



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, DECEMBER 11, 2001, 7:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER

PRESENT: Mayor Jim Proctor
Commissioner Blaine Cox
Commissioner Lea Hullender
Commissioner Dick McCallum
Commissioner George Pressley

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.

APPROVE AGENDA

A motion was made by Commissioner McCallum to approve the agenda as amended removing item 5c regarding the town council meeting schedule off the consent agenda for discussion. Commissioner Cox seconded the motion and the vote of approval was unanimous.

PUBLIC FORUM

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

CONSENT AGENDA

Mayor Proctor presented the consent agenda and asked if any items should be removed before calling for action. A motion was made by Commissioner Cox to approve the following consent agenda items as presented and Commissioner Hullender seconded the motion. Therefore, the consent

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agenda, incorporating the following items was unanimously approved:

- a. approved minutes of November 13, 2001 (regular and special meeting), and November 15, 2001 (special workshop meeting); and
- b. approved a contract between the Town of Lake Lure and the Town Auditor for Fiscal Year beginning July 1, 2001 and ending June 30, 2002 (copy of contract attached);

End of Consent Agenda

UNFINISHED BUSINESS

- a. **Adopt Resolution No. 01-12-11 Authorizing the Advertisement of an offer to Purchase Certain Town Property**

After discussion, Commissioner McCallum made a motion to adopt Resolution No. 01-12-11 as amended (using property description recommended by Town Attorney Chris Callahan) authorizing the advertisement of an offer from Charles Ellis to purchase town property located at the corner of Cutaway Road and North Shore Road. Commissioner Pressley seconded the motion. Commissioners McCallum and Hullender voted in favor of the motion. Commissioners Cox and Pressley voted against the motion. Mayor Proctor voted in favor of the motion breaking the tie vote. The motion carried with a vote of 3 to 2.

Resolution No. 01-12-11 Authorizing the Advertisement of an Offer to Purchase Certain Property

WHEREAS, the Town Council of the Town of Lake Lure desires to dispose of certain surplus property of the Town;

NOW, THEREFORE, BE IT RESOLVED by the Town Council that:

1. The following described property is hereby declared to be surplus to the needs of the Town: A parcel of property recorded in the Rutherford County Registry at the Rutherford County Register of Deeds Office, Deed Book 499, Page 523 ; located at the corner of Cutaway Road and North Shore Road, Lake Lure, North Carolina. This parcel totals .25 acres in area (approximately 1/6 acre is not in right-of-way) and is vacant.
2. The Town Council has received an offer to purchase for the sum of \$ 1,500.00 the property described above.
3. The Town Council proposes to accept the offer unless an upset bid shall be made.
- d. The person making the offer must deposit with the Town Clerk a sum equal to five percent (5%) of his or her offer.
- e. The Town Clerk shall cause a notice of such offer to be published in accordance with G.S. 160A-269.
- f. The Town Clerk is directed, should a qualifying upset bid and deposit be received

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within ten (10) days from the publication of said notice in accordance with G.S. 160A-269, to re-advertise the offer at the increased upset bid amount.

Adopted this 11th day of December, 2001.

NEW BUSINESS

a. Present "Top Gun" Award to Police Officer Tim Spittle

Mayor Proctor presented to Police Officer Tim Spittle the Mayor Jack Powell "Top Gun" award.

NEW BUSINESS

b. Auditor's Report

Town Auditor Robert C. Koone presented the town's audit report for the year July 1, 2000 through June 30, 2001. In addition, Mr. Koone distributed and reviewed a handout summarizing the town audit (copy of handout attached).

NEW BUSINESS

c. Request from Pat Hyatt for After-the Fact Approval to Fill a Portion of the Lake and to Waive Fines Assessed by the Town

Council members agreed to table Pat Hyatt's request until the next regular town council meeting scheduled January 14, 2002. Pat Hyatt is asking for after-the-fact approval to fill a portion of the lake and to waive fines assessed by the town.

NEW BUSINESS

d. Appointments - Lake Advisory Committee, Board of Adjustment/Lake Structures Appeals Board, Lake Lure Zoning/Planning Board, Golf Course Advisory Committee, Lake Lure ABC Board & Parks/Recreation Board

Town Council voted by ballot and Town Manager Place announced the following results. Edward Dittmer, Marcia Hardy, and Charles Watkins were reappointed to served on the Lake Advisory Committee with terms expiring December 31, 2003. Ross Worden was appointed to serve on this committee with a term expiring December 31, 2003.

Beth Rose was reappointed to serve on the Board of Adjustment/Lake Structures Appeals Board with a term expiring December 31, 2004. Werner Maringer was reappointed to serve as an alternate member on this board with a term expiring December 31, 2004.

Bill Bush and Bud Schichtel were reappointed to serve on the Zoning/Planning Board with terms expiring December 31, 2004.

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Woody Price and Jerry Wright were reappointed to serve on the Golf Course Advisory Committee with terms expiring December 31, 2003.

Stuart W. Richardson was reappointed to serve on the Lake Lure ABC Board with a term expiring December 31, 2004.

A motion was made by Commissioner Cox to reappoint Hal Hermann to serve on the Parks/Recreation Board with a term expiring December 31, 2004. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

NEW BUSINESS

e. Request Budget Amendment for Wireless Internet Service

Town Manager Place read into the record his memorandum of December 5, 2001 regarding wireless internet service. (Copy of memorandum attached).

After discussion, Commissioner McCallum made a motion to approve a proposal from Bluestreak Wireless and a budget amendment to transfer \$2,350.43 from the contingency fund to cover the cost for wireless internet service. Commissioner Pressley seconded the motion and the vote of approval was unanimous.

NEW BUSINESS

f. Approve Proposal from Highland Mapping and Funds for Mapping

Town Manager Place read into the record his memorandum of December 5, 2001 regarding mapping proposal. (Copy of memorandum attached).

After discussion, Commissioner Cox made a motion to authorize the town manager to sign a contract agreement between the Town of Lake Lure and Highland Mapping, LLC for mapping and a budget amendment to transfer \$1,450 from the contingency fund to cover the cost for mapping. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

NEW BUSINESS

g. Approve Town Council Meeting Schedule for Year 2002

After review, Commissioner Cox made a motion to adopt the Town Council meeting schedule for 2002 as amended. Commissioner Pressley seconded the motion and the vote of approval was unanimous.

TOWN COUNCIL MEETING SCHEDULE FOR YEAR 2002

<u>DATE</u>	<u>LOCATION</u>	<u>TIME</u>	<u>TYPE</u>
January 14, 2002	Lake Lure Municipal Center	6:00 p.m.	Regular
February 12, 2002	Lake Lure Municipal Center	7:00 p.m.	Regular
March 12, 2002	Lake Lure Municipal Center	7:00 p.m.	Regular

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April 9, 2002	Lake Lure Municipal Center	7:00 p.m.	Regular
May 14, 2002	Lake Lure Municipal Center	7:00 p.m.	Regular
June 11, 2002	Lake Lure Municipal Center	7:00 p.m.	Regular
July 9, 2002	Lake Lure Municipal Center	7:00 p.m.	Regular
August 13, 2002	Lake Lure Municipal Center	7:00 p.m.	Regular
September 10, 2002	Lake Lure Municipal Center	7:00 p.m.	Regular
October 8, 2002	Lake Lure Municipal Center	7:00 p.m.	Regular
November 12, 2002	Lake Lure Municipal Center	7:00 p.m.	Regular
December 10, 2002	Lake Lure Municipal Center	7:00 p.m.	Regular

STAFF REPORTS

Town Manager Place reported on the following:

1. The tour of town facilities for the mayor and council members is scheduled for this Thursday at 9:00 a.m.
2. The golf course membership has increased to 172 at present. According to Golf Course Manager Chris Shute the income at the golf course for the first 10 days of December increased by \$1,000 ahead of the entire month of December last year.
3. The initial startup of the new pump at the lift station was successful. There will be further tests conducted on the new pump and the old pumps will be replaced.
4. Mr. Place said William Grimes, Hydro-Plant Operator suggested that Town Council consider allowing him to drop the lake level during peak generating periods over the next few months in order to maximize the town's earnings from the hydro-plant. Mr. Grimes indicated that he could drop the level by 2' per day during the 6- hour peak periods earning the town about \$735 per day. A draw down of the lake to 4' would produce an estimated \$17,640 in income. Mr. Grimes is not sure how long it would take to return the lake to full pond. It will depend on the amount of rainfall. Mr. Place said Council agreed last year to lower the lake level every three years, but this may be justification to change that policy now.
5. Bad news from NCDENR. Mr. Place stated that the town was required to ask the North Carolina Sediment Control Commission to approve the town's erosion control ordinance. According to David Ward of the Land Quality Section, DENR has sole responsibility for enforcing regulations regarding erosion control within this state, unless the commission approves a local regulation. Mr. Place received notice yesterday that the commission has denied the town's request based on advice from the Attorney General's office that the ordinance "would be in conflict with the Sedimentation and Pollution Control Act in that both the town and state would have jurisdiction on sites of less than one acre. This could cause the financially responsible person confusion on which governing body had jurisdiction." Mr. Place said he plans to confer with Town Attorney Chris Callahan before doing anything at this point. He will also distribute copies of the denial to Council members.
6. Mr. Place asked Council members to schedule a meeting to review and consider the pay/classification plan including the recommended personnel policy changes provided by the North Carolina League of Municipalities. Council members agreed to schedule the next town council meeting an hour earlier on January 14, 2002 at 6:00 p.m. to consider this item on the agenda.
7. The Zoning and Planning Board have been meeting for several weeks to discuss revisions to the subdivision and other land development regulations. Mr. Place said the Zoning and Planning Board

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have requested that a public hearing be scheduled for the next regular town council meeting on January 14, 2002 to receive public comment regarding their recommended amendments.

A motion was made by Commissioner McCallum to schedule a public hearing on January 14, 2002 as requested by the Zoning and Planning Board regarding amendments to Chapter 40 (Streets and Sidewalks), and Chapter 92 (Subdivision Regulations) of the Code of Ordinances for the Town of Lake Lure; regulating the construction of public and private streets outside of new subdivisions; establishing a definition for independent community water systems, and providing for water systems in new subdivisions. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

8. Mr. Place said he received a call from Gene Adair of Rutherford County Transit who indicated to him that they were exploring the idea of extending bus service from Rutherfordton to Lake Lure next year.
9. Mr. Place extended his best wishes to all a merry Christmas and a very happy new year from him and the entire town staff.

COUNCIL COMMENTS

Commissioner McCallum commended the town staff for their professionalism and outstanding contribution to the town.

Commissioner Pressley requested that parking spaces be reserved at the front of town hall for visitor parking. Mr. Pressley asked about the status of silt removal regarding Tryon Bay and other areas in the lake. The utilization of the town's dredge was another concern.

NEW BUSINESS

Closed Session

A motion was made by Commissioner Cox to enter into a closed session meeting to: (1) discuss matters involving attorney client privilege under G.S.143-318.11(a)(1) and G.S. 143-318.11(a)(3); (2) discuss matters involving attorney client privilege under G.S. 143-318.11(a)(3) regarding ongoing litigation between Fairfield Mountains POA, Rutherford County and the Town of Lake Lure and (3) discuss a particular personnel matter Under G.S. 143-318.11(a)(6). Commissioner McCallum seconded the motion and 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 10:45 p.m. and re-enter the regular session of the meeting. The vote of approval was unanimous.

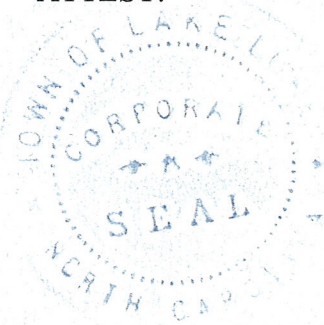
While in closed session, Council members voted to seal the minutes of the closed session meeting in order to avoid frustrating the purpose of the closed session.

ADJOURNMENT

With no further items of discussion, Commissioner Cox made a motion to adjourn the meeting at 10:50 p.m. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

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ATTEST:



A handwritten signature in blue ink, appearing to read "Mary A. Flack".

Mary A. Flack, MMC
Town Clerk

A handwritten signature in blue ink, appearing to read "Jim Proctor".

Mayor Jim Proctor