

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, OCTOBER 8, 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

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 Pressley to approve the agenda as presented.
Commissioner McCallum seconded the motion and the vote of approval was unanimous.

PUBLIC FORUM

Mayor Proctor invited the audience to speak on any non-agenda item. Bettina Wolff, a resident of Lake Lure, requested that information pertaining to recycling in Lake Lure be published in the town newsletter and distributed throughout Lake Lure. Ms. Wolff complemented Wade Nelon on his service provided to the town for garbage disposal. Town Manager Place agreed to put an article in the town newsletter detailing information about recycling in Lake Lure.

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

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consent agenda items as presented and Commissioner Cox seconded the motion. Therefore, the consent agenda, incorporating the following items was unanimously approved:

- a. minutes of September 17, 2002 (regular meeting & closed session) and September 28, 2002 (special meeting & closed session).

End of Consent Agenda

NEW BUSINESS

a. Adopt Resolution No. 02-10-08 Directing the Clerk to Investigate a Petition Received Under G. S. 160A-31 from Ed Younger Requesting an Area Contiguous to the Town of Lake Lure be Annexed Voluntarily

After discussion, Commissioner Cox made a motion to adopt Resolution No. 02-10-08 as amended directing the town clerk to investigate a petition received under G. S. 160A-31 from Ed Younger requesting an area contiguous to the Town of Lake Lure be annexed voluntary. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

RESOLUTION NO. 02-10-08

DIRECTING THE TOWN CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31

WHEREAS, a petition requesting annexation of an area described in said petition submitted by Ed Younger (See Attachment "A") received on October 1, 2002 by the Lake Lure Town Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Lake Lure deems it advisable to proceed in response to this request for annexation;

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

1. The Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Town Council the result of her investigation.
2. That property owner also submit a request for initial zoning.
3. That the property owner be advised that he will be responsible for paying all legal and advertising costs of annexation and initial zoning.

Adopted this the 8th day of October, 2002.

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ATTEST:

Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor

AS TO FORM:

J. Christopher Callahan
Town Attorney

NEW BUSINESS

b. Adopt Ordinance No. 02-10-08 Amending the Cable Television Franchise Agreement with Northland Cable Ventures LLC (Second Reading)

A motion was made by Commissioner McCallum to adopt Ordinance No. 02-10-08 amending the cable television franchise agreement with Northland Cable Ventures LLC (second reading) as presented. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

ORDINANCE NO. 02-10-08

**AN ORDINANCE BY THE TOWN OF LAKE
LURE AMENDING THE CABLE TELEVISION
FRANCHISE AGREEMENT WITH
NORTHLAND CABLE VENTURES LLC
DATED AUGUST 1, 1996**

WHEREAS, the Town of Lake Lure ("Town") entered into a Cable Television Franchise Agreement ("Agreement") with Northland Premier Cable Limited Partnership, now doing business as Northland Cable Ventures LLC ("Northland") on August 1, 1996; and

WHEREAS, Northland has requested the closure of the office in Lake Lure which is a requirement under Section 29 (e) of the Agreement; and

WHEREAS, the Northland office in Lake Lure serves very few walk in customers, the closure will be a cost-savings for Northland and subsequently to the subscriber; and

WHEREAS, Northland has agreed to provide return envelopes with the billing statements, offer Internet payment service and monthly bank draft service and has installed toll free customer service lines to the Forest City service center; and

WHEREAS, the Town of Lake Lure agrees that the closure of the Lake Lure office will be a cost savings to the subscribers and Northland will provide customer service alternatives;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, MEETING IN REGULAR SESSION AND WITH ALL COUNCILMEN VOTING IN THE AFFIRMATIVE:

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SECTION ONE: Section 29 (e) of the Cable Television Franchise Agreement between the Town of Lake Lure and Northland Cable Ventures LLC dated August 1, 1996 is deleted in its entirety.

SECTION TWO: Effective this the first day of November 2002 after having been read and adopted at a first reading on September 17, 2002 and read and finally adopted at a second reading on October 8, 2002.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Jim Proctor
Mayor

APPROVED AS TO FORM:

J. Christopher Callahan
Town Attorney

Northland Cable Ventures LLC agrees to the changes in the Cable Television Franchise Agreement with the Town of Lake Lure.

By: _____

Name and Title: _____

Date: _____

Notary Certification:

NEW BUSINESS

c. Discussion Regarding Sales Tax

Mayor Proctor presented a letter of September 25, 2002 from Rutherford County Commission Chairman Franklin "Tobe" Goode pertaining to sales tax. (Copy of letter attached). Mr. Goode stated in his letter that the state passed the resolution authorizing the one-half cent sales tax to be effective December 1, 2002, contingent upon approval of a resolution by the Rutherford County Commissioners. The County has until November 1, 2002 to pass a resolution to make the sales tax effective December 1, 2002. Mr. Goode requested that, before the Rutherford County Commissioners consider passing a resolution to increase the sale tax, the Lake Lure Town Council consider endorsing the support of the County passing a resolution to increase the sales tax.

After discussion, a motion was made by Commissioner McCallum to endorse supporting Rutherford County passing a resolution to increase the sales tax as presented by Rutherford County Commission Chairman Goode. Commissioner Cox seconded the motion and the vote of approval was unanimous.

NEW BUSINESS

d. Adopt Resolution No. 02-10-08A State Revolving Loan for the Town

Town Manager Place distributed two separate handouts detailing the proposed water system improvements for the town and capital costs for this water system over a six-year planning period. (Copy of handouts attached).

After review, a motion was made by Commissioner McCallum to adopt Resolution No.02-10-08A as amended regarding a state revolving loan for water system improvements. Commissioner Cox seconded the motion and the vote of approval was unanimous.

