



Incorporated 1927

# Town of Lake Lure

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## MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, JANUARY 20, 1998, 7:30 P.M. AT THE LAKE LURE MUNICIPAL CENTER

**PRESENT:** Mayor Jack Powell  
Commissioner Carolyn Cobb  
Commissioner Beth Rose  
Commissioner Gene Sheffield  
Commissioner Jack Stanier

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

**ABSENT:** N/A

### CALL TO ORDER

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

### INVOCATION

Reverend Larry Sanders gave the invocation.

### PUBLIC FORUM

No one signed up to speak under public forum. However, Mayor Powell invited the audience to speak on any non-agenda item.

Harry Locklair, citizen of Lake Lure, requested to speak on the issue of clear-cutting. Mr. Locklair and his wife became full-time residents of Lake Lure on January 1, 1998 hoping to enjoy the beautiful scenery surrounding the area. Their property is located on Luther Burbank Drive, and clear-cutting has begun as a result of construction of a nearby neighbor. The silt is running downhill as a result of the erosion control fences not holding back the silt. Mr. Strutner informed Mr. Locklair that the contractor has been notified by the Town that appropriate action has to be taken to correct this matter and this individual has been billed for cleanup.

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Mr. Locklair requested that Council proceed with adopting an ordinance prohibiting clear-cutting. Mayor Powell informed Mr. Locklair that this issue had been addressed at prior Council Meetings and that State Representatives were invited and attended a prior Council Meeting to view the area and address the concerns of the citizens. Legally, Council does not have the authority to give permission or prohibit landowners from clear-cutting and using their property in this manner. The landowners have the right to harvest the trees on their property. Mayor Powell announced that Council will continue to study this matter, but at present there is not a clear understanding of what action will hold up in a Court of Law.

### **CONSENT AGENDA**

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

Commissioner Rose moved, seconded by Commissioner Sheffield, to approve the consent agenda item(s) as presented. Therefore, the consent agenda, incorporating the following item(s) was unanimously approved:

- a. **Approved Minutes of December 16, 1997 (Regular Meeting), and January 9, 1998 (Special Town Meeting).**

**End of Consent Agenda**

### **OLD BUSINESS**

- a. **Other Old Business**

There was no other old business for discussion.

### **PUBLIC HEARING -- REVISED LAND USE PLAN**

Notices of the Public Hearing were duly given within the legal classified advertising section of the Forest City Daily Courier. The first Public Hearing on this issue took place at the December 16, 1997 meeting and no action was taken.

Commissioner Stanier moved, seconded by Commissioner Cobb, to enter into the public hearing to receive comments on the revised Lake Lure Land Use Plan. The vote of approval was unanimous.

Mayor Powell turned the meeting over to Dick Washburn, Chairman of the

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Planning/Zoning Board. Mr. Washburn gave the citizens an opportunity to ask questions regarding the revised Land Use Plan. Mr. Washburn thanked all of his Board Members which included Joe Doti, Jack Stanier, Tom Hough, Jim Proctor, and Woody Harton, Community Development Planner with the Division of Community Assistance for their contribution of time and work. Mr. Washburn also thanked Bill Bush, Max Lehner, and Town Council for their input. Mr. Washburn announced that Vice Chairman Joe Doti had undergone heart by-pass surgery and valve replacement earlier in the day and the results appear very optimistic.

Commissioner Cobb expressed appreciation to the Board and all involved for the work that went into developing the revised Land Use Plan. Mayor Powell, on behalf of the Town Council, thanked everyone for their time and effort.

With no public comments forthcoming, Commissioner Rose moved, seconded by Commissioner Sheffield, to come out of the public hearing and reenter the regular session of the meeting. The vote of approval was unanimous.

Commissioner Stanier moved, seconded by Commissioner Cobb, to adopt the Revised 1997-2007 Land Use Plan as written and presented. The vote of approval was unanimous. This plan will be made available to the Strategic Planning Committee.

#### **NEW BUSINESS**

- a. Board Appointments -- Lake Advisory Committee, Board of Adjustment/Lake Structures Appeals Board, Lake Lure Zoning and Planning Board, Golf Course Advisory Committee, and Lake Lure ABC Board**

Mayor Powell thanked Mary Flack for all the work and time spent on contacting individuals and preparing documentation, including voting preparation materials for the various committee appointments. Mayor Powell also thanked all applicants for stepping forward and participating. He thanked Council for trying to decide which applicants to choose. Mayor Powell encouraged all applicants not appointed to continue to participate, and expressed it is important for Council to meet applicants and have a chance to interact with them.

Mayor Powell expressed the importance of attendance among Board Members at committee meetings and the need for each committee to adopt guidelines.

