



Incorporated 1927

Town of Lake Lure

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MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, MARCH 14, 2000, 7:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER

PRESENT: Mayor Jim Proctor
Commissioner Blaine Cox
Commissioner Dick McCallum
Commissioner George Pressley
Commissioner Jack Stanier

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

ABSENT: N/A

CALL TO ORDER

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

INVOCATION

Attorney Callahan gave the invocation.

PUBLIC FORUM

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

CONSENT AGENDA

Mayor Proctor presented the consent agenda and asked if any item should be removed before calling for action. A motion was made by Commissioner Cox to remove item f (request from the Edneyville Boy Scout Troop #605) from the consent agenda for discussion under new business as item c. Commissioner Pressley seconded the motion and the vote of approval was unanimous.

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Commissioner Stanier made a motion to add an item to the consent agenda on g. regarding a request from the Hickory Nut Gorge Chamber to suspend the town ordinance prohibiting alcoholic beverages during business after hours being held at the town community center on March 21, 2000. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

Commissioner Cox made a motion to approve the following consent agenda item as presented and Commissioner Pressley seconded the motion. Therefore, the consent agenda, incorporating the following items were unanimously approved:

- a. Approve Minutes of February 8, 2000 (regular and closed session meetings) and March 7, 2000 (special meeting);
- b. Schedule a public hearing on April 11, 2000 to rezone the C-1 zoning district and one parcel in the R-3 district to one of the CG, CN, GU, and CTC zoning districts which were established on February 9, 1999. All land now zoned C-1 will be rezoned to one or another of the new districts and most town owned land will be rezoned for government use (GU). The R-3 rezoning is an existing, non-conforming, commercial use that will be rezoned from residential to neighborhood commercial;
- c. Approve request from the Dixie Rodders to: (1) hold a 16th annual car show July 14-15, 2000 on town property, (2) rent the town community center along with the grassy area behind and adjacent to the building which extends toward the town marina, (3) suspend the town peddling ordinance to allow the club to sell t-shirts and other vendors to sell food and car parts, and (4) suspend the town alcohol ordinance during this event (July 14-15, 2000);
- d. Approve request from the Lake Lure Lakefront Owners Association to reserve the Lake Lure community hall in the municipal building on July 7, 2000 to hold their annual meeting from 5:00 p.m. until 9:00 p.m. and suspend the town ordinance prohibiting alcoholic beverages during the time of this meeting;
- e. Approve request from Camp Care (non-profit organization for children with cancer) to waive the weekly boat permit fee on June 3-10, 2000;
- f. This item was removed off the consent agenda for discussion under new business as item c;
- g. Approve request from the Hickory Nut Gorge Chamber to: (1) hold a dogwood festival May 6-7, 2000 on town property located in front of the Lake Lure arcade building, (2) allow the use of the town community center along with the grassy area behind and adjacent to the building which extends toward the town marina

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during the time of this festival, (3) permit police participation for the parade being held on Saturday, May 6th at 12 noon, (4) suspend the town peddling ordinance in order to sell crafts and food during the festival; and (5) suspend the town ordinance prohibiting alcoholic beverages during business after hours being held at the town community center on March 21, 2000;

- h. Approve request from Drexel University to waive the boat and rowing shell fees during March 18-25, 2000 for a training camp at Fairfield Mountains Resort; and
- i. Adopt Resolution No. 00-03-14.

RESOLUTION NO. 00-03-14

A RESOLUTION DECLARING A 1977 FORD F-350 MINI-PUMPER AND 1986 FORD F-250 4X4 PICK-UP TRUCK AS SURPLUS AND AUTHORIZING THE TOWN MANAGER TO DISPOSE OF SAME

WHEREAS, it has been determined that the 1977 Ford F-350 mini-pumper and 1986 Ford F-250 4x4 pick-up truck owned by the Town of Lake Lure and assigned to the Fairfield Mountains Fire Department are surplus to the needs of the town and are uneconomical to repair; and,

WHEREAS, North Carolina General Statute 160A-266 authorized the sale of personal property valued at less than \$30,000 upon notice and adoption of a resolution designating an appropriate official to dispose of identified property by private negotiation and sale;

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

- 1. That the Town Manager is authorized to dispose of the 1977 Ford F-350 mini-pumper and 1986 Ford F-250 4x4 pick-up truck assigned to the Fairfield Mountains Fire Department by private negotiation and sale; and ,
- 2. That the Town Clerk shall publish notice summarizing this Resolution in accordance with G.S. 160A-267.

