



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, NOVEMBER 25, 1997, 7:30 P.M. AT THE LAKE LURE MUNICIPAL CENTER**

**PRESENT:** Mayor Max E. Lehner  
Commissioner Bill Bush  
Commissioner Carolyn Cobb  
Commissioner Beth Rose  
Commissioner Bud Schichtel

J. Christopher Callahan, Town Attorney  
John R. Strutner, Town Manager

**ABSENT:** N/A

### **CALL TO ORDER**

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

### **INVOCATION**

Reverend Larry Sanders gave the invocation.

### **AUDIENCE OF CITIZENS**

Betty Washington, owner of the business Old Place, questioned the Town's decision to charge a fire inspection fee.

### **RECOGNITION OF TOWN CLERK'S CERTIFICATION FOR ACADEMY STATUS OF THE INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS ACADEMY FOR ADVANCED EDUCATION**

Mayor Lehner read aloud excerpts from a letter received from the International Institute of Municipal Clerks congratulating Town Clerk Mary A. Flack on acceptance into the Second Sustaining Certification (Phase II level) Academy status of the IIMC Academy for Advanced Education. She is the 10th active Municipal Clerk from the State of North Carolina who has

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achieved this designation. Approximately 12% of over 10,000 members of the International Institute of Municipal Clerks have qualified for the academy status.

<p><b>CONSENT AGENDA</b></p>
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Mayor Lehner presented the consent agenda and asked if any item should be removed before calling for action.

Commissioner Bush moved, seconded by Commissioner Schichtel, to remove item (g. approve authorization to dispose Town Police boat) off the consent agenda for further discussion before calling for action. Commissioner Bush, Commissioner Schichtel, and Commissioner Rose vote yes. Commissioner Cobb voted no. Therefore, the motion passed with a vote of 3 to 1.

Commissioner Bush moved, seconded by Commissioner Schichtel to approve the consent agenda items (a,b,c,d,e,f, and h) as presented. Therefore, the consent agenda, incorporating the following item(s) was unanimously approved:

- a. **Approval of Minutes of October 28, 1997 (Regular Meeting).**
- b. **Adopted Resolution No: 97-11-25 (Requesting more equitable geographic distribution of community Development Block Grants).**

**RESOLUTION NO: 97-11-25**

**TO REQUEST MORE EQUITABLE GEOGRAPHIC DISTRIBUTION  
OF COMMUNITY DEVELOPMENT BLOCK GRANTS**

**WHEREAS**, the distribution of North Carolina Community Development Block Grant Funding is designed to benefit all citizens of the State; and

**WHEREAS**, the geographic distribution of these funds favors the eastern section of North Carolina when compared to the percentages of the State's population within each region; and

**WHEREAS**, this inequity occurs each year and is historically consistent; and

**WHEREAS**, an equitable distribution of funding is in the interest of all North Carolina citizens; and

**WHEREAS**, an equitable formula that takes into consideration funding based at least in part on geographic areas has been advocated and discussed by certain counties for years.

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**NOW, THEREFORE, BE IT RESOLVED** that the Town of Lake Lure Town Council supports the "Proposed CDBG Program Modifications to Promote a MORE EQUITABLE GEOGRAPHIC DISTRIBUTION OF COMMUNITY DEVELOPMENT BLOCK GRANTS".

Adopted this 25th day of November, 1997.

ATTEST:

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Mary A. Flack, CMC/AAE  
Town Clerk

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Mayor Max E. Lehner

- c. **Adopted Resolution No: 97-11-25A (National Drunk and Drugged Driving (3D) Prevention Month -- December 1997)**

**RESOLUTION NO: 97-11-25A**

**NATIONAL DRUNK AND DRUGGED DRIVING (3D) PREVENTION  
MONTH -- DECEMBER 1997**

**WHEREAS**, drivers and pedestrians impaired by alcohol and other drugs account for approximately 45,000 Americans were killed in automobile crashes in 1996 and approximately 40 percent of these involved alcohol and/or other drugs; and

**WHEREAS**, the number of alcohol-related traffic fatalities has declined significantly over the last decade there remains a critical need for continued public education, increased enforcement and tougher laws and penalties for offenders; and

**WHEREAS**, studies have shown that the country's most at-risk population for driving while impaired are young adult male drivers ages 21-34, particular attention must be paid to reaching this age group; and

**WHEREAS**, all across this nation Americans are coming together to "Take A Stand For Safe Communities," federal, state, and local government agencies like the Rutherford-Polk Area Mental Health Program are working along-side private businesses and local communities to spread the word about the dangers of impaired driving and how all segments of the community have to work together to solve the problem; and

**WHEREAS**, throughout December we ask each and every citizen to make a conscious effort to insure a safe and healthy holiday season for everyone by not driving impaired, by being a responsible party host, and by intervening when someone you know attempts to get behind the wheel of a vehicle after drinking or taking drugs; and

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**WHEREAS**, motor vehicle crashes are the number one cause of death for children, adolescents, and young adults in the United States; and

**WHEREAS**, if we take a stand now, we can prevent impaired driving;

**NOW, THEREFORE**, We the Lake Lure Town Council do hereby proclaim December 1997 as National Drunk and Drugged Driving Month and Friday, December 19 as National Lights On For Life Day in Lake Lure. We call upon all citizens, government and private agencies, businesses, and schools to observe this month with the appropriate events and ceremonies. We further urge motorists in Lake Lure to drive with their headlights on during Friday, December 19 as a memorial for the victims of drunk driving and as a reminder of the dangers of drunk and drugged driving.

Adopted this 25th day of November, 1997.

ATTEST:

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Mary A. Flack, CMC/AAE  
Town Clerk

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Mayor Max E. Lehner

- d. **Adopted Resolution No: 97-11-25B (Authorizing the release of its share of funds to the Isothermal Planning & Development Commission).**

**Resolution No: 97-11-25 B  
by the  
Town of Lake Lure**

**WHEREAS**, in North Carolina the Lead Regional Organizations, as voluntary organizations serving municipal and county governments, have established productive working relationships with the cities across this state; and

**WHEREAS**, the 1997 General Assembly recognized this need through the appropriation of \$864,270 to help the Lead Regional Organizations assist local governments with grant applications, economic development, community development, and to support local industrial development activities and other activities as deemed appropriate by their local governments; and

**WHEREAS**, these funds are not intended to be used for payment of member dues or assessments to a Lead Regional Organization or to supplant funds appropriated by the member governments; and

**WHEREAS**, in Region C, funds in the amount of \$48,015 will be used to assist local governments with state and federal grant applications in community and economic development,

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provide various support activities to industrial development in the region, develop and expand database essential to community and economic development, provide technical assistance to local governments in planning and growth management issues, assist local governments in resolving solid waste issues, provide staff and other assistance to the Region C. Certified Development Corporation, and other activities as requested by local governments and authorized by the Isothermal Planning and Development Commission.

**NOW, THEREFORE BE IT RESOLVED**, that the Town of Lake Lure requests the release of its share of these funds, \$137.58, to the Isothermal Planning and Development Commission at the earliest possible time in accordance with the provisions of state law.

Adopted this 25th day of November, 1997.

ATTEST:

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Mary A. Flack, CMC/AAE  
Town Clerk

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Mayor Max E. Lehner

- e. **Adopted Resolution No: 97-11-25C (Allowing retired employees of the Town of Lake Lure to be covered by the same health insurance plan that covers full time employees).**

**RESOLUTION NO: 97-11-25C**

**ALLOWING RETIRED EMPLOYEES OF THE TOWN OF LAKE LURE TO BE COVERED BY THE SAME HEALTH INSURANCE PLAN THAT COVERS FULL TIME TOWN EMPLOYEES**

**WHEREAS**, full time town employees are covered by health insurance provided by the Town; and

**WHEREAS**, the current health insurance plan allows for retired employees to be covered upon passage of a resolution by the governing board allowing retired employees to be covered; and

**WHEREAS**, there would be no additional financial burden to the Town to add retired employees to the health insurance plan because any retired employee who desired to be covered would have to pay the full monthly premium.

**NOW THEREFORE BE IT HEREBY RESOLVED BY THE TOWN OF LAKE LURE, NORTH CAROLINA THAT:**

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**Section 1:** The retired employees of the Town of Lake Lure are eligible to participate in the health insurance plan that presently covers full time town employees.

**Section 2:** Any retired employee of the Town of Lake Lure wishing to be covered must indicate so in writing and submit it to the Town Manager who will make sure that it is processed as quickly as possible.

**Section 3:** Any retired employee of the Town of Lake Lure who elects to be covered must pay the monthly premium by the 25th day of the month preceding the month that the premium will be applied toward. Failure to pay the full premium to the Town by the due date as described above will result in cancellation of coverage on the last day for which payment has been received.

Adopted this 25th day of November, 1997.

ATTEST:

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Mary A. Flack, CMC/AAE  
Town Clerk

\_\_\_\_\_  
Mayor Max E. Lehner

- f. **Approved Public Hearing for the Town's revised land use plan to be held at the regular December 16 Town Council meeting.**
- h. **Approved to guarantee the performance submitted by the New Chimney Rock Land Company regarding Phase I improvements for Apple Valley Condominiums.**

**End of Consent Agenda**

After discussion, Commissioner Bush moved, seconded by Commissioner Cobb, to authorize the sale of the Town police boat, engine and trailer (previously declared to be surplus to the needs of the Town) for \$1.00 as permitted under N.C. G.S. 160A-274 to three Fire Departments (Bills Creek VFD, Fairfield Mountains VFD, and Chimney Rock VFD), with conditions and stipulations outlined by the Town Manager's correspondence. The vote of approval was unanimous.

<p><b>OLD BUSINESS</b></p>
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<p><b>a. Other Old Business</b></p>
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There was no other old business for discussion.

**NEW BUSINESS**

**a. Oath of Office -- Mayor Jack Powell**

Judge Loto Greenlee Caviness presented the oath of office to Mayor Jack Powell.

