



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, SEPTEMBER 12, 2000, 7:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER

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

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

ABSENT: Commissioner Dick McCallum

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

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- a. approved minutes of August 8, 2000 (regular meeting);
- b. approved Resolution No. 00-09-12:

**TOWN OF LAKE LURE
RESOLUTION TO APPROVE THE RUTHERFORD COUNTY
SOLID WASTE PLAN**

WHEREAS, better planning for solid waste will help protect public health and the environment, provide for an improved solid waste management system, better utilize our natural resources, control the cost of solid waste management; and

WHEREAS, NC General Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to develop a 10-year comprehensive solid waste management plan; and,

WHEREAS, Lake Lure was represented on the Rutherford County Planning Advisory Committee; and,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of Lake Lure hereby approves the Rutherford County comprehensive solid waste management plan.

Adopted this 12th day of September, 2000.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor

- c. approved request from the Hickory Nut Gorge Kiwanis Club to hold an Oktoberfest October 7-8, 2000 on town property located in front of the Lake Lure Arcade building and suspend the town peddling ordinance in order to sell crafts and food during the festival; and
- d. ratified approval of the Lake Lure Republicans request to suspend section 63.01 of the Town Code of Ordinances in order to serve wine at the Town Community Hall during candidate's night September 7, 2000 at 6:30 p.m.

End of Consent Agenda

UNFINISHED BUSINESS

a. Other Unfinished Business

There was no other unfinished items of business for discussion.

NEW BUSINESS

a. Duke Power Easement

Town Manager Chuck Place presented to Town Council members his memorandum of August 29, 2000 asking for a Duke Power easement on behalf of Terrence Duffy. Mr. Place said Terrence Duffy has requested a 20' wide easement across a parcel of town property to allow Duke Power to run underground electric service to the Lake Side Estates townhouse project across from the public beach. Mr. Place explained the parcel in question is a small 1/4 acre of property which the town has offered for sale and Mr. Duffy has already submitted a bid. Mr. Place said Town Attorney Callahan has been negotiating with the beneficiary about deed restrictions and is confident this matter can be resolved. However, Mr. Duffy is not in a position to wait and his construction schedule requires that power be run as soon as possible. (Copy of easement attached).

After discussion, Commissioner Pressley made a motion to approve the request from Terrence Duffy for an easement across a parcel of town property allowing Duke Power to run underground electric service to Lake Side Estates townhouse. Commissioner Stanier seconded the motion and the vote of approval was unanimous.

NEW BUSINESS

b. Review Lease/Purchase Proposal for New Golf Carts

Council members agreed to remove item 6b (review lease and purchase proposal for new golf carts) from the town meeting agenda as requested by Town Manager Place.

NEW BUSINESS

c. Appoint Representatives to the North Carolina Municipal League Annual Business Meeting for a Voting Delegate and an Alternate Voting Delegate

A motion was made by Commissioner Stanier and seconded by Commissioner Cox to appoint Mayor Jim Proctor to serve as voting delegate and Town Manager Chuck Place as alternate

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voting delegate to represent the Town of Lake Lure at the North Carolina Municipal League annual business meeting. The vote of approval was unanimous.

NEW BUSINESS

- d. Review Proposed Ordinance No. 00-09-12 (Licensing and Regulating the use of Video Gaming Machines within the Town of Lake Lure)**

Police Chief Mike Bustle presented and answered questions regarding the proposed Ordinance No. 00-09-12 (licensing and regulating the use of video gaming machines within the Town of Lake Lure).

After review, Commissioner Pressley made a motion to adopt Ordinance No. 00-09-12 as amended. Commissioner Stanier seconded the motion and the vote of approval was unanimous.

ORDINANCE NO. 00-09-12

AN ORDINANCE AMENDING CHAPTER 62, LICENSING AND REGULATION, PROVIDING FOR THE LICENSING AND REGULATION OF VIDEO GAMING MACHINES.

WHEREAS, the Town Council of the Town of Lake Lure, upon recommendation by the Lake Lure Chief of Police and after due consideration, has determined that it is appropriate to license and regulate the use of video gaming machines within the Town of Lake Lure;

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 62, Licensing and Regulation, to add new Sections 62.20 through 62.25 as follows:

“VIDEO GAMING MACHINES

§ 62.20 LICENSE REQUIRED

(A) It shall be unlawful for any person or entity to maintain or operate any video gaming machine as defined below. Unless such person or entity shall have first secured a license from the council to do so. The license shall expire on June 30 of each year and shall not be transferable.