Council had requested an open voting process. Each Commissioner was provided with color coded stickers to indicate their choice for the number of vacancies on each Board. In the case of a tie, Mayor Powell would place his vote by marking a blue X by his choice. Mayor Powell read aloud the names of the applicants for each Board prior to the actual vote and asked that each applicant stand, if present, when their name was called so they would be recognized.

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### **Lake Lure ABC Board**

The Lake Lure ABC Board had one member vacancy with a three year appointment (2000) and one member vacancy completing the 1998 term due to a resignation. This Board holds regular monthly meetings the third Friday, 1:30 p.m. at the ABC Store Conference Room.

Town Council voted on the following nominees to the Lake Lure ABC Board and the results were as follows:

- |    |                       |         |                       |
|----|-----------------------|---------|-----------------------|
| 1. | Anthony A. Brodfuhrer | 1 vote  |                       |
| 2. | William O. Keller     | 1 vote  |                       |
| 3. | Werner Meringer       |         |                       |
| 4. | Thelma Phillips       |         |                       |
| 5. | Walter Rust           | 2 votes | Term - December, 1998 |
| 6. | Sheridan Wait         | 4 votes | Term - December 2000  |

### **Golf Course Advisory Committee**

The Golf Course Advisory Committee had two member vacancies with a two year appointment (1999) and one member vacancy completing the 1998 term due to a resignation. This Board holds regular monthly meetings the third Tuesday, 9:30 a.m. at the Municipal Center.

Town Council voted on the following nominees to the Golf Course Advisory Committee and the results were as follows:

- |    |                 |         |                      |
|----|-----------------|---------|----------------------|
| 1. | Harry Fritchman | 4 votes | Term - December 1999 |
| 2. | Bill Wagoner    | 1 vote  |                      |
| 3. | Jerry Wright    | 4 votes | Term - December 1999 |
| 4. | Melvin Zwart    | 3 votes | Term - December 1998 |

### **Lake Lure Zoning and Planning Board**

The Lake Lure Zoning and Planning Board had one member vacancy with a three year appointment (2000) and two member vacancies completing the 1998 term due to resignations. This Board holds regular monthly meetings the first Tuesday, 9:30 a.m. and as necessary the third Tuesday, 9:30 a.m. at the Municipal Center.

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Town Council voted on the following nominees to the Lake Lure Zoning and Planning Board and the results were as follows:

- |    |                     |         |                      |
|----|---------------------|---------|----------------------|
| 1. | M. K. Dutch Beukema |         |                      |
| 2. | William R. Bush     | 3 votes | Term - December 1998 |
| 3. | Richard W. Grow     |         |                      |
| 4. | Tom Hough           | 4 votes | Term - December 2000 |
| 5. | Jack W. Lawrence    | 2 votes | Term - December 1998 |
| 6. | Werner Maringer     |         |                      |
| 7. | Bud Schichtel       | 2 votes |                      |
| 8. | Michael C. Williams | 1 vote  |                      |

There was a tie between Jack W. Lawrence and Bud Schichtel for the remaining member term expiring December, 1998. Mayor Powell broke the tie by voting for Jack W. Lawrence.

### **Board of Adjustment/Lake Structures Appeals Board**

The Lake Lure Board of Adjustment/Lake Structures Appeals Board had one alternate member vacancy with a three year appointment (2000) and one member vacancy with a three year appointment (2000). This Board holds regular monthly meetings the first Monday, 4:00 p.m. and if necessary, the Lake Structures Appeals Board meets immediately afterward at the Municipal Center.

Town Council voted on the following nominees to the Lake Lure Board of Adjustment/Lake Structures Appeals Board and the results were as follows:

- |    |                  |         |                      |
|----|------------------|---------|----------------------|
| 1. | Carey Appling    |         |                      |
| 2. | Robert Beach     | 4 votes | Term - December 2000 |
| 3. | Riley Hardy      | 4 votes | Term - December 2000 |
| 4. | Jack W. Lawrence |         |                      |
| 5. | Michael Williams |         |                      |

There was a tie between Riley Hardy and Robert Beach to serve as a regular member. Therefore, Mayor Powell broke the tie by voting for Riley Hardy to serve the three year regular member term. Robert Beach then was appointed to the three year alternate member appointment.

### **Lake Advisory Committee**

The Lake Lure Lake Advisory Committee had four two year appointments (1999). This

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Board holds regular monthly meetings the first Monday, 6:30 p.m. at the Municipal Center.

