



Incorporated 1927

Town of Lake Lure

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MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, NOVEMBER 9, 1999, 7:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER

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

H. M. Place III, Town Manager
J. Christopher Callahan, Town Attorney

ABSENT: N/A

CALL TO ORDER

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

INVOCATION

Attorney Callahan gave the invocation.

PUBLIC HEARING - PROPOSED ORDINANCE AMENDMENT REVISING CHAPTER 85 OF THE TOWN CODE OF ORDINANCES, ALSO KNOWN AS THE LAKE REGULATIONS, AND PROVIDING FOR A MORATORIA ON FISHING AND LIMITS ON NUMBERS OF FISH CAUGHT

Public notices were duly given and published in the Forest City Daily Courier newspaper.

A motion was made by Commissioner Cobb to enter into Public Hearing for the proposed amendment revising Chapter 85 of the Town Code of Ordinances, also known as the Lake Regulations, and providing for a moratoria on fishing and limits on numbers of fish caught. Commissioner Rose seconded the motion and the vote of approval was unanimous.

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Mayor Powell invited citizens to speak during the public hearing. The following requested to speak:

1. David Pye, a concerned fisherman guide, asked Council members to consider the catch and release plan being presented by the Lake Advisory Committee.
2. Marsha Hardy, Lake Advisory Committee member, said that David Pye presented to the Lake Advisory Committee an alternative proposal to the January fishing moratorium. The Lake Advisory Committee discussed his proposal and made some changes. She said the Lake Advisory Committee recommended the following proposal to Town Council as an alternative to a 30 day moratorium on fishing:

It is proposed to the Town of Lake Lure that all fishing, within the corporate limits of the Town of Lake Lure, from December 15, 1999 through February 28, 2000 be changed to delayed harvest (catch and release) for all fish. This means that all fish must be under a catch and release policy. No fish will be harvested during these two and one half months. People fishing must use single hook artificial lures only, and all hooks must be barbless. This will help to ensure that fish caught at this time will be released nearly unharmed. No fishing with live bait, natural, or prepared bait will be permitted at this time. It is important that this policy be enforced with fines high enough to discourage anyone from fishing in any other manner than that stated above. Notification should be posted in Town Hall, bait stores, boat ramps, the town newsletter, Fairfield Marina, and the post office. Also, notification could go to the Daily Courier.

A motion was made by Commissioner Cobb to close the public hearing. Commissioner Stanier seconded the motion and the vote of approval was unanimous.

After discussion, Commissioner Stanier made a motion to adopt Ordinance No. 99-11-09 as presented. Commissioner Rose seconded the motion and the vote of approval was unanimous.

ORDINANCE NO. 99-11-09

AN ORDINANCE AMENDING CHAPTER 85, THE LAKE REGULATIONS OF THE TOWN OF LAKE LURE, PROVIDING FOR MORATORIA ON FISHING AND LIMITS ON NUMBERS OF FISH CAUGHT

WHEREAS, the Town Council of the Town of Lake Lure provides funds through the budget process for stocking Lake Lure with fish from time to time; and

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WHEREAS, historically, many of the newly stocked fish are caught before they are acclimated to the lake; and

WHEREAS, the Town Council of the Town of Lake Lure, upon recommendation by the Lake Advisory Committee and after due consideration, has determined that it may be appropriate to declare a moratorium on all fishing for a period of time after the lake is stocked with fish, and to limit the number of fish that may be taken from the lake in a single day by a fisherman;

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:

SECTION ONE: Revise Chapter 85, Lake Regulations, to add a new Section 85.06 as follows:

SECTION 85.06 MORATORIA, LIMITS ON NUMBERS OF FISH CAUGHT

(A) The Town Council shall have the authority to impose, by resolution, a moratorium on fishing for specified periods of time when necessary to allow newly stocked fish to acclimate to Lake Lure. The resolution shall be adopted not less than 30 days in advance of the moratorium and shall specify the starting and ending dates of the moratorium. It shall be a violation of this regulation to fish in the waters of Lake Lure during a declared moratorium.

(B) The Town Council shall have the authority to impose, by ordinance, a limit to the number of fish of any species to be taken from Lake Lure in one day. This limit may be different from, but shall not exceed, the limit imposed by the North Carolina Wildlife Resources Commission.

(Ord., passed 11-9-99) Penalty, see Section 85.99.

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

Adopted this 9th day of November 1999.

ATTEST:

Mary A. Flack, CMC/AEE
Town Clerk

Mayor Jim Proctor

APPROVED AS TO FORM

J. Christopher Callahan
Town Attorney

Additional Agenda Item

A motion was made by Commissioner Cobb to add an item to the agenda regarding a proposal from the Lake Advisory Committee. Commissioner Stanier seconded the motion and the vote of approval was unanimous.