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(B) For purposes of this chapter, a video gaming machine means a slot machine as defined in G.S. 14-306(a) and other forms of electrical, mechanical, or computer games such as by way of illustration:

- (1) A video poker game or any other kind of video playing card game.
- (2) A video bingo game.
- (3) A video craps game.
- (4) A video keno game.
- (5) A video lotto game.
- (6) Eight liner.
- (7) Pot-of-gold.
- (8) A video game based on or involving the random or chance matching of different pictures, words, numbers, or symbols not dependent on the skill or dexterity of the player.

In addition, for the purpose of this chapter, a video gaming machine is a video machine which requires deposit of any coin, token, or use of any credit card, debit card, or any other method that requires payment to activate play of any of the games listed in this subsection. The enumeration of games in the list in this subsection does not authorize the possession or operation of such game if it is otherwise prohibited by law.

(C) For the purpose of this chapter, a video gaming machine includes those that are within the scope of the exclusion provided in G.S. 14-306(b)(2), but does not include those that are within the scope of the exclusion provided in G.S.14-306(b)(1).

§ 62.21 APPLICATION FOR LICENSE

Applications for the license to maintain or operate video gaming machines shall be made upon forms provided by the clerk and shall contain all information necessary for the council to act intelligently upon such application. If the application is made in the name of a legal entity such as a corporation or partnership, the application must set forth the names of all persons who have an ownership interest in the entity and all such persons shall be considered licensees hereunder.

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§ 62.22 DENIAL OF LICENSE

The council shall not issue a license to any applicant:

- (1) Who has been convicted within the past five years of a felony;
- (2) Who is not a citizen and resident of the state of North Carolina;
- (3) Who is of immoral character;
- (4) Who is a habitual user of alcoholic beverages (as used herein such term is defined by G.S. 18B-101) or controlled substances (as used herein such term is defined by G.S.90-87); or
- (5) Who has been convicted of a violation of the laws pertaining to lotteries or gaming as set forth in Chapter 14, Article 37 of the General Statutes (or similar laws of this or another State).

§ 62.23 FORM AND CONTENT OF LICENSE.

Every license issued pursuant to this chapter shall specify the premises for which it is issued, the number of games, or other apparatus to be operated thereunder and the owner thereof, the name of the owner and operator of the establishment, and the dates upon which the license begins and shall expire. The license shall be posted in a prominent place on the premises at all times.

§ 62.24 CERTAIN PROHIBITIONS TO BE OBSERVED BY LICENSEE AND EMPLOYEES.

Licensees under this chapter shall not:

- (A) Suffer or permit any gambling on the licensed premises at any time except as may be specifically allowed by North Carolina General Statutes;
- (B) Suffer or permit the licensed premises to become disorderly or permit any profane, obscene, or indecent language thereon;
- (C) Suffer or permit any alcoholic beverages or controlled substances to be sold or kept or consumed on the licensed premises except as allowed by North Carolina law; or
- (D) Employ on the premises any person who has been convicted of a felony offense within the past five years, has been convicted of unlawfully selling

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or conspiring to sell alcoholic beverages or controlled substances or has been convicted of violating the laws of pertaining to lotteries and gaming.

§ 62.25 RULES FOR OPERATION.

The following rules shall be observed by all operators of video gaming machines within the town:

- (A) No video gaming machine shall be used or operated between the hours of 2:00 a.m. and 7:00 a.m. nor between the hours of 7:00 a.m. and 12:00 noon on Sundays;
- (B) No video gaming machine shall be used or operated during the times when the premises upon which they are located are closed for business;
- (C) All premises used for the operation of video gaming machines shall be operated only on the ground floor of a building. Unobstructed, transparent plate glass windows shall be located in that part of the building facing at least one street (or public vehicular area) so that there is a clear view of (1) the full interior of the building and (2) the play and display areas of all video gaming machines inside the premises from such street or public vehicular area;
- (D) No screens, curtains, blinds, partitions, or other obstructions shall be placed between the entrance to the room where video gaming machines are operated and the rear wall of such room. A clear view of the play and display areas of all video gaming machines must be maintained from the main entrance at all times; and
- (E) All premises used for operation of licensed video gaming machines shall be subject to inspection at all times without prior notice by representatives of the Town including but not limited to law enforcement officers.

