



Incorporated 1927

Town of Lake Lure

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MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, DECEMBER 10, 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 McCallum to approve the agenda as amended by adding an item as13 for closed session. Commissioner Cox seconded the motion and the vote of approval was unanimous.

PUBLIC HEARING - PROPOSED ORDINANCE NO. 02-12-10A ON A REQUEST FROM ED YOUNGER FOR ANNEXATION

Public notices were duly given and published in the Forest City Daily Courier newspaper.

Mayor Proctor opened the public hearing regarding request from Ed Younger for annexation.

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Attorney Callahan reviewed Ed Younger's request for annexation. Callahan stated that all legal advertisements were made and abutting property owners were notified by first class mail about the public hearing on the proposed amendment.

Mayor Proctor invited citizens to speak during the hearing and no one requested to speak.

After discussion, Commissioner Cox made a motion to close the public hearing. Commissioner Pressley seconded the motion and the vote of approval was unanimous.

Attorney Callahan suggested that Council members not adopt the proposed Ordinances No. 02-12-10A (request from Ed Younger for Annexation) and No. 02-12-10B (amending the Town of Lake Lure zoning ordinance and map for initial zoning of Ed Younger's property to be zoned R-3) at this meeting, due to the fact no one representing Ed Younger was present and because of unpaid fees due to the town for legal and advertising costs of annexation and initial zoning.

PUBLIC HEARING - PROPOSED ORINANCE NO. 02-12-10B AMENDING THE TOWN OF LAKE LURE ZONING ORDINANCE AND MAP FOR INITIAL ZONING OF ED YOUNGER'S PROPERTY TO BE ZONED R-3 (RESORT RESIDENTIAL DISTRICT)

Public notices were duly given and published in the Forest City Daily Courier newspaper.

Mayor Proctor opened the public hearing regarding amending the Town of Lake Lure zoning ordinance and map for initial zoning of Ed Younger's property to be zoned R-3.

Zoning Administrator Terri Potts gave a brief overview and answered questions pertaining to the proposed amendment.

Mayor Proctor invited citizens to speak during the hearing and no one requested to speak.

After discussion, Commissioner McCallum made a motion to close the public hearing. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

Council members agreed by consensus to table the adoption of Ordinances No. 02-12-10A and No. 02-12-10B until the next regular town meeting being held on January 14, 2003.

PRESENTATION BY THE LAKEFRONT OWNER'S ASSOCIATION OF DONATION TO FIRE COORDINATOR RON MORGAN TO BE USED TOWARD A NEW FIRE BOAT

Chuck Watkins presented a check of \$5,305.45 from the Lakefront Owner's Association to Fire Coordinator Ron Morgan to be used toward a new fire boat. Mr. Morgan expressed his appreciation to the Lakefront Owner's Association for their generous donation.

PUBLIC FORUM

Mayor Proctor invited the audience to speak on any non-agenda item. Veryl Lynn Cox, a Lake Lure resident, requested to speak during public forum to express her concern about the danger of a low flying helicopter flying around Lake Lure on Saturday, December 7, 2002.

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Town Manager Place said he would ask Police Chief Mike Bustle to research for FAA and state regulations relating to low flying aircraft over populated areas and check for any legal authorities who will address this problem.

Mayor Proctor said he had contacted Rutherford Central Communications Emergency 911 about this same helicopter.

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

- a. minutes of November 12, 2002 (regular meeting), and December 3, 2002 (special workshop meeting);
- b. approved Town Council meeting schedule for Year 2003:

<u>DATE</u>	<u>LOCATION</u>	<u>TIME</u>	<u>TYPE</u>
January 14, 2003	Lake Lure Municipal Center	7:00 p.m.	Regular
February 11, 2003	Lake Lure Municipal Center	7:00 p.m.	Regular
March 11, 2003	Lake Lure Municipal Center	7:00 p.m.	Regular
April 8, 2003	Lake Lure Municipal Center	7:00 p.m.	Regular
May 13, 2003	Lake Lure Municipal Center	7:00 p.m.	Regular
June 10, 2003	Lake Lure Municipal Center	7:00 p.m.	Regular
July 8, 2003	Lake Lure Municipal Center	7:00 p.m.	Regular
August 12, 2003	Lake Lure Municipal Center	7:00 p.m.	Regular
September 9, 2003	Lake Lure Municipal Center	7:00 p.m.	Regular
October 14, 2003	Lake Lure Municipal Center	7:00 p.m.	Regular
November 18, 2003	Lake Lure Municipal Center	7:00 p.m.	Regular
December 9, 2003	Lake Lure Municipal Center	7:00 p.m.	Regular

- c. adopted Ordinance No. 02-12-10:

AN ORDINANCE PROVIDING FOR THE DELAYED HARVEST OF FISH TO BE CAUGHT IN LAKE LURE.