Adopted this 14th day of March, 2000.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor

APPROVED AS TO FORM:

Christopher Callahan
Town Attorney

End of Consent Agenda

UNFINISHED BUSINESS

a. Other Unfinished Business

There was no other unfinished business discussed.

NEW BUSINESS

a. Sale of Town Property

Town Manager Place read into the record his memorandum of March 9, 2000 addressed to Town Council regarding the sale of three parcels of commercially zoned property within the town limits. (Copy of memo attached).

After discussion, Commissioner Cox made a motion to accept these appraisals for three parcels of town property as prepared by Al Mellinick of Forest City. Commissioner Stanier seconded the motion and the vote of approval was unanimous.

A motion was made by Commissioner Cox to declare these same three town parcels appraised by Al Mellinick as surplus property to the town needs. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

In addition, Commissioner Cox made a motion to authorize the sale of these same three town parcels appraised by Al Mellinick in accordance with the North Carolina General Statutes as described under Chapter 160A, Article 12. Also, approve the negotiated offer and advertisement for upset bid method as described in G.S. 160A-266 and G.S. 160A-269 (procedure). Commissioner Pressley seconded the motion and the vote of approval was unanimous.

Further, Town Council agreed by consensus to use the appraised values submitted by Al Mellinick as the minimum price for the sale of these three town parcels. The appraised values are \$14,100 for the town center parcel located on Memorial Drive (Tract I - tax map 518, block 1, portion of lot 87) \$78,100 for golf course parcel located on Highway 9 and Girl Scout Camp Road (Tract II - tax map 550, block 1, portion of lot 5), and \$76,100 for golf course parcel located on Highway 9 and Girl Scout Camp Road (Tract III - tax map 550, block 1, portion of lot 5).

NEW BUSINESS

b. Citizen Concerns

Ruth Peck, a Lake Lure resident, stated that she was speaking on behalf of her family, their concerns and complaints regarding the Lake Lure Police Department. Mrs. Peck read the following statement into the record.

We have recently made several very serious complaints against the Lake Lure Police Department. Our complaints include the following substantiated allegations:

1. Willfully failing to discharge duties according to North Carolina General Statutes 14-230. After several incidents of fire related vandalism, we requested Chief Bustle to utilize other law enforcement agencies to assist in the investigation. For three years, we have been terrorized by person or persons unknown and they continue to escape apprehension. Chief Bustle refused to utilize any outside agencies, which resulted in an arson at our home several weeks later. Chief Bustle and several officers conducted an extremely poor investigation and refused to utilize these outside agencies. These outside agencies were available with properly trained investigators and equipment. This resulted in an arson at our business three weeks later. Had the police properly investigated the arson at our home the perpetrator may have been caught, and the arson at our business may never have occurred. We were forced to close our business due to this second arson. The arson at our home had been a recent occurrence, no search was conducted for the suspect even though he may have still been in the area. The crime scene was not even secured. No search for evidence was conducted. We were the officers only suspects. Our suspect was not even questioned as to his whereabouts. Officers have failed to properly investigate and take appropriate action on numerous incidents where we were the victims.
2. Misuse of office and malicious prosecution. When Chief Bustle was advised of our intentions to make a formal complaint regarding the police department, Chief Bustle used his office to direct Sgt. Hester to obtain a warrant for my husbands arrest and imprisonment. This resulted in Sgt. Hester committing perjury to obtain the arrest warrant. This perjury was proven by Sgt. Hester's sworn testimony in court which resulted in the dismissal of the case. Additionally, Chief Bustle used his office to assist a citizen in obtaining another false arrest warrant, which resulted in the arrest and false imprisonment of my husband a second time. This charge was immediately dismissed by the district attorney's office.
3. Falsifying police reports. Lake Lure police officers have falsified several police reports and statements regarding our fire, arrests, and other incidents. Important statements and facts reported by us, that would implicate others in wrongdoings have always been left out. We believe these reports were falsified to undermine our credibility as well as an attempt to cover their malicious prosecution.
4. Perjury. Sgt. Hester committed perjury to obtain an arrest warrant which resulted in the false arrest and illegal detention of my husband. My husband was arrested at our home in front of our children. This resulted in three months of trial even after we requested the false charges be dropped. Sgt. Hester insisted on the further prosecution without probable cause. The crime of perjury is a felony in North Carolina (N.C.G.S. 14-209).
5. False arrest. Officers Smith and Hooper again arrested my husband on November 26, 1999. These officers were advised that this was a false arrest and were told specifically that this was wrong, neither officer made any attempt to clarify the warrant. My husband was arrested and imprisoned again falsely. This arrest again took place at our home in front of our children. The charges were dropped immediately by the district attorney's office.
6. Police misconduct and intimidation. On November 1, 1999, Sgt. Hester came to our residence with another officer 30 minutes after an alarm call to our home had been canceled. Sgt. Hester approached me at the door of my residence

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with his hand on his gun. The other officer was standing in our yard behind him with his gun drawn. I asked why they were there and he advised that he had an alarm call. I questioned it as to if he had been advised the call had been canceled, as I knew it had been because I heard the dispatcher cancel the call. He stated he was aware the call had been canceled. He was there to discuss with me our requesting a deputy and our conversation continued after that was in regards to his stating that he would respond to all calls regardless and the deputies were not coming out. The whole attitude and everything at that time was very intimidating and I felt very threatened by these officers.

7. Police misconduct and reckless operation of a motor vehicle. On February 24, 2000, a Lake Lure police vehicle ran me off the road. This vehicle was well outside their jurisdiction in Edneyville. After having made a complaint to Mr. Place, I received a letter the next day stating that an investigation had been conducted, and my complaint was unfounded. During this investigation, no witnesses had been interviewed, I had not been interviewed, yet it was determined that no factual evidence was available concerning this incident.

8. Harassment. Chief Bustle has conducted an in depth investigation of my husband for no apparent reason. One person interviewed by Chief Bustle stated that the chief was attempting to obtain a personality profile on my husband. Work history and history of prior residence were questioned. Chief Bustle also asked this person if my husband owned an AK-47 rifle. For the record, he never has and does not own an AK-47 rifle. However, it is my understanding that one of your officers along with the chief own a AR-15 assault rifle and I don't understand why they need anything like that. The Lake Lure Police Department is consistently following myself and my husband without any just cause. They consistently drive by our home and turn around without patrolling through the rest of the development.

There are numerous other incidents and facts we have documented. What I have read to you tonight are only the highlights. These complaints are not frivolous or unfounded, they are very serious in nature. We are law abiding citizens and we deserve to be treated as such. Our constitutional rights have been violated by the very people sworn to insure them. We feel threatened and we're in fear every time we step outside of our door of being falsely arrested. These incidents have caused great emotional distress for our children, my husband, and myself. We are making one last attempt to allow the town to properly investigate this matter. These allegations would support the suspension of the officers involved pending a thorough investigation by an outside agency. We're very willing to cooperate and provide any evidence to this agency. After I spoke with Mr. Callahan and he informed me that the town had no intentions of responding to our complaints, I felt compelled to bring this matter to a public forum.

Attorney Callahan responded to a statement made by Ruth Peck. He said Mrs. Peck's statement regarding to his conversation with her was not true. Mr. Callahan explained that he had informed her that he would not personally respond to Mr. & Mrs. Peck's complaint directly to them.

Mrs. Peck said she would leave this matter in Town Council's hands.

Mayor Proctor thanked Mrs. Peck for her comments.

NEW BUSINESS

- c. **Request from the from the Edneyville Boy Scout Troop #605 (Non-Profit Organization) to Waive the Boat and Canoe Permit Fees**

Don Henderson, Scoutmaster of Edneyville Boy Scout Troop #605 answered questions with regards to his letter requesting the town to waive boat and canoe permit fees.

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After discussion, Commissioner Pressley made a motion to approve the request from the Edneyville Boy Scout Troop #605 (non-profit organization) to waive the boat and canoe permit fees as stated in Scoutmaster Henderson's letter. (Copy attached of letter). Commissioner McCallum seconded the motion and the vote of approval was unanimous.

STAFF REPORTS

Town Manager Place reported on the following:

1. Announced the town has hired Terry Potts of North Topsail Beach as the new zoning administrator. Mrs. Potts is a certified zoning administrator and has five years experience as codes administrator. Mr. Place said that Mrs. Potts is expected to start employment with the town sometime in April.
2. Read into the record memorandums of March 14, 2000 regarding a request from Police Chief Mike Bustle for police motorcycle donation. (Copy of memorandums attached). Mr. Place said Chief Bustle had received an offer from Carolina Harley-Davidson in Gastonia offering a motorcycle for use by the police department at a lease of \$1 per year and a delivery charge of \$500.

Following discussion, Commissioner Stanier made a motion to approve the allocation of \$501 (\$1 per year lease and \$500 for delivery charge) for a Harley-Davidson motorcycle to be used by the police department. Commissioner Cox seconded the motion and the vote of approval was unanimous.

3. Mentioned that the Parks and Recreation Board held their first meeting on February 18, 2000. Last Friday, held a second meeting which included touring town-owned property such as the "Morse Park" and the Lake Lure Municipal Golf Course.
4. Reported on the status of several projects underway including: completion of remodeling the Town Clerk office; foot bridge is now in place at the Lake Lure beach; improvements to the Lake Lure Marina office and restrooms are about 80% completed; and the hydro-lift station project is still pending.
5. The road sign project has been completed within the revised budget. Also, there have been favorable comments received from residents regarding the installation of the road signs.
6. Updated Council on the status of the budget process. He said most of the departmental budget requests have been received.

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7. Reported that the North Carolina League of Municipalities had submitted a letter to the town requesting all members of the NCLM to make a donation (equal to the amount of annual dues) to help the Institute of Government complete their building renovation and expansion. Mr. Place said the current amount of dues is \$220. (Copy of letter attached).

Commissioner McCallum stated that he would make a personal contribution of \$100 towards the donation of \$220 to the NCLM.

After discussion, Commissioner Stanier made a motion to approve the allocation of \$120 to be donated to the North Carolina League of Municipalities to help the Institute of Government complete their building renovation and expansion. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

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| COUNCIL COMMENTS |
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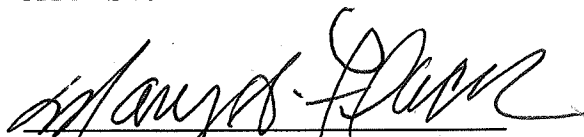
Commissioner Cox mentioned there was a new program underway to revitalize the Lake Lure Municipal Golf Course. He said a Golf Course Membership Committee (five members) is in the process of being formed and there was a need for volunteers to serve on this committee. Commissioner Cox said anyone interested in serving on the Golf Course Membership Committee, should contact one of the following: GCMC Chairman Woody Price, Jack Donovan, or himself.

Mayor Proctor said individuals from the Edneyville Police Academy came to Lake Lure this week and asked for volunteers to be used in photos as bad guys. Both he and the town manager were volunteers. Each of them were handcuffed by the police in these photos.

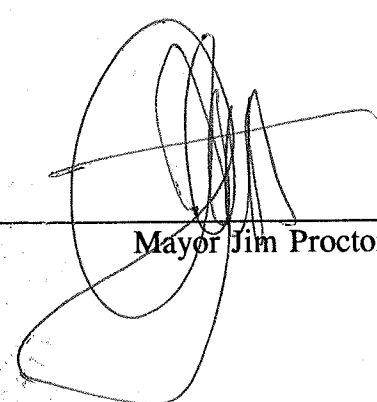
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| ADJOURNMENT |
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With no further items of discussion, Commissioner Cox made a motion to adjourn the Town meeting at 8:00 p.m. Commissioner Pressley seconded the motion and the vote of approval was unanimous.

ATTEST:



Mary A. Flack, MMC
Town Clerk



Mayor Jim Proctor