Town Council voted on the following nominees and the results were as follows:

- |     |                     |   |                      |
|-----|---------------------|---|----------------------|
| 1.  | Carey Appling       | 2 votes   | Term - December 1999 |
| 2.  | M.K. Dutch Beukema  |   |                      |
| 3.  | C. Ray Colmont      | (Name withdrawn -- relocated from Lake Lure)    |                      |
| 4.  | Richard P. Conrad   | 1 vote  |                      |
| 5.  | Robert C. Formet    |   |                      |
| 6.  | Marsha Hardy        | 4 votes   | Term - December 1999 |
| 7.  | Jack W. Lawrence    | (Name withdrawn -- appointed to Planning Board) |                      |
| 8.  | Russ Lloyd          |   |                      |
| 9.  | Marvin Lovejoy      | 1 vote  |                      |
| 10. | David Morgan        | 3 votes   | Term - December 1999 |
| 11. | Robert F. Turner    |   |                      |
| 12. | E. Charles Watkins  | 4 votes   | Term - December 1999 |
| 13. | Michael C. Williams | 1 vote  |                      |
| 14. | Melvin Zwart        | (Name withdrawn -- appointed to Golf Committee) |                      |

Mayor Powell congratulated everyone appointed and requested that all other participants continue to apply for future vacancies.

**NEW BUSINESS**

**b. Auditor's Report**

Town Auditor, Robert C. Koone, reported on the Town's audit for the 1996-1997 fiscal year. With no further discussion, Commissioner Rose moved, seconded by Commissioner Cobb, to approve the fiscal 1997 audit as prepared and submitted by the Town's Auditor, Robert C. Koone. The vote of approval was unanimous.

**NEW BUSINESS**

**c. Fiscal Year 1997 financial Results - Slide Presentation**

Mayor Powell gave a slide presentation of the Town's fiscal 1997 operations and certain financial trends. Information was taken from the Auditor's report. The audience was allowed to participate in discussions.

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Mayor Powell stated that all of the Council Meetings, with the exception of Closed Sessions, are open to the public and that anyone with concerns or ideas are always welcome to speak to individual Council Members since feedback is welcome. Mayor Powell, on behalf of Council, thanked Robert Koone for his services.

**NEW BUSINESS**

- d. Review and Set Policies for Boat Permits, Beach, Beach Passes, Marina Slip Rentals, Golf Course, Community Hall (Municipal Center), and Community Center (adjacent HNG Chamber)**

Council was presented with current rates for boat permits, beach admission, beach passes, Marina slip rentals, Golf Course fees, and rental facilities.

Mayor Powell recommended that the daily boat permits be classified as 24 hour permits from the time the permit is purchased. Therefore, it was the consensus of Council that the permits be classified as 24 hour periods from the time of purchase.

With no further discussion, Commissioner Rose moved, seconded by Commissioner Cobb, that the rates remain the same as set forth during the 1997 season. The vote of approval was unanimous. (Rate schedules attached). Council stipulated that these rates will be reviewed further during the upcoming budget sessions.

**NEW BUSINESS**

- e. Other new Business**

There was no other new business for discussion.

**STAFF REPORTS**

Town Manager Strutner announced that the Town's new Zoning Administrator, Chuck Place, will begin work February 2, 1998.

Mr. Strutner also announced that the Town received FEMA funds in the amount that will take care of the entire cost of silt removal from the river. The Town is currently awaiting information regarding FEMA funds for the installation of an emergency warning system and an educational program for citizens in case of emergency situations. Mr. Strutner also reported that he would like to have the sewage lift station relocated because when flooding occurs, water runs across the top of the dam washing out the lift station.

**COUNCIL COMMENTS**

Mayor Powell announced that Fred Weisbecker, Wildlife Officer, was promoted to Area Sergeant. He will be coordinating game fish and boating laws in Rutherford and Cleveland Counties.

Mayor Powell announced that the Strategic Planning Committee will hold an organizational meeting Tuesday, January 27, 1998 at the Municipal Center and the public is invited to attend.

**CLOSED SESSION**

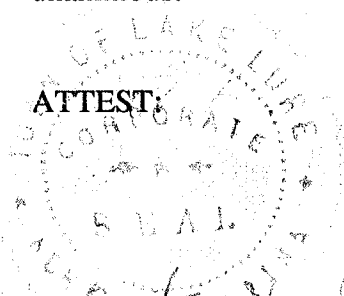
Commissioner Cobb moved, seconded by Commissioner Rose, to enter into closed session for the purpose of discussing Attorney Client Privilege/Legal Matters (G.S. 143-318.11(a)3) regarding Cloud, Walker, Breen/Pamer and Powers/Moore litigation. The vote of approval was unanimous.

With no further discussion in closed session, Commissioner Sheffield moved, seconded by Commissioner Rose, to come out of closed session and re-enter the regular session of the meeting. The vote of approval was unanimous.

**ADJOURNMENT**

With no further items of discussion, Commissioner Cobb moved, seconded by Commissioner Stanier, to adjourn the Town meeting at 10:50 p.m. The vote of approval was unanimous.

ATTEST:

  
*Anita H. Taylor*  
Anita H. Taylor, CMC/A&E  
Deputy Town Clerk

*Jack Powell*  
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Mayor Jack Powell