**NEW BUSINESS**

**b. Oath of Office -- Commissioner Gene Sheffield**

Judge Loto Greenlee Caviness presented the oath of office to Commissioner Gene Sheffield.

**NEW BUSINESS**

**c. Oath of Office -- Commissioner Jack Stanier**

Judge Loto Greenlee Caviness presented the oath of office to Commissioner Jack Stanier.

**NEW BUSINESS**

**d. Present Awards of Appreciation**

The new board presented awards of appreciation to the outgoing Mayor Max E. Lehner, outgoing Commissioner Bill Bush and Commissioner Bud Schichtel for their dedicated public service and outstanding contributions to the Town. Mayor Powell presented all three with plaques and praised them for their contributions.

**NEW BUSINESS**

**e. Selection of Mayor Pro-tem**

Commissioner Stanier moved, seconded by Commissioner Rose, to nominate Commissioner Carolyn Cobb to be the Mayor Pro-tem. The vote of approval was unanimous.

**NEW BUSINESS**

**f. Offer to Purchase Town Property**

Commissioner Rose moved, seconded by Commissioner Cobb, to table the request to purchase a tract of town property off N.C. 9 (south of Tryon Bay).

**NEW BUSINESS**

**g. Other New Business**

Accepted resignation of Jack Powell as member of the Town's Lake Lure ABC Board and Jack Stanier's resignation from the Planning/Zoning Board.

Commissioner Cobb moved, seconded by Commissioner Rose, to authorize the Town Manager to write a letter of endorsement regarding the grant application from the Broad River Watershed Protection Committee which is seeking funds from the North Carolina Clean Water Trust Fund. The vote of approval was unanimous.

It was the consensus of Town Council to schedule a Special Town Council Workshop meeting to be held on December 2, 3:00 p.m., Lake Lure Municipal Center, for the purpose of developing a strategic planning approach and to discuss Committee structure and appointments.

**STAFF REPORTS**

Town Manager Strutner reported on the following: (1) the Town will begin lowering the lake's level on December 1 (drop of 4.5 ft.), and then begin the process of returning the lake to its normal level on March 1; (2) the Lake Lure dredge has been removed from the lake during the winter months; and (3) presented Council members with a copy of a briefing paper (strategic planning process).

**COUNCIL COMMENTS**

Mayor Powell invited citizens to pick up an application for appointment to boards and committees appointed by the Lake Lure Town Council.

Commissioner Cobb announced that the Children's Christmas party will be held on December 7 from 3-5 p.m. at the Lake Lure Community Center/Visitor's Center building and that all Hickory Nut Gorge children are invited. Also, other upcoming events will be announced in the Lake Lure newsletter.

**RECESS FOR RECEPTION HONORING INCOMING/OUTGOING  
MAYOR & COMMISSIONERS**

Commissioner Cobb moved, seconded by Commissioner Rose, to recess until 8:30 p.m. for the reception honoring incoming/outgoing Mayor and Commissioners and reconvene



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thereafter in the Lake Lure Municipal Center Conference room for the purpose of entering into closed session to discuss attorney client privilege/legal matters (G.S. 143-318.11 (a) 3) involving the Pamer/Breen case and Powers/Moore case. The vote of approval was unanimous.

**CLOSED SESSION - ATTORNEY CLIENT PRIVILEGE/LEGAL  
MATTERS (G.S. 143-318.11(A) 3)**

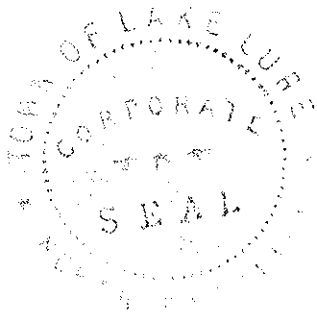
After discussion with closed session, Commissioner Rose moved, seconded by Commissioner Stanier, to come out of the closed session at 11:05 p.m. and re-enter the regular session of the meeting. The vote of approval was unanimous.

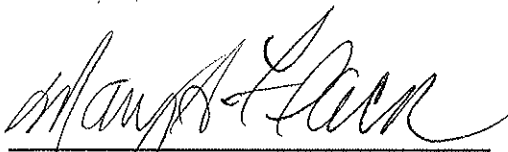
While in closed session, Council voted to seal the minutes of the closed session meeting in order to avoid frustrating the purpose of the closed session. The vote of approval was unanimous.

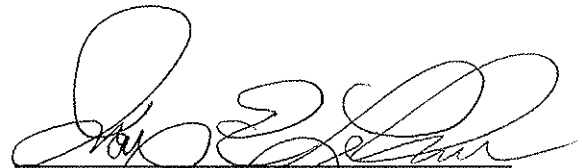
**ADJOURNMENT**

With no further items of discussion, Commissioner Rose moved, seconded by Commissioner Stanier, to adjourn the Town meeting at 11:10 p.m. The vote of approval was unanimous.

**ATTEST:**



  
Mary A. Flack, CMC/AAE  
Town Clerk

  
Mayor Max E. Lehner