§ 62.26 LICENSEE RESPONSIBLE

The acts and conduct of the agents and employees of the licensee in the conduct of the business shall be deemed to be the acts and conduct of the licensee.

§ 62.27 REVOCATION OF LICENSE.

A second conviction of a licensee, or a licensee's agent or employee, for any violation of any provision of this chapter shall by operation of law constitute an automatic revocation

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of the license of such licensee. In addition, the council may, at any time, for cause and after a hearing of which such licensee shall be given such reasonable notice as the council may direct revoke any license issued pursuant to this article."

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

Adopted this 12th day of September, 2000.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor

APPROVED AS TO FORM:

J. Christopher Callahan
Town Attorney

STAFF REPORTS

Town Manager Place reported on the following:

1. The town has resubmitted applications for water and sewer grants. DENR has received 150 applications at this time. Mr. Place will check on status of the grant applications December 30th.
2. A temporary permit has been issued to the town for sludge removal at the wastewater treatment plant. Southern Soil builders began removing solids as of today. A permanent permit is expected to be granted to the town soon.
3. Asked Council members to consider a request from Police Chief Mike Bustle to endorse the "Mayor Jack Powell Top Gun" award recognizing an individual from the Lake Lure Police Department for outstanding achievement in firearms skills. Also, present this award to the winner at the next Town Council meeting.

As requested, Commissioner Cox made a motion to endorse the "Mayor Jack Powell Top Gun" award recognizing an individual from the Lake Lure Police Department for outstanding achievement in firearms skills. Also, present this award to the winner at the next Town Council meeting. Commissioner Stanier seconded the motion and vote of approval was unanimous.

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4. Recognized Deputy Town Clerk Anita Taylor for achieving the second level membership of the Master Municipal Clerk program with the International Institute of Municipal Clerks.
5. Announced Lake Lure's year round population is estimated by the state to be 803 as of July 1, 1999.

COUNCIL COMMENTS

Commissioner Cox asked what was being done about replacing damaged streets signs in town?

Town Manager Place said he had assigned the job of replacing damaged town street signs to Public Works Director Toney Hennessee and he was coordinating this project with Fire/Emergency Coordinator Ron Morgan.

Council members agreed to recess the meeting for a break five minutes prior to going into the closed session meeting.

CLOSED SESSION MEETING

Commissioner Cox made a motion and Commissioner Pressley seconded the motion to enter into a closed session meeting pursuant to G.S. 143-318.11(a)(3) to discuss the handling and settlement of pending legal claims. The vote of approval was unanimous.

With no further discussion in closed session, Commissioner Pressley moved, seconded by Commissioner Cox, to come out of the closed session meeting at 9:05 p.m. and re-enter the regular session of the meeting. The vote of approval was unanimous.

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

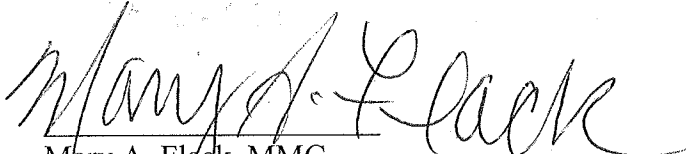
ADJOURNMENT

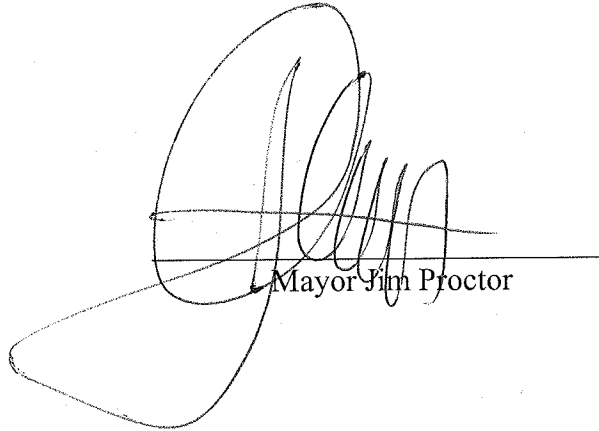
With no further items of discussion, Commissioner Stanier made a motion to adjourn the meeting at 9:07 p.m. Commissioner Pressley seconded the motion and the vote of approval was unanimous.

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ATTEST:




Mary A. Flack, MMC
Town Clerk


Mayor Jim Proctor