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Council members discussed the pros/cons of the proposed catch and release plan from the Lake Advisory Committee. After discussion, Commissioner Cobb moved, seconded by Commissioner Stanier to: (1) rescind a motion previously made at the October 12, 1999 Town Council meeting to enact a 30 day moratorium on fishing after the lake is stocked this winter and (2) accept the Lake Advisory's Committee proposal that all fishing within the corporate limits of the Town of Lake Lure, from December 15, 1999 through February 28, 2000 be changed to "delayed harvest" (catch and release) for all fish. (Copy of Lake Advisory Committee proposal attached). The vote of approval was unanimous.

A motion was made by Commissioner Cox to amend the above motion to include a clause restricting the catch/release of fish to apply only to the waters of Lake Lure. Commissioner Cobb seconded the motion and the vote of approval was unanimous.

Jack Donovan, former Council member, requested that the penalty for this proposal be published in the town newsletter.

PUBLIC FORUM

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

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 Rose to approve the consent agenda items as presented and Commissioner Stanier seconded the motion. Therefore, the consent agenda, incorporating the following items was unanimously approved:

- a. Approved Minutes of October 12, 1999 (regular meeting), and October 21, 1999 (special meeting); and
- b. Scheduled a public hearing on December 14, 1999 to amend Section 92.005 of the Town Zoning Code of Ordinances regarding building setbacks.

End of Consent Agenda

UNFINISHED BUSINESS

- a. Adopt Resolution No: 99-11-09 Naming the Town Park Area as "Morse Park" in Honor of Lucius B. Morse**

Town Manager Place read into the record the following Resolution No. 99-11-09.

A RESOLUTION RENAMING "LAKE LURE POINT PARK" TO "DR. LUCIUS B. MORSE PARK".

WHEREAS, Lucius B. Morse, MD, was instrumental in the creation of the Lake Lure dam and lake; and

WHEREAS, Dr. Morse was the principal founder and first mayor of the Town of Lake Lure; and

WHEREAS, it is the desire of the Lake Lure Town Council to honor the memory of Dr. Morse for this significant achievement and to recognize his place in the history of the town;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Lake Lure as follows:

1. That the area known as "Lake Lure Point Park" shall be renamed "Dr. Lucius B. Morse Park" (Morse Park);
2. That this resolution shall be effective upon its adoption.

Adopted this 9th day of November, 1999.

ATTEST:

Mary A. Flack, CMC/AAE
Town Clerk

Mayor Jim Proctor

APPROVED AS TO FORM:

Christopher Callahan
Town Attorney

A motion was made by Commissioner Cobb to approve Resolution No. 99-11-09 as presented. Commissioner Cox seconded the motion and the vote of approval was unanimous.

Todd Morse thanked Council members for recognizing his grandfather Lucius B. Morse.

UNFINISHED BUSINESS

- b. Settlement of Account with Manatron & Renewal of Contract**

Town Manager Place read into the record his memorandum of November 4, 1999 regarding the settlement of account with Manatron. (Copy of memo attached).

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A motion was made by Commissioner Stanier to authorize the Town Manager to settle the Manatron account totaling \$40,433 and to renegotiate a contract with Manatron. Commissioner Cox seconded the motion and the vote of approval was unanimous.

Commissioner Cox made a motion to approve a budget amendment of \$18,500 to be transferred from fund balance and Commissioner Rose seconded the motion. The vote of approval was unanimous.

OTHER UNFINISHED BUSINESS

- c. Disband the Strategic Planning Committee and the Technical Advisory Committee**

Mayor Powell disbanded the Strategic Planning Committee and the Technical Advisory Committee effective upon this meeting.

NEW BUSINESS

- a. Oath of Office -- Mayor Jim Proctor**

Mayor Powell introduced Judge Laura Bridges. Then, Judge Laura Bridges administered the oath of office to incoming Mayor Jim Proctor.

NEW BUSINESS

- b. Oath of Office -- Commissioner Dick McCallum**

Judge Laura Bridges administered the oath of office to Commissioner Dick McCallum.

NEW BUSINESS

- c. Oath of Office -- Commissioner George Pressley**

Judge Laura Bridges administered the oath of office to Commissioner George Pressley.

OTHER NEW BUSINESS

- d. Present Awards of Appreciation**

Mayor Jim Proctor presented awards of appreciation to the following outgoing Town Council members: Mayor Jack Powell, Commissioner Cobb, and Commissioner Beth Rose for their dedicated public service and outstanding contributions to the Town.

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Outgoing Town Council members thanked town employees, family members, boards, and committees for their support during their term in office.

OTHER NEW BUSINESS
e. Selection of Mayor Pro tem

A motion was made by Commissioner Cox to appoint Jack Stanier as Mayor Pro tem. Commissioner McCallum seconded the motion and the vote approval was unanimous.

OTHER NEW BUSINESS
f. Approve Sludge Disposal Contract

Town Manager Place read into the record his memorandum of November 2, 1999 regarding the sludge disposal contract. (Copy of memo attached).