**RESOLUTION NO. 02-10-08A
OF THE
TOWN OF LAKE LURE, NORTH CAROLINA**

WHEREAS, the Federal Clean Water Act Amendments of 1987 and the North Carolina Clean Water Revolving Loan and Grant Act of 1987 have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water treatment works and/or drinking water distribution systems, and

WHEREAS, the Town of Lake Lure has need for and intends to construct a drinking water project described by the Preliminary Engineering Report as the construction of two new 200,000 gallon water storage tanks, two new wells and water line improvements at critical junctures. The purpose of these improvements is to address a significant pressure problem and to insure adequate sources of safe drinking water.

WHEREAS, the Town of Lake Lure intends to request State loan assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE:

- (A) That the Town of Lake Lure will arrange financing for all remaining costs of the project, if approved for a State loan award.
- (B) The Town of Lake Lure will adopt and place into effect on or before completion of the project a schedule of fees and charges that will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.
- (C) That the Town Council agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Lake Lure to make scheduled repayment of the loan, to withhold from the Town of Lake Lure any State funds that would otherwise be distributed to the Town of Lake Lure in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.
- (D) That the Town of Lake Lure will provide for efficient operation and maintenance of the project on completion of construction thereof.

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- (E) That H.M. Place III, Town Manager and successors so titled, is hereby authorized to execute and file an application on behalf of the Town of Lake Lure with the State of North Carolina for a loan to aid in the construction of the project described above.
- (F) That H.M. Place III, Town Manager and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project, to make the assurances as contained above, and to execute such other documents as may be required in connection with the application.
- (G) That the Town of Lake Lure has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this 8th day of October, 2002, at Lake Lure, Rutherford County, North Carolina.

STAFF REPORTS

Town Manager Place reported on the following:

1. Mr. Place met with the County Manager John Condrey and Broad River Water Authority Manager Harlow Brown, among others, last month. He said the purpose of the meeting was to develop a set of guidelines that Rutherford County could use to seek professional services in order to study the water supply in the County as it relates to the current drought. The discussion was divided into 3 main areas: immediate needs (6 months to 2 years), short-term needs (2 years to 5 years), and long-term needs (5 years to 20 years). He explained that the selected consultant will be asked to define what conditions might constitute a declared water emergency. Mr. Place said these conditions would have to be met before Lake Lure would be lowered beyond a to-be-specified level. This study will recommend protocol for emergency measures as well as determine the available water resources in all watershed lakes including Lake Lure if an emergency was declared. The consultant will also determine if current state and federal regulations would allow small check dams to be built at the intakes of the water treatment plants to capture released water in the event of either the watershed lakes or Lake Lure were to be lowered. A study will be conducted on what deep well options might be available in this area.
2. A proposal from the Town of Lake Lure regarding meter reading and billing services for the Village of Chimney Rock was presented to Chimney Rock Mayor Peter O'Leary. Mr. Place said he met with Mayor Peter O'Leary and Mayor Pro Tem Barbara Meliski to negotiate cost of this service and distribution of payment.
3. Mr. Place said he is exploring options regarding dredging Tryon Bay Cove as well as the river this year. Discussions are underway with Lake Norman Dredging, Deck Sand, and TCB Paving.
4. Mr. Place stated that he had a conversation with Larry Ford, a representative of Charles Taylor's office who checked on the progress of EPA STAG grant at Mayor Proctor's request. They assured him that this application would not get misplaced again.
5. The survey of the town property adjacent to Camp Lurecrest should be finished by next week

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and ready for appraisal. Mr. Place said the town has not received the appraisal at this time for the property adjacent to the Lake Lure Campground.

6. The retaining sea wall at the town gazebo has been recently repaired by the town maintenance workers.
7. Sam Karr will be acting as town manager during the absence of Mr. Place on October 10-16, 2002 to attend a funeral out-of-state of a family member.

COUNCIL COMMENTS

Commissioner Pressley questioned the status of the project identifying locations on the lake for 911 emergency services. Mr. Place said the Zoning Administrator Terri Potts and her assistant Monica Stofer were in the process of updating information pertaining to this project including relating street addresses to boat house numbers and locations of manholes.

Commissioner Pressley also questioned what the town would be liable for in regards to allowing the Hickory Nut Gorge Chamber of Commerce to sponsor a fishing tournament on the town's lake. Town Attorney Christopher Callahan said the town has insurance coverage and sovereign immunity. In addition, the HNG Chamber of Commerce has a blanket coverage policy.

Commissioner Pressley updated Council members on Lake Advisory Committee recommendations and their activities.

Commissioner McCallum announced that the Lake Lure Republicans were holding a meeting in the Community Hall of the Lake Lure Municipal Center for candidate's night being held on October 10, 2002 from 6:00 p.m. until 10:00 p.m.

Commissioner Cox mentioned that the North Carolina Department of Environment and Natural Resources Division of Water Quality/Planning were holding two meetings regarding the draft Broad River Basinwide Water Quality Plan. The first meeting will be held on November 14, 2002, 7:00 p.m. until 9:00 p.m., at the Lake Lure Community Hall in the Municipal Center. The second meeting will be held on November 15, 2002, 8:30 a.m. until 10:30 a.m., at the Rutherford Co-op Extension Office in Spindale.

Commissioner Cox also gave a brief report on activities of the Lake Lure Golf Course.

Commissioner Cox announced that the Realize Committee of Rutherford County was holding a community meeting on October 28, 2002, 7:00 p.m. at The Foundation at Isothermal Community College regarding public review and input on the draft strategic plan written by and for the citizens of Rutherford County.

ADJOURNMENT

With no further items of discussion, Commissioner Pressley made a motion to adjourn the meeting at 8:10 p.m. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

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ATTEST:

Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor