



Incorporated 1927

Town of Lake Lure

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MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, FEBRUARY 17, 1998, 7:30 P.M. AT THE LAKE LURE MUNICIPAL CENTER

PRESENT: Mayor Jack Powell
Commissioner Carolyn Cobb
Commissioner Gene Sheffield
Commissioner Jack Stanier

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

ABSENT: Commissioner Beth Rose

CALL TO ORDER

Mayor Powell called the meeting to order at 7:30 p.m. Mayor Powell introduced Chuck Place, III as the town's Zoning Administrator.

INVOCATION

Attorney Callahan 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.

CONSENT AGENDA

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

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

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- a. **Approved Minutes of January 20, 1998 (Regular Meeting and Closed Session Meeting) and January 15, 1998 (Special Meeting).**
- b. **Approved the Crafty Tarheels request to rent the Lake Lure Community Center and grassy area east of the center for craft shows on June 13-14, 1998 and August 29-30, 1998; approved the use of the kitchen area in the Community Center to provide some food for sale during the show, but specify that this means basically the warming and serving of pre-prepared food and not the actual cooking of food; require that the entire Community Center, including the kitchen area be cleaned after each day's event, each day's accumulation of trash hauled off by the organizers and properly disposed, and the grassy area cleaned of trash and debris (Town Manager will specify these items in a letter to the Crafty Tarheels); and suspended the Town's peddling ordinance for the duration of these shows.**
- c. **Approved the Camp Care request to waive the Town's boat permit fee for period of June 7-13, 1998.**

End of Consent Agenda

OLD BUSINESS

a. Other Old Business

There was no other old business for discussion.

NEW BUSINESS

a. Accept Bids and Award Contract for Sediment Removal/Disposal
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Gary D. Davis, McGill Associates, P. A., reported that the bids for the sediment removal disposal (mouth of the Broad River in Lake Lure) were publicly opened and read aloud at 2:00 p.m. on Monday, February 16, 1998 in the Council Chambers at the Town of Lake Lure Town Hall. The low bidder for the project was Perry M. Alexander Construction Company of Asheville, North Carolina in the amount of \$54,000.00. He said that they have reviewed the bid documents and find them in proper order. Mr. Davis stated that Perry M. Alexander Construction Company has the experience and expertise to perform the work of this project and they recommend that the town award this project to Perry M. Alexander Construction Company in the amount of \$54,000.00.

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After discussion, Commissioner Cobb moved, seconded by Commissioner Stanier, to award the sediment removal disposal (mouth of the Broad River in Lake Lure) project to Perry M. Alexander Construction Company in the amount of \$54,000.00 to be paid out of FEMA monies with the stipulation that the final award be approved by FEMA and the North Carolina Division of Emergency Management. The vote of approval was unanimous.

NEW BUSINESS

b. Request from Pediatric Brain Tumor Association Re: Ride for Kids

Alan Hughes, Asheville Task Force Leader, asked that Council to consider approving a request submitted to the town from the Pediatric Brain Tumor Association regarding an annual fund raising event.

Commissioner Cobb moved, seconded by Commissioner Sheffield, to approve the request from the Pediatric Brain Tumor Foundation as follows. The vote of approval was unanimous.

1. "Ride for Kids" fund raising event on Saturday, June 27, 1998;
2. A tent will be set up on Friday, June 26, 1998 and removed on Monday, June 29, 1998;
3. Use the large grassy area east of the Community Center/Visitor Center to set up a 60 ft. x 100 ft. tent with a stage and 500 chairs;
4. Set up 4-6 portable toilets in this same general area;
5. Authorize use of electrical power in this area to operate sound system (bringing extension cords); and
6. Police assistance with traffic control to allow safe entry into the parking area when the motorcyclists arrive.

NEW BUSINESS

c. Discussion Regarding Hickory Nut Gorge Chamber of Commerce Lease/Agreement

Mayor Powell stated that he had discussed informally with Council members about the existing lease agreement and there was a consensus that the following changes needed to made:

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1. Put the lease on a calendar year basis;
2. Grant the lease for one (1) year and nine (9) months (lease would expire December 31, 1999);
3. Add a clause that the lease would automatically renew on an annual basis, unless a 60 days notice was given by either party;
4. Require a 60 days notice by either party if the lease is to be amended; and
5. Consider the request by the Hickory Nut Gorge Chamber of Commerce granting permission to install a drink machine with provisions stipulated regarding upkeep, beautification, additional charges for electricity.

After discussion, Commissioner Stanier moved, seconded by Commissioner Cobb to tentatively approve the lease agreement with the above changes as recommended and ask the town attorney to make the appropriate changes. The vote of approval was unanimous.

NEW BUSINESS

g. Other New Business

Commissioner Cobb moved, seconded by Commissioner Sheffield, to add another agenda item (discuss the raising of the lake which is scheduled for March 1, 1998) under other new business. The vote of approval was unanimous.

Commissioner Cobb stated that she had received some requests to delay raising the lake level.

Commissioner Sheffield said that he had received three calls, but he was in favor of letting the lake come back up on time as previously scheduled for March 1, 1998.

Mayor Powell stated that Commissioner Rose had informed him that she had received calls, but they were the same people who habitually call each year requesting to delay raising the lake level.

No motion was made to extend the deadline of raising the lake level beyond March 1, 1998.

STAFF REPORTS

Town Manager Strutner reported on the following:

- (1) Signed contract today with GEI Consultants, Engineering Firm which was selected to undertake the preparation of a lake inundation map and an emergency action plan. This project has been budgeted and the costs are under the amount appropriated. The project should be completed within four months;
- (2) Announced the resignation of Assistant Police Chief Tim Ezell who has been with the town for more than seven years. Mr. Ezell has accepted a job with the Rutherfordton Police Department. His last day working for the town will be next Thursday; and
- (3) Announced that Police Chief Jake Gamble who has been with the town for 12 years will be retiring effective April 17. Chief Gamble will work through March 17 and he will use his vacation time during the remaining month of employment.

Mr. Strutner requested that Council remove the hiring freeze in order to advertise and look for a new police chief. He said that this would be a lengthy process and take months.

Mr. Strutner said that he would go by the following steps in a process to select a police chief:

1. Hold a session with the existing police personnel and ask them to describe in detail what they think the next police chief needs to be like such as attributes, and characteristics. The Town Manager intends to do the same process with Council. He will also select a group of people from the community at large and pick individuals from both sides.
2. The next step will be a process of developing a screening matrix of candidates.
3. Then solicit an interview panel made up of other police agencies heads such as the Justice Academy. After selecting this panel, candidates would be interviewed and narrowed down to a selection of two (2) or three (3) applicants. At this point, the Town Manager will interview these applicants and make a final appointment of Police Chief.

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Mr. Strutner stated that by doing the above mentioned, the Council, Police Department, and the Community will have input on what the police chief should be like.

Mayor Powell said that he was told by the Town Manager and lead to believe because of the sensitive issues regarding the police department and the atmosphere in the community that Council would be given an opportunity to interview the final candidate before a final decision has been made to appoint a new police chief.

Mayor Powell also stated that he would like for Council to be given an opportunity to interview the final candidate and be able to give input before a final decision has been made to appoint a new police chief. Powell says that there is a need for community leadership and the town needs a police chief that can help develop that type of atmosphere within the police department.

After lengthy discussion, Commissioner Cobb moved, seconded by Commissioner Jack Stanier, to approve the request to reverse the hiring freeze in order to hire a police chief only and to authorize the Town Manager to initiate the process for replacement. Commissioner Cobb and Commissioner Stanier voted yes. Commissioner Sheffield voted no. Therefore, the motion passed with a vote of two (2) to one (1).

Mayor Powell said that it is important that Council be involved in overseeing the type of atmosphere we have in the police department. Powell said that he would like to have input from the Strategic Steering Planning Committee as to what kind of police department is needed in the community.

Mayor Powell announced that a request has been initiated by the Police Chief to the North Carolina Justice Academy to make a review of the police department. This is a free service provided by the state of North Carolina.

COUNCIL COMMENTS

Mayor Powell announced that at the next regular town meeting scheduled in March, annual reports will be given by chairpersons of town appointed boards and committees.

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

Commissioner Sheffield moved, seconded by Commissioner Cobb, to enter into closed session for the purpose of discussing attorney client privilege/legal matters (G.S. 143-318.11(a)3) regarding Powers/Moore and John Cloud litigation.

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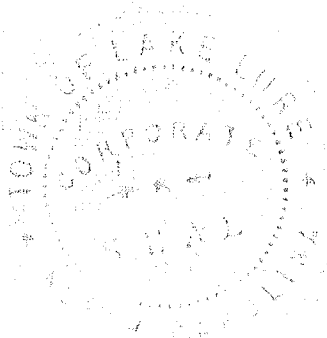
With no further discussion in closed session, Commissioner Cobb moved, seconded by Commissioner Sheffield, to come out of the closed session at 9:50 p.m. and re-enter the regular session of the meeting. The vote of approval was unanimous.

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 Stanier moved, seconded by Commissioner Sheffield, to adjourn the Town meeting at 9:55 p.m. The vote of approval was unanimous.

ATTEST:



Mary A. Flack, CMC/AAE
Town Clerk

Mayor Jack Powell