



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, JULY 21, 1998, 7:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER

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

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

ABSENT: Commissioner Jack Stanier

CALL TO ORDER

Mayor Powell called the meeting to order at 7:00 p.m.

INVOCATION

Commissioner Cobb gave the invocation.

NEW POLICE CHIEF

Mayor Powell introduced Charles M. Bustle as Lake Lure's new Police Chief. Mr. Charles M. Bustle was administered the oath of office and assumed his duties and responsibilities as Police Chief on Friday, July 17, 1998. Mr. Bustle was most recently a Lieutenant with the Buncombe County Sheriff's Department where he had served since 1990. Prior to that he was a Special Agent with the North Carolina State Bureau of Investigation from 1980 until 1990. In addition, Mr. Bustle had previous experience as a patrol officer with the Asheville Police Department, Buncombe County Sheriff's Department and the Carrboro Police Department.

Mr. Bustle is a 1978 graduate of the University of North Carolina at Chapel Hill with a B.S. degree (double major in Administration of Justice and Sociology) and also graduated with

Page 2 - Minutes of the July 21, 1998 Regular Council Meeting

an Associate degree from Wingate College in 1975. In addition, his in-service training (over 3,000 hours) included the North Carolina S.B.I. Academy and the Drug Enforcement Administration State and Local Officer's Academy at the F.B.I. Academy. Bustle holds an Advanced Law Enforcement Certificate from the North Carolina Criminal Justice Education and Training Standards Commission.

PUBLIC FORUM

Mayor Powell invited the audience to speak on any non-agenda item. Mr. Riley Hardy, Lake Lure resident, announced that the Hickory Nut Gorge Kiwanis Club recently installed a welcome sign on Town property at the intersection of S.R. 9 and U.S. 64/74-A. Town Council also thanked the club for the sign.

PUBLIC COMMENT

Town Manager John Strutner and Fire/Emergency Services Coordinator Ronald Morgan were present to provide information on the pending Town application for Hazard Mitigation grant funding to relocate the Town of Lake Lure Wastewater Lift Station, and to receive any public comments and questions regarding this project. Public Notice was duly given within the legal classified section of the Wednesday, July 15, 1998 issue of the Forest City Daily Courier newspaper.

Mr. Strutner said that the Town submitted to the North Carolina Division of Emergency Management on September 22, 1997 a Hazard Mitigation Grant Proposal for funding (relocation of the Wastewater Lift Station) and that the Town was waiting for approval at this time. He then proceeded to outline the project by citing pertinent excerpts from a letter of February 5, 1998 addressed to him from Mr. Danny B. Bridges, Project Manager of McGill Associates, P.A. (Town's engineering consultant) detailing this project. (Copy of Letter attached).

Strutner explained that this project would entail relocating the pump station to a new site along the riverbank approximately 200 lineal feet south of the station's present location which is at the base of the dam. Access to the new station would be provided by the current access road now serving the hydroelectric facility. Approximately 250 lineal feet of 18-inch diameter DIP sewer pipe would be laid adjacent to the river bottom, in conjunction with the construction of two flood proofed manholes. The new lift station would be flood proofed with an access located above the 100 year flood elevation. The pump station would be a triplex submersible unit, including other equipment necessary to facilitate the operation/maintenance of the station.

Also, Strutner said that Mr. Bridges stated in his letter of February 5, 1998 that the installation of this proposed pump station could be conducted with minimal impacts to the surrounding environment.

Page 3 - Minutes of the July 21, 1998 Regular Council Meeting

Strutner reported the staff of the North Carolina Division of Emergency Management had already inspected the current station including the proposed new site. Furthermore, there is correspondence on file from the North Carolina DEHNR's Division of Water Quality expressing concerns about the current facility, as well as, directing the Town to investigate alternatives for the current pump station. DEHNR's letter of August 4, 1997 suggested that the logical alternative would be to relocate the pump station away from the dam's spillway to a new site. Strutner said that the Town received this letter of August 4, 1998 from DEHNR subsequent the aftermath of the damage sustained to the lift station during the floods of 1994 and 1996. Additionally, correspondence had been received on September 19, 1997 from the DEHNR's Natural Heritage Program informing the Town that this program "does not have records of known rare species, high quality natural communities, or significant natural heritage areas occurring at the site or within a 2-mile radius of the proposed relocation of the wastewater lift station approximately 1/4 to 1/2 mile downstream from its present location at the Lake Lure Dam."

Town Manager Strutner concluded that the total estimated cost for this project was \$370,455; estimated construction cost totaled to \$320,355; and the estimated cost of engineering/construction (administration) totaled \$50,100. If approved, the entire project would be funded by FEMA monies through the North Carolina Division of Emergency Management.

Ron Morgan was commended by Mr. Strutner for the work performed in preparing the Hazard Mitigation grant application for the funding to relocate the Town's Wastewater Lift Station. Mr. Morgan was also thanked for coordinating the follow-up activities including the additional work with the North Carolina Division of Management (NCDEM) since the Hazard Mitigation Grant was submitted (last year).

Mayor Powell invited citizens in the audience to speak during the public comment(s) session. The only question/comment received was posed by Mr. Jack Donovan (Lake Lure resident and former Town Commissioner) who asked if the present set of pumps at the Town's Wastewater Lift Station would be utilized in the new lift station? Mr. Strutner responded by stating that a study by the Town's engineer would have to be made first, then if determined it is technically feasible, the pumps would also be used in the new lift station.

There being no further comments and/or questions forthcoming, the Mayor closed the public comment session.

| |
|-----------------------|
| CONSENT AGENDA |
|-----------------------|

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

Page 4 - Minutes of the July 21, 1998 Regular Council Meeting

Commissioner Rose moved, seconded by Commissioner Sheffield, to approve the consent agenda items as presented. Therefore, the consent agenda, incorporating items was unanimously approved:

- a. **Approved Minutes of June 12, 1998 (Special Workshop Meeting) and June 16, 1998 (Regular Meeting)**

End of Consent Agenda

OLD BUSINESS

- a. **Other Old Business**

There was no other old business for discussion.

NEW BUSINESS

- a. **Adopt Resolution No. 98-07-21 Smart Start Program
(Rutherford County Partnership for Children)**

Sally Leshner, representative of the Smart Start Program, gave a brief overview of the Smart Start Program and answered questions regarding the proposed resolution to be adopted.

After discussion, Commissioner Cobb moved, seconded by Commissioner Sheffield, to **not** approve the following Resolution No. 98-07-21 regarding the Smart Start Program (Rutherford County Partnership for Children). The vote of approval was unanimous.

RESOLUTION NO: 98-07-21

WHEREAS, research by UNC's Frank Porter Graham Child Development Center shows that Smart Start is increasing the overall quality of child care, and in addition, that the number of top quality child care centers has increased by more than 60 percent in Smart Start counties; and

WHEREAS, there are now operating in Rutherford County eleven AA licensed centers -- the highest rating from the state -- and one accredited child care home, serving 567 children, when before Smart Start there were none; and

WHEREAS, North Carolina has a higher percentage of mothers than almost any other state, so good child care is a critical need; and whereas, over 100 child care slots have been created in Rutherford County for children so parents can work on the second and third shifts; and

Page 5 - Minutes of the July 21, 1998 Regular Council Meeting

WHEREAS, Rutherford County is one of the counties with the highest reported number of child abuse and neglect cases, and foster care children removed from the home in Rutherford County are now receiving more intensive services because of Smart Start; and

WHEREAS, Smart Start has doubled the number of child care workers with college training from 48 to 97 between June 1997 and June 1998; and

WHEREAS, Smart Start has arranged for dental care for Rutherford County's children who could not get it earlier; and

WHEREAS, the Parents as Teachers program is a national training center and Smart Start funds provide for 150 families in Rutherford County to receive this service; and

WHEREAS, these are but a few of the sixteen successful programs in Rutherford County under contract with Smart Start; and

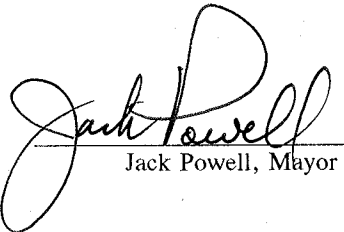
WHEREAS, Wachovia, Nations Bank, First Union, Food Lion, Glaxo, Duke Power and AT&T have pledged over \$1,000,000 each and many others have contributed as part of the \$30 million in-kind and cash contributions made to Smart Start, and several thousand dollars have been awarded to projects in Rutherford County; and

WHEREAS, children in Rutherford County will have \$316,000 of additional unmet needs addressed if the Governor's initiative is passed; and

NOW, THEREFORE BE IT RESOLVED that the Town of Lake Lure Town Council supports Smart Start and its expansion from 55 to 100 counties as proposed in the Governor's budget.

Adopted this 21st day of July, 1998

Mary A. Flack, CMC/AEE
Town Clerk



Jack Powell, Mayor

NEW BUSINESS

b. Board Appointments -- Lake Lure Golf Course Committee

Mayor Powell announced that currently there are two vacancies which need to be filled on the Lake Lure Golf Course Committee.

Commissioner Rose requested that the Town continue advertising in the Lake Lure newsletters for individuals to serve on this committee.

Mayor Powell publicly recognized Golf Course Manager Charles Caldwell and staff for a fine job that they have done at the golf course.

NEW BUSINESS

c. Other New Business

There was no other new business for discussion.

STAFF REPORTS

Town Manager Strutner reported that the Town is still waiting to receive the E-911 maps. He talked to the County last week and they are also anxiously waiting. Just recently, the addressing unit had been shifted from the Sheriff's Department to the County Tax Collector's Office. As soon as these maps arrive, the Town staff will proceed to work on the streets signs immediately.

Strutner said that on July 20, 1998 a team of five members arrived at the Lake Lure Police Department from the North Carolina Justice Academy to begin an analytical study of the Police Department's organization and staffing. The North Carolina Justice Academy is performing this customary service at no charge to the Town. Strutner said that as a result of several discussions about the number of officers needed in the Police Department, he had proposed the idea of such a study on the Police Department with the new Mayor including Commissioners following the previous election. Strutner explained that at a training session for new mayors sponsored by the North Carolina League of Municipalities, the Mayor learned that the North Carolina Justice Academy would provide a study for the Town as a free service, but it had to be requested by the Police Chief. Former Police Chief Jake Gamble concurred with the idea of asking the Academy to undertake a study in December 1997. Because of scheduling problems at the Academy, this study had been delayed until now. After the completion of this study, the results will be made public.

Police Chief Bustle had been interviewed by Town Manager Strutner, as well as, an interview panel including the Marion Police Chief Tom Pruett, Weaverville Town Manager Mike Morgan, and the Rutherford County Assistant District Attorney Brenda Brewer. Strutner also thanked those individuals who served on the interview panel.

COUNCIL COMMENTS

Mayor Powell commended the five Lake Lure Officers who continued their support/service throughout the absence of a Police Chief.

Commissioner Cobb recognized Town Manager John Strutner and Personnel Director Betty Hinson for their efforts during the interview process for the Police Chief position.

**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 at 7:50 p.m. for the purpose of discussing attorney client privilege/legal matters (G.S. 143-318.11(a)3) regarding Pamer/Breen case and Powers/Moore case. The vote of approval was unanimous.


With no further discussion in closed session, Commissioner Rose moved, seconded by Commissioner Cobb, to come out of the closed session at 8:22 p.m. and re-enter the regular session of the meeting. The vote of approval was unanimous.

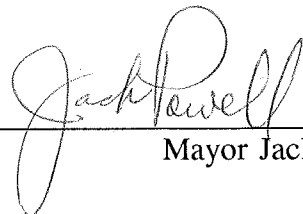
While in closed session, Council voted to seal the minutes of the closed session meeting in order to avoid frustrating the purpose of the closed session.

ADJOURNMENT

With no further items of discussion, Commissioner Rose moved, seconded by Commissioner Sheffield, to adjourn the Town meeting at 8:25 p.m. The vote of approval was unanimous.




Mary A. Flack, CMC/AEE
Town Clerk


Mayor Jack Powell