A motion was made by Commissioner Cox to approve the sludge disposal contract for three years between the Town of Lake Lure and Southern Soils Builders, Inc. as presented by Town Manager Place. Commissioner Stanier seconded the motion and the vote of approval was unanimous.

OTHER NEW BUSINESS
**g. Schedule a Workshop Date to Discuss the Beach and Marina
Concession Agreement between the Town of Lake Lure and Lake Lure
Tours**

A motion was made by Commissioner Stanier to schedule a special town meeting on November 22, 1999, 2:00 p.m., at the Municipal Center to consider the beach, marina, and lake tours concession agreements between the Town of Lake Lure and the Lake Lure Tours. Commissioner Pressley seconded the motion and vote of approval was unanimous.

OTHER NEW BUSINESS
**h. Consider Contributions to Flood Relief Fund for Victims of the Eastern
Part of North Carolina**

Mayor Proctor invited Jack Powell to make a presentation regarding the flood relief fund for victims of the Eastern part of North Carolina. Mr. Powell said he had recently attended a NCLM meeting and they talked about the devastation as well as the need for flood relief funds

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for these victims. He proposed that the town make a substantial contribution for flood victims. Mr. Powell talked about the idea of challenging surrounding neighboring towns in addition to other Counties. He reported that all of the Mayors in Rutherford County are receptive to a challenged contribution. Forest City immediately made a contribution of \$5,000 to the state relief fund and had set a precedent for others in the County. Mr. Powell said some larger towns such as Cary and Charlotte had adopted a devastated town and are providing them assistance with personnel, equipment, and monies to help them. He also mentioned that a delegate from a Japanese city had even brought a relief check for these victims. Mr. Powell addressed questions and statements such as: (1) are we setting a precedent for the town; (2) we should not use taxpayers' money; (3) many individuals and organizations in Lake Lure have already made contributions; (4) is it legal; and (5) can the town afford a substantial contribution? Mr. Powell reported on the preliminary results relayed to him from the town auditor with regards to available funds. He stated there is approximately \$24,000 left in contingencies which was budgeted for unforeseen events. Mr. Powell stated he believed this disaster would qualify.

Ron Morgan, Lake Lure Fire/Emergency Management Coordinator, also reported on the devastating damage caused by hurricanes Dennis and Floyd.

Mayor Proctor asked for support to help these hurricane victims.

Council members agreed to continue a discussion on the flood relief fund for victims of the Eastern part of North Carolina at their next special town meeting on November 22, 1999, at 2:00 p.m.

STAFF REPORTS

Town Manager Place reported on the following:

1. Introduced Erosion Control Specialist Pamela Pyles;
2. Briefed Council members about the School for Mayors and Council members;
3. Recognized Town Clerk Mary Flack for becoming the 6th Municipal Clerk from the State of North Carolina and the 160th out of over 10,000 IIMC Municipal Clerk members to be accepted into the third sustaining level of the IIMC (International Institute of Municipal Clerks) Academy for Advanced Education;
4. Discussed the roles of Finance Director Sam Karr and Personnel Director Betty Hinson with regards to risk management;

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5. Reported that Attorney Callahan received an extension on the time for response regarding the request from the Fairfield Mountains POA for a tax refund;
6. Briefed Council members about his meeting with Luther Smith regarding the town's master plan;
7. Reported that six applications have already been received for the parks/recreation board;
8. Announced the arrival of new police cars and that the town received at no additional cost one radar gun and video camera;
9. Mentioned the police radar trailer is in action;
10. Announced the surveys/appraisal have been completed for town surplus property; and
11. Asked Council members to give him authorization to precede with negotiations with Manatron.

After discussion, Commissioner McCallum made a motion, seconded by Commissioner Stanier to authorize the Town Manager to renegotiate a contract with Manatron. The vote of approval was unanimous.

COUNCIL COMMENTS

Mayor Proctor announced the reception honoring incoming/outgoing Mayors and Commissioners would follow adjournment of this meeting.

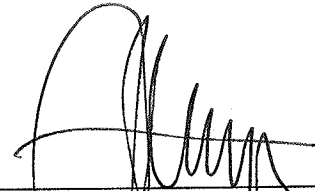
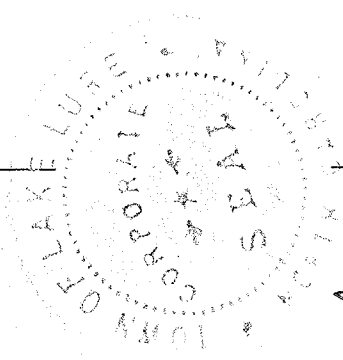
ADJOURNMENT

With no further items of discussion, Commissioner Stanier made a motion to adjourn the Town meeting at 9:31 p.m. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

ATTEST:



Mary A. Flack, CMC/AEE
Town Clerk



Mayor Jim Proctor