WHEREAS, from time to time, the Lake Lure Town Council causes the lake to be stocked with trout, bass and other species for the enjoyment of sport fishermen; and

WHEREAS, historically, many of the newly stocked fish are caught and removed before they are acclimated to the lake; and

WHEREAS, the Town Council of the Town of Lake Lure, upon recommendation by the Lake Advisory Committee and after due consideration, has determined that it is appropriate to institute a program of delayed harvesting of fish to be caught in Lake Lure during the period of

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December 1, 2002, through March 1, 2003;

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: There shall be in effect from December 1, 2002, through March 1, 2003, a program of delayed harvesting of fish to be caught in Lake Lure. During this time period, all fish caught in Lake Lure shall be released and all fishing shall be done with artificial lures having single barbless hooks.

SECTION TWO: Each violation of this ordinance shall be punishable by a fine not to exceed \$100.

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

Adopted this 10th day of December, 2002

ATTEST:

Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor

AS TO FORM:

J. Christopher Callahan
Town Attorney

d. adopted Resolution No. 02-12-10:

A RESOLUTION AUTHORIZING THE LEASE OF TOWN PROPERTY IN FRONT OF THE ARCADE BUILDING FOR USE AS A LOCATION FOR A SIGN

WHEREAS, the Town of Lake Lure Board of Adjustments did on March 11, 1992 grant a variance to permit a sign to be erected on Town property in front of the Arcade Building; and,

WHEREAS, the Lake Lure Town Council did on November 12, 2002, approve the concept of again leasing a small portion of Town owned property to Arcade Building Management Premier Properties for the purpose of constructing an identification sign; and,

WHEREAS, public notice of this proposed lease was published in the Forest City Daily Courier on Friday, November 29, 2002 in accordance with Administrative and Financial Laws for Local Government in North Carolina, Chapter 160A, Article 12; and,

NOW, THEREFORE, BE IT RESOLVED, by the Lake Lure Town Council, meeting in regular session on Tuesday, December 10, 2002, with a majority of the Councilmen voting in the affirmative, that the Mayor of Lake Lure is authorized to sign the lease agreement attached to this Resolution between the Town of Lake Lure and Arcade Building Management Premier Properties, as agent for the Owner.

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ATTEST:

Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor

AS TO FORM:

J. Christopher Callahan
Town Attorney

End of Consent Agenda

UNFINISHED BUSINESS

a. Set Fee Rates for Boat Permits to be Issued January 2003

After discussion, Commissioner Hullender made a motion to: (1) increase the annual motorized boat permit fee for Lake Lure property owners/residents from \$55.00 to \$75.00, (2) add a weekly peak season permit for non-motorized boats to be charged a \$11.00 fee, and (3) keep the remaining boat permit fees the same as last year's boat permit fee schedule. Commissioner Cox seconded the motion and the vote of approval was unanimous. (Copy of 2002 boat permit fee schedule attached).

A motion was made by Commissioner Cox to: (1) create a new category for an annual fishing permit for non-resident, (2) limit horsepower to 50 or less, (3) restrict hours of fishing from 9:00 p.m. until 9:00 a.m. from Memorial Day through Labor Day, (4) charge annual fee of \$100, and (5) require two stickers be displayed plainly on both sides of boat, (5) use distinguishable colorful stickers (must be bright and noticeable), (6) restrict permit to fishing use only (no water sports, etc.), and (7) consider this permit on a one year trial basis to be reviewed annually. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

Commissioner McCallum made a motion to: (1) town manager shall have a registration form designed that will allow pertinent information to be gathered about various water craft used on Lake Lure, (2) require commercial water craft to register their boats on this form, (3) charge an additional \$50.00 commercial surcharge fee, (4) use a distinguishable sticker, and (5) commercial craft shall be defined as any boat that is operated on Lake Lure and used in connection with any type of business, trade or commerce (included but not limited to: boat rentals, realtors, resorts, inns, camps, ski schools, fishing guides, contractors, boat repair companies, etc.). Commissioner Pressley seconded the motion and the vote of approval was unanimous.

NEW BUSINESS

a. Auditor's Report

Town Auditor Robert C. Koone presented and gave a brief over view of the town's audit report for the year July 1, 2001 through June 30, 2002.

Mayor Proctor recessed the meeting for five minutes and reconvened the meeting at 9:05 p.m.

NEW BUSINESS

b. Request from Larry Brown to Connect the Evening Shade River Lodging into the Town Sewer System

David Smart answered questions regarding a request from Larry Brown to connect the Evening Shade River Lodging located in Chimney Rock into the town sewer system. (Letter and application attached.)

After review, Commissioner Hullender made a motion to approve Larry Brown's request to hook the Evening Shade River Lodging located at 745 Main Street, Chimney Rock into the town's sewer system. Commissioner Cox seconded the motion and the vote of approval was unanimous.

NEW BUSINESS

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

Town Council voted by ballot and Town Manager Place announced the following results. Richard P. Conrad, Robert F. Turner, and Robert (Bob) Washburn were reappointed to serve on the Lake Advisory Committee with terms expiring December 31, 2004.

