on Saturday afternoon. I will be coordinating all arrangements for this group and would be glad to coordinate a parade. Thank you for your help with this request.

Sincerely;

A handwritten signature in cursive script, appearing to read "B. Young".

Berkeley W. Young
Director of Sales

/by

MEMORANDUM

TO: Mayor and Commissioners

FROM: Lake Advisory Committee *RLW*

DATE: August 17, 1995

SUBJECT: Request from the Blue Ridge Chapter of the Antique & Classic Boat Society

At the regular meeting on August 7, the Lake Advisory Committee consented the following motions:

Motion #1 to approve the request from Colony Lake Lure Golf Resort for the Blue Ridge Chapter of the Antique & Classic Boat Society to waive the boat permit fee and length restriction for the weekend show and conference of September 22-24, 1995 for the purpose of a boat parade. The motion died for the lack of a second to the motion.

Motion #2 recommend that Town Council (1) give no discount on the boat permit fee (charge the usual rate), (2) waive the boat length restriction of 20 ft. for the weekend show and conference of September 22-24, 1995 (3) requirement of operating boats longer than 20 ft. at all times at a no wake speed. The motion passed unanimously.