



Incorporated 1927

Town of Lake Lure

P. O. Box 255 • Lake Lure, NC 28746-0255 • 828/625-9983 • FAX 828/625-8371

MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, AUGUST 10, 1999, 7:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER

PRESENT: Mayor Jack Powell
Commissioner Carolyn Cobb
Commissioner Beth Rose
Commissioner Jack Stanier

H. M. Place III, Town Manager
Sam A. Karr, Finance Director

ABSENT: Commissioner Gene Sheffield
J. Christopher Callahan, Town Attorney

CALL TO ORDER

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

The Mayor announced that Commissioner Sheffield had to resign his position on Town Council due to medical reasons.

INVOCATION

Commissioner Cobb gave the invocation.

LETTER OF RESIGNATION

Mayor Powell read into the record the following memo of August 10, 1999 received from Commissioner Gene Sheffield regarding his resignation on Town Council.

To: Fellow Council Members, Lake Lure Employees and Associates

From: Gene Sheffield

Re: Letter of Resignation

Due to medical reasons, I am unable to continue in my elected capacity as

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Commissioner of the Town of Lake Lure and hereby regretfully resign. I wish to thank my fellow Councilmembers and all with whom I was associated for their forbearance and respect shown me during my tenure.

I enjoyed and will miss all of your council and although we were not always in agreement on all issues, I valued your viewpoint. My thoughts and good wishes are with you in the coming months. May all your future decisions be the right ones.

Respectively,

Gene Sheffield

The Mayor asked Councilmembers to accept Commissioner Sheffield's letter of resignation. A motion was made by Commissioner Rose to accept Commissioner Sheffield's letter of resignation. Commissioner Cobb seconded the motion and the vote of approval was unanimous.

Mayor Powell explained the procedure for filling the vacant seat on Town Council. He said in a case where there is a vacancy on Town Council within ninety days prior to the forthcoming election, the Town Council will appoint a successor to fill the vacancy for the remainder of the term. Mayor Powell said this term would expire November 2001. He also stated that Councilmembers agreed to schedule a special meeting next week in order to appoint a new Councilmember to fill the vacant seat on Town Council.

PUBLIC FORUM

Mayor Powell invited the audience to speak on any non-agenda item. No one requested to speak.

CONSENT AGENDA

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

A motion was made by Commissioner Stanier to remove item b (schedule public hearing to amend the code to eliminate the "grandfather clause" regarding personal watercraft, effective January 1, 2000) for discussion under other new business. Commissioner Cobb seconded the motion and the vote of approval was unanimous.

A motion was made by Commissioner Rose to approve the consent agenda items as

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presented. Commissioner Stanier seconded the motion and the vote of approval was unanimous. Therefore, the consent agenda, incorporating the following items was unanimously approved:

- a. Approved Minutes of July 13, 1999 (Regular Meeting), and July 16, 1999 (Special Meeting);
- b. (removed from consent agenda for discussion under other new business;
- c. Approved Resolution No: 99-08-10 Authorizing to Open Electronic Funds Transfer Account (Copy attached);
- d. Approved Cash Management Service Agreement (Copy attached); and
- e. Approved ACH Origination Agreement (Copy attached).

End of Consent Agenda

OLD BUSINESS

- a. **APPROVED PROPOSED ORDINANCE REGARDING DAMAGE TO TOWN ROADS**

Town Manager Place read into the record the following proposed ordinance regarding damage to town roads.

ORDINANCE NO. 99-08-10

**AN ORDINANCE AMENDING SECTION 40.19 OF THE CODE
OF ORDINANCES OF THE TOWN OF LAKE LURE**

WHEREAS, the Town of Lake Lure Town Council, is concerned about the damage caused to town streets by trucks and construction equipment; and

WHEREAS, the costs of repairing such damage is currently born by the taxpayers; and

WHEREAS, the Lake Lure Town Council, after due consideration, has determined that it should be unlawful to cause such damage and that those who do cause such damage should pay their fair share for its repair;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF COUNCILMEN VOTING IN THE AFFIRMATIVE:

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SECTION ONE: § 40.19 is hereby amended to read as follows:

§ 40.19 STREETS NOT TO BE DAMAGED BY TRACTORS TRUCKS OR OTHER CONSTRUCTION EQUIPMENT.

(A) It shall be unlawful for any person, firm, or corporation to drag or run, or cause to be dragged or run, any implement, engine, machine, or tool on any asphalt or other type of permanently paved street of the town which shall be likely in any way to injure or cut the surface thereof.

(B) It shall be unlawful for any person, firm, or corporation to run or cause to be run any truck or other equipment on any permanently paved town street so as to damage the edge of the pavement or the shoulder of the street.

(C) Any person violating division (A) or (B) shall be liable to the town for the cost of repairing any or all damage caused.

Penalty, see § 10.99

SECTION TWO: This ordinance shall be effective upon its adoption.

Adopted this 10th day of August, 1999.

ATTEST:

Mary A. Flack, CMC/AAE
Town Clerk

Mayor Jack Powell

APPROVED AS TO FORM:

J. Christopher Callahan
Town Attorney

After discussion, Commissioner Cobb made a motion to adopt Ordinance No. 99-8-10 (an ordinance amending section 40.19 of the code of ordinances of the Town of Lake Lure) as presented. Commissioner Stanier seconded the motion and the vote of approval was unanimous.

Jim Proctor, a Lake Lure resident, asked Councilmembers to look into the problem of damage caused to gravel roads.

OLD BUSINESS

b. APPROVE CONCEPTUAL CONTRACT PROPOSAL WITH DUKE POWER

Mayor Powell stated that Andrew Givens with Cardinal Energy Services, Inc., could not be present at this meeting tonight to review the conceptual contract proposal with Duke Power.

Town Manager Place reviewed his memorandum of August 2, 1999 to Town Council regarding negotiations with Duke Power. He read into the record the following:

Attached is a letter from Andy Givens detailing a purchased power agreement with Duke. This version will generate an estimated \$299,900 in annual revenue, based on past average annual generation. It also provides us with a six hour peak for 12 months of the year as well as a "dispatch rate" for eight months. We had previously decided to accept a five year contract (the old contract was for 15 years) and Duke has now agreed to a seven year term.

Andy and I believe this to be a fair compromise based on current circumstances and we jointly recommend your acceptance of these provisions. The annual revenue is almost \$60,000 more than we budgeted and over \$114,900 more than Duke's original offer (a 62% increase plus the operating peak hours are much more satisfactory than we were previously offered). I have, therefore, asked that this proposal be placed on your agenda for discussion and conceptual approval, even though we don't have the final agreement as yet (when we get the final document, I will provide copies to the entire Council). I have also asked Andy to appear at your meeting to respond to any questions you have.

Town Manager Place informed Council about a call he had received from Andrew Givens, CES, Inc. last Friday indicating that he had met with Kenneth Keels, Jr., Duke Power Non-Utility Generation Manager and they had finalized an agreement between Duke Power and the Town. Mr. Place stated he had just received today a proposed purchase power agreement from Duke Power. In addition, Mr. Place read into the record his memorandum of August 10, 1999 to Town Council regarding negotiations with Duke Power.

Attached is a letter from Kenneth Keels, Jr., Duke Power Non-Utility Generation Manager, along with the proposed Purchase Power Agreement with Duke. I had previously asked that the proposal as submitted by Andy Givens be placed on your agenda for discussion and conceptual approval. This agreement is consistent with that proposal.

Unfortunately, Andy will not be able to attend the meeting tonight. Therefore, I am changing my recommendation to request that you schedule a special meeting

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sometime next week to discuss the terms of the agreement. I will endeavor to have Andy in attendance at that meeting.

Town Manager Place explained his original intention of the motion was to let Duke Power know whether the town agreed or disagreed with the basic concept of the contract. He said Duke Power went ahead and sent the contract any way. Mr. Place suggested that Council go ahead and review the contract which was submitted by Duke Power. Also, invite Andy Givens to review/answer questions regarding this contract. Mr. Place reported that Duke Power had been directed to offer the Town the same 15 year contract in which they previously had. He said the town and Duke Power had already agreed to a seven year contract.

The Town Manager read into the record an excerpt from a letter of August 5, 1999 received from Kenneth Keels, Jr. (Copy of letter attached).

I would like to take this opportunity to acknowledge the fine efforts of Andy Givens during these negotiations. It has been a pleasure to work with him and I believe the Town of Lake Lure has been well served to have selected Andy as its consultant and negotiator on this project.

Mr. Place also commended Mr. Givens on his work for the town.

A motion was made by Commissioner Stanier to approve conceptually the contract proposal with Duke Power as presented by Town Manager Place. Commissioner Rose seconded the motion and the vote of approval was unanimous.

Mayor Powell announced that a special meeting will be held next week in order to review/discuss the proposed contract with Duke Power. He said the Town Manager will schedule a date with Mr. Givens and let Councilmembers know about the date/time of this special meeting.

Town Manager Place stated the town would give a 48 hour notice for this special meeting.

NEW BUSINESS

a. REVISIT COLA FOR TOWN EMPLOYEES

Commissioner Cobb stated she had formerly requested an increase of 3% in COLA (cost-of-living) be given to the Town employees. She explained that during the time of her request, there were insufficient funds. Commissioner Cobb reminded Councilmembers about her presentation at a previous budget workshop session. This was a study comparing COLA's of various towns and reflecting Lake Lure to be at the bottom on COLA increases. Commissioner

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Cobb said in view of the availability of funds, she felt the employees deserved another 1% increase in COLA.

After discussion, Commissioner Cobb made a motion to increase the COLA from 2% to 3% for the Town employees and Commissioner Stanier seconded the motion. Commissioners Cobb and Stanier voted in favor of the motion. Commissioner Rose voted against the motion. Therefore the motion carried with a vote of 2 to 1.

Commissioner Rose stated she had nothing against the town employees, but was concerned about the taxpayers.

NEW BUSINESS

b. CONSIDER A ONE TIME ASSISTANCE TO THE EMS

Commissioner Cobb asked Council Members to consider a one time gift of \$1,000 to be given to the Hickory Nut Gorge EMS.

After discussion, Commissioner Cobb made a motion to award \$1,000 in support to the Hickory Nut Gorge EMS. The motion was not approved due to a lack of a second to the motion.

OTHER NEW BUSINESS

c. SCHEDULE A PUBLIC HEARING TO AMEND THE CODE TO ELIMINATE THE "GRANDFATHER CLAUSE" REGARDING PERSONAL WATERCRAFT, EFFECTIVE JANUARY 1, 2000

Mayor Powell stated that revisions had been made to the Lake Regulations including an amendment to the town code to eliminate the "grandfather clause" regarding personal watercraft effective January 1, 2000. He said there would be a public hearing held at the next regular town meeting to receive citizen input. Also, Mayor Powell stated copies of these revisions will be distributed to the Lake Advisory Committee for their review/input.

A motion was made by Commissioner Rose to schedule a public hearing at the next regular Town Council meeting on Tuesday, September 14, 1999 for the purpose of amending the town code regarding revisions to the lake regulations. Commissioner Stanier seconded the motion and the vote of approval was unanimous.

STAFF REPORTS

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Town Manager Place reported on the following:

1. A memorandum was placed in each Town Council's boxes today regarding the installation of new constant pressure brush-holders and brushes for the town's hydro generators. Duke Engineering and Services Inc. submitted a proposal to the town including a fixed price of \$11,529 (labor, equipment, and materials) and Mr. Place authorized a purchase order for this work to be paid out of the hydro-electric budget. He informed Council that a budget adjustment may need to be approved at a later date regarding these repairs.
2. Reported on the status of the town seal plaque (for Town Council meeting room) being ordered from Special Graphics located in Horse Shoe, North Carolina. Special Graphics will produce the town seal including eight different colors, three dimensions, and will be 3 ft. in diameter. Total cost of this seal will be \$475. Anticipates the seal plaque to arrive the 1st of September. Mr. Place suggested waiting until the October to install the plaque in order to have an official dedication.

Mayor Powell recommended that Council dedicate this plaque to Commissioner Gene Sheffield.

3. On behalf of the town staff, Mr. Place expressed his sorrow and unhappiness for Commissioner Sheffield receiving his medical diagnosis and having to resign his position on Town Council. He said Commissioner Sheffield was diligent in his duties; devoted to his beliefs; and dedicated to his service to the town. Mr. Place stated he had a special relationship with Commissioner Sheffield in that he always asked his opinion on various issues and usually they were not always in agreement. Although there were differences of opinion, Commissioner Sheffield always respected others opinions, as well as, being a perfect gentlemen.

COUNCIL COMMENTS

Mayor Powell reported that several months ago a committee of twenty members was formed including members representing the Lion's Club, Kiawanis Club, Hickory Nut Gorge Chamber of Commerce, and others to look into the possibility of recognizing the millennium. He said this committee chose "First Day - 2000 Celebration" as their promotional theme for the millennium celebration which will take place on January 1, 2000. The Mayor said their would be a charity brunch which will benefit the Hickory Nut Gorge Recreation Association. This brunch would include the traditional black-eyed peas, greens and ham/pork along with normal breakfast items. Also, there will also be entertainment at this brunch. He said tickets may be purchased (\$8.00 - Adults; and \$4.00 - Children 12 and under) for seatings at 11:00 a.m. and

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1:00 p.m.

The Mayor reminded Councilmembers about turning in their evaluation forms for the town manager to him by next Monday.


Mayor Powell announced there would be a workshop meeting held on Friday, August 13, 1999 for the purpose of reviewing recommendations from the Strategic Plan, Lake Management Plan, Land Use Plan, and developing action plans. He said board/committee members who participated in developing these plans/recommendations would be invited to attend this meeting and give their input in regards to prioritizing/developing action plans.

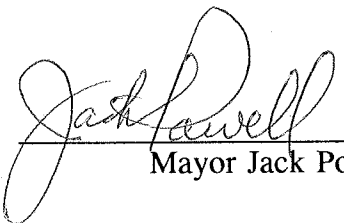
ADJOURNMENT

With no further items of discussion, Commissioner Stanier made a motion to adjourn the Town meeting at 7:55 p.m. Commissioner Cobb seconded the motion and the vote of approval was unanimous.

ATTEST:




Mary A. Flack, CMC/A AE
Town Clerk


Mayor Jack Powell