Fred Noble and Michael C. Williams were reappointed to serve as regular members on the Board of Adjustment/Lake Structures Appeals Board with terms December 31, 2005. Werner Maringer was appointed to serve as regular member with a term expiring December 31, 2005. Scott Salik was appointed to serve as an alternate member on this board with a term expiring December 31, 2004.

Commissioner McCallum made a motion to reappoint Dick Washburn to serve on the Zoning/Planning Board with a term expiring December 31, 2005. Commissioner Pressley seconded the motion and the vote of approval was unanimous.

Dennis M. Demcho, Jack Donovan, and Tracy Shepard were reappointed to serve on the Golf Course Advisory Committee with terms expiring December 31, 2004.

Evan B. Schmitt was reappointed to serve on the Lake Lure ABC Board with a term expiring December 31, 2005.

Commissioner McCallum made a motion to reappoint Thomas M. King and appoint Frederick D. Watson to serve on the Parks and Recreation Board with terms expiring December 31, 2005.

STAFF REPORTS

Town Manager Place reported on the following:

1. Mr. Place said he met with John Orsillo today to discuss projects that might be eligible for

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the county's utilities extension program which was adopted last month. He explained this program will allow providers of public water and sewer systems in the county to receive grants and loans directly from Rutherford County for the expansion of those systems. This program will initially be funded by a low interest loan from the state that will be backed up by proceeds from 1/10 of one cent of the sales tax and the fund will be distributed through a share of access (hook-up) fees and/or billing fees over a 20 year period.

Mr. Place said one of the funding programs is the "local match program". He stated this program can provide a grant of 70% of the local match required for eligible federal or state grants up to a maximum of \$75,000. The town already has a grant application pending under the STAG program for upgrades at the wastewater treatment plant with a local match of \$320,200. Mr. Place plans to submit an application to the county for the local match program for the full \$75,000.

2. Mr. Place informed Council member that he and John Orsillo have talked about a joint utilities system study for the Village of Chimney Rock and the Town of Lake Lure and the possibility of proceeding with some form of interlocal agreement before finalizing the study. Mr. Place explained that the town will continue to pursue this, but John Orsillo indicates that this work will be outside the parameters of the current study. Mr. Orsillo has agreed to provide an estimate of the additional cost this week. Mr. Place said he will forward it to Council members when he receives the cost estimate and more than likely a budget amendment will need to be made.
3. Mr. Place said he spoke to Lake Norman Dredging regarding dredging the Tryon Bay Cove and was informed due to other commitments earlier in the year, they will plan to begin about the first of March, 2003. Rick Miller estimates that this job will only take a couple of weeks to complete. Mr. Place said he also spoke with James Deck of Deck Sand and sent a contract for him to sign. Mr. Place said Mr. Deck has verbally accepted the contract, but has not received it as of this date. The prison work crew has cleaned out the impoundment area across the river where he will set up. Mr. Place mentioned that he wrote to John Pace of TCB Paving about an alternate dredging project for the harbor area and he is waiting on a response from him.
4. Mr. Place stated that if he read the audit report correctly, the golf course had revenues in excess of expenditures of \$8,354.90. Golf Course Manager Chris Shute and the staff members exceeded their budgeted revenue by \$319.38 and came in \$9,439.52 under their expense budget.
5. Mr. Place reported that the Town of Lake Lure had minimal damage from the storm last week. He said while all around Lake Lure trees were falling and power was knocked out, Lake Lure weathered the storm quite well. Most areas did not lose power, except for Neighborly and Tanner Drives which did not get power back on until Saturday evening. Other areas without power were for only a short period of time.
6. Read a letter into the record commending Corporal Tabatha Ruppe. (Copy of letter attached).
7. Mr. Place wished everyone a merry Christmas and happy new year on behalf of the town staff. He also reminded Council members about the annual employee Christmas dinner being held on Friday.

COUNCIL COMMENTS

After discussion, Council members directed the town manager to draft an amendment to the Zoning Regulations regarding fences and forward it to the Zoning and Planning Board for their review.

Commissioner Cox asked about the status of dredging the Tryon Bay area.

Commissioner McCallum mention that the Lake Lure ABC Store would be submitting a request asking the town to approve a budget amendment to repaint the ABC building.

Council members briefly discussed the documentation provided by Lake Lure Tours to the town pertaining to the accounting of revenues and expenditures for the town beach and marina.

CLOSED SESSION

A motion was made by Commissioner Cox to enter into the closed session meeting to discuss personnel matters pursuant to G. S.143-318.11(a)(6). Commissioner McCallum seconded the motion and the vote of approval was unanimous.

Commissioner McCallum made a motion to come out of the closed session meeting and re-enter the regular session of the meeting. Commissioner Pressley seconded the motion and 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.

A motion was made by Commissioner Cox to enter into the closed session meeting to discuss attorney client privilege and legal matters pursuant to G. S.143-318.11(a)(3) regarding ongoing litigation between Patricia Hyatt and the Town of Lake Lure. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

Commissioner Cox made a motion to