

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL  
HELD TUESDAY, FEBRUARY 12, 2002, 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

<b>CALL TO ORDER</b>
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Mayor Proctor called the meeting to order at 7:00 p.m.

<b>INVOCATION</b>
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Attorney Callahan gave the invocation.

<b>APPROVE AGENDA</b>
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A motion was made by Commissioner Pressley to approve the agenda as amended: removing item 8a (Request from Camp Care) off the agenda; adding an item under 8a to consider rescinding Ordinance No. 01-11-13D regarding delayed harvest (catch and release) for all fishing within Lake Lure and adding an item under 8h to consider a request from Timothy C, Pennell, M.D. for a variance in the boat permit limit. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

<b>PUBLIC FORUM</b>
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Mayor Proctor invited the audience to speak on any non-agenda item. The following individuals requested to speak.

1. Bettina Wolff, a Lake Lure resident, announced that a sign would be placed in the Lake Lure visitor center acknowledging the town's contribution. She said the sign would read as follows: *"The Hickory Nut Gorge Visitor Center has been renovated and donated through the generosity of the Town of Lake Lure."*

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2. Bob Washburn, Lake Advisory Committee Chairman, announced that a Mountain Sports Festival will be held in Asheville on May 31, 2002 through June 1, 2002 including swimming events. Mr. Washburn said a representative of this festival came to Lake Lure today and expressed the desire to have a swimming competition on the lake.

### **COMMITTEE REPORT:**

#### **Status and Progress of the Diamond Jubilee for 2002**

Bill Bush gave a brief report on the progress and status of the Diamond Jubilee for 2002. Mr. Bush reviewed and distributed a schedule of events for the Diamond Jubilee. He also included a financial report of income and expenditures, as of January 29, 2002. Mr. Bush thanked town staff member Linda Ward for her work on maintaining record of donations received and coordinating the engraving activity by Glenridge Designs. Mayor Proctor was thanked for designing the Lake Lure Diamond Jubilee logo. (Copy of reports attached).

### **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 McCallum to approve the following consent agenda item as presented and Commissioner Cox seconded the motion. Therefore, the consent agenda, incorporating the following item was unanimously approved:

- a. approved minutes of January 14, 2002 (regular meeting).

#### **End of Consent Agenda**

### **UNFINISHED BUSINESS**

- a. **Award Bid Offered by Terrence Duffy to Purchase Surplus Town Property**

A motion was made by Commissioner Cox to accept the bid of \$15,000.00 from Terrence Duffy to purchase town property located on the South side of US Highway 74-A and US 64 on Memorial Drive (Recorded in the Rutherford County Registry at the Rutherford County Register of Deeds Office; Deed Book AD, Page 542; Rutherford County Tax Map 518, Block 1, Portion of Lot 87). Commissioner Hullender seconded the motion and the vote of approval was unanimous.

### **NEW BUSINESS**

- a. **Consider Rescinding Ordinance No. 01-11-13D Regarding Delayed Harvest (Catch and Release) for all Fishing within Lake Lure**

After discussion, Commissioner Pressley moved to rescind Ordinance No. 01-11-13D regarding delayed harvest (catch and release) for all fishing within Lake Lure. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

**NEW BUSINESS**

**b. Adopt Ordinance No. 02-02-12 Amending Chapter 94, The Lake Structures Regulations, Lake Lure Code of Ordinances to Require Surveys for Certain Lake Structures within the Town**

Town Manager Place read into the record his memorandum of January 24, 2002 regarding requirement for surveys for certain lake structures within the town. (Copy of memorandum attached).

After discussion, Commissioner Cox made a motion to approve Ordinance No. 02-02-12 as presented. Commissioner Pressley seconded the motion and the vote of approval was unanimous.

**ORDINANCE 02-02-12**

**AN ORDINANCE AMENDING CHAPTER 94,  
THE LAKE STRUCTURES REGULATIONS,  
TOWN OF LAKE LURE CODE OF  
ORDINANCES, TO REQUIRE SURVEYS FOR  
CERTAIN LAKE STRUCTURES WITHIN THE  
TOWN OF LAKE LURE, NORTH CAROLINA**

**WHEREAS**, the Lake Structure Regulations mandate minimum or maximum standards for the location of all lake structures built within Lake Lure: and,

**WHEREAS**, it is difficult to determine if said structures comply with the standards by visual inspections only; and,

**WHEREAS**, the most effective means of making such determination is through a professional survey of the subject property;

**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:** That Chapter 94, Lake Structure Regulations, Lake Lure Code of Ordinances, be amended as follows:

§ 94.03 PERMIT TO CONSTRUCT 94.03 PERMIT TO CONSTRUCT

- (A) No structure of any kind whether stationary, floating, or access ramp, or fuel dispensing system for boats, shall be constructed or installed before having first made written application for and obtained from the Zoning Administrator, a lake structure permit. A building permit must be obtained from the County Building Inspector. Upon application for a lake structure permit, the applicant shall present to the Zoning Administrator the following information and materials. The application and all plans shall be signed and dated by the property owner.

- (1) Plans, drawn to scale, showing the location of the proposed installation with

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respect to the shoreline and the boundaries of the upland lot to which it is adjacent.

[The remainder of § 94.03(A) and § 94.03(B) and (C) are unchanged.]

- (D) The final approval of the construction shall require an inspection and certification by the Zoning Administrator that the structure was built substantially in accordance with the approved plans. Where plans submitted for a dock, pier or boathouse show that any portion of the new structure or addition to an existing structure will be within 20 feet of either side lot line as extended into the lake or within five feet of the maximum distance the structure is allowed to extend into the lake, a survey prepared by a registered land surveyor or civil engineer shall be made to insure that the proposed structure has been located as shown on the approved plans. The survey shall also indicate the location of roof overhangs, decks, and any other appurtenances that extend beyond the walls of any boathouse. This survey shall be submitted to the Zoning Administrator for review. The Zoning Administrator shall have the authority to require a survey where there is a question regarding the location of a new seawall in relation to the approved plans. All approved structures, upon final inspection, shall a be issued a lake structure certificate and tag. Upon issuance, the tag shall be attached to the structure to indicate it is an approved structure.

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

Adopted this 12th day of February, 2002.

**NEW BUSINESS**

**c. Adopt Ordinance No. 02-02-12A Amending Chapter 40, Lake Lure Code of Ordinances, to Regulate the Naming of Streets within the Town**

Town Manager Place read into the record his memorandum of January 18, 2002 regarding street names. (Copy of memorandum attached).

After discussion, Commissioner Pressley made a motion to approve Ordinance No. 02-02-12A as presented. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

**ORDINANCE 02-02-12A**

**AN ORDINANCE AMENDING CHAPTER 40,  
TOWN OF LAKE LURE CODE OF  
ORDINANCES, TO REGULATE THE NAMING  
OF STREETS WITHIN THE TOWN OF LAKE  
LURE, NORTH CAROLINA**

**WHEREAS**, it has been determined by the Town of Lake Lure Town Council that it is in the best interest of public safety that all streets within the town have distinctive names; and,

**WHEREAS**, to accomplish this goal, street names must be reviewed and approved by the town; and,

**WHEREAS**, the Lake Lure Town Manager, Police Chief and Fire Coordinator have recommended

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such change;

**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:** That Chapter 40, Streets and Sidewalks, Lake Lure Code of Ordinances be amended by adding the following Section 40.02:

**§ 40.02 STREET NAMES; APPROVAL REQUIRED**

All streets within the town, whether public or private, shall have a distinctive name. The names of all new streets and existing streets where the name is to be changed shall be approved by the town manager after a determination is made that the names do not duplicate or are not phonetically similar to existing street names, irrespective of the use of the suffix street, avenue, boulevard, drive, place, court, or the like.

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

Adopted this 12th day of February, 2002.

**NEW BUSINESS**

**d. Appointment - Golf Course Advisory Committee**

A motion was made by Commissioner Cox to appoint Tracy Shepard to serve on the Lake Lure Golf Course Advisory Committee with a term expiring on December 31, 2002. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

**NEW BUSINESS**

**e. Adopt Resolution No. 02-02-12 Policies and Schedule of Tap Fees and Meter Installation Charges for Connection to the Water System of the Town of Lake Lure**

Town Manager Place read into the record his memorandum of January 25, 2002 regarding policies, schedule of tap fees and water installation charges. (Copy of memorandum attached).

A motion was made by Commissioner McCallum to adopt Resolution No. 02-02-12 as presented. Commissioner Cox seconded the motion and the vote of approval was unanimous.

**RESOLUTION NO. 02-02-12**

**A RESOLUTION ADOPTING POLICIES AND SCHEDULE OF TAP FEES AND METER INSTALLATION CHARGES FOR CONNECTION TO THE WATER SYSTEM OF THE TOWN OF LAKE LURE, NORTH CAROLINA**

**WHEREAS,** Sections 50.07 and 50.18 of the Code of Ordinances of the Town of Lake Lure state that the rates and charges for water service shall be as established by the town council; and

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**WHEREAS**, it has been determined by the council, upon recommendation of the Lake Lure Town Manager and Director of Public Works that the charges for tap fees and water meter installations need to be revised to better reflect current costs;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Lake Lure that the following policies and schedule of tap fees and water meter installation charges shall be in effect:

### **Policies for Water Meter Installation**

Every structure served by the town water system shall be connected through a single water meter approved by the director of public works with the following exceptions:

- (A) Each dwelling unit under separate ownership in multiple family dwellings shall have an individual meter.
- (B) Separate residential structures on the same lot or parcel which do not have complete kitchen facilities and which are typically rented for less than one month at a time are not required to have individual meters.
- (C) Accessory structures such as work shops, garages and the like (but not residential dwelling units) may be connected to the main structure without an additional meter.

### **Water Meter Relocation**

A minimum fee of \$250 will be charged for relocating a meter at the owners request. A \$500 tap fee will also be charged if a new tap on the main line is necessary due to the relocation.

### **Tap and Meter Fees**

<u>Type of work</u>	<u>Amount</u>
3/4 tap fee	\$500
1" tap fee	\$1000
2" tap fee	\$2500
Meter Upgrade:	
3/4" to 1"	\$500
3/4" to 2"	\$2000
1" to 2"	\$1500
No refund will be given for downsizing a meter	

### **General Provisions**

These policies apply to all connections made after the effective date of this resolution. Lawful connections made before that date are vested and are not required to be changed.

These policies may not apply to all circumstances. Where this is determined to be the case by the director of public works, the matter will be resolved by action of town council.

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Adopted this 12th day of February, 2002.

### **NEW BUSINESS**

#### **f. Approve Budget Amendment for the Police Department Regarding the Purchase of Computers**

Town Manager Place read into the record his memorandum of February 4, 2002 regarding budget amendment for the police department. (Copy of memorandum attached).

After discussion, Commissioner Hullender made a motion to approve a budget amendment to transfer \$2,500 from the sale of assets account #103310.0800 to the Police Department - Capital Outlay Account #105100.5400 for the purchase of computers. Commissioner Pressley seconded the motion and the vote of approval was unanimous.

### **NEW BUSINESS**

#### **g. Approve Lease Agreement and Budget Amendment for the Bill's Creek Fire Department**

Ron Morgan, Lake Lure Fire Coordinator, reviewed his memorandum of February 7, 2002 to Town Council requesting approval of a lease agreement and a budget amendment to purchase a 1993 Chevrolet Suburban truck for the Bill's Creek Volunteer Fire Department.

After discussion, Commissioner Pressley made a motion to approve a budget amendment of \$3,300.00 to purchase a 1993 Chevrolet Suburban truck. Also, authorized the town manager to sign a lease-purchase agreement between the Town of Lake Lure and the Bill's Creek Volunteer Fire Department for the 1993 Chevrolet Suburban truck. Commissioner Hullender seconded the motion and the vote of approval was unanimous. (Copy of memorandum and lease agreement attached).

### **NEW BUSINESS**

#### **h. Request from Timothy C. Pennell, M.D. for a Variance in the Boat Permit Limit**

Mayor Proctor read into the record a letter of January 21, 2002 from Timothy C. Pennell, M.D. requesting a variance in the boat permit limit. (Copy of letter attached). No action was taken by Town Council.

### **STAFF REPORTS**

Town Manager Place reported on the following:

1. A major topic of discussion at the City and County Management Seminar last week was the governor's decision to balance the state budget in large part on the back of local government

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for the second year in a row. Mr. Place said according to the League, the Town of Lake Lure will lose about \$41,195 in revenue this budget year. Mr. Place said the town has approximately \$57,000 left in the contingency fund and \$10,000 of that was allocated for the lake study. Mr. Place explained that this is sufficient to make up for the state imposed revenue loss in the general fund and leave a balance of about \$25,800 for contingencies to be used toward the remaining five months of this year.

2. Pumps Parts and Service, the pump sub-contractor for the lift station project, has ordered new pumps from Gorman-Rupp based on the results of the test of the replacement pump last month.
3. The town has not received appropriate application forms for the EPA STAG grant application, but will work with Isothermal Planning and Development Commission to submit the applications as soon as they are available. Mr. Place said he received a letter from Jim Edwards of IPDC asking town to concur with the proposed use of the funds as listed and certify that the town will provide the local share of the project costs. Mr. Place said the town's projects have changed somewhat. The sewer line project on US 74 at Harris Road is a high priority and could not wait for completion of the grant process. Mr. Place explained that since this project is in the current year budget, William Grimes has already begun the contract process. Mr. Place said this project should be finished before summer. As a consequence, \$35,310 will be deleted from the original request leaving a total project cost of \$450,700. The town's share will be \$202,815. There are sufficient funds available in the sewer fund balance for this expense. The projects proposed are listed in the waste water CIP and would normally have been funded over the next 4 years.

After discussion, a motion was made by Commissioner McCallum to authorize the Mayor to sign as representative for the town an agreement on behalf of the Town of Lake Lure pertaining to water and wastewater appropriation for Rutherford County. Commissioner Cox seconded the motion and the vote of approval was unanimous.

4. Mr. Place said he spoke with John Pace of TCB Materials in Hendersonville about a new proposal for purchase of the town dredge.
5. Capital Improvements Program proposals for Fiscal Year 2002/2003-2007/2008 have been received from all departments. Mr. Place said he would schedule a time with each department head and go over their proposals during this month. Completed documents will be submitted in March for review. Mr. Place recommended that Council adopt CIP plan in April. He explained the Fiscal Year 2002/2003 projects will then become part of the budget for the upcoming year.
6. Mr. Place said he was in the process of drafting new regulations for the construction of new streets with the assistance of a new staff development review committee. These regulations will be submitted to the Zoning and Planning Board next week for their review and recommendation.

<b>COUNCIL COMMENTS</b>
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Commissioner Cox requested that the Zoning and Planning Board reexamine the lake setback regulations and structures.



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Mayor Proctor announced that the town's website is now up and running again. In addition, Mayor Proctor recognized four gold sponsors for the Diamond Jubilee including: Mountain Bank, Chimney Rock Park, Mountain Lake Realty and the Chalet Club. He also praised town staff members for their work helping with the Diamond Jubilee.

Council members agreed to ask the Lake Advisory Committee Chairman to prepare a short-range plan for dredging silt from the lake including areas in Tryon Bay and Fairfield.

The meeting was recessed for ten minutes and reconvened at 8:47 p.m.

A motion was made by Commissioner McCallum to keep the boat permit rates the same as last year. Commissioner Pressley seconded the motion and the vote of approval was unanimous.

<b>NEW BUSINESS</b>
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<b>Closed Session</b>
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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 personnel matters under G.S. 143-318.11(a)(5) and (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 11:00 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.

Council members agreed to give the town manager a 5% pay increase effective February 12, 2002.

<b>ADJOURNMENT</b>
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With no further items of discussion, Commissioner Hullender made a motion to adjourn the meeting at 11:05 p.m. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

ATTEST:

  
  
  
  
  
  
  
  
  
  

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Mary A. Flack, MMC  
Town Clerk

Mayor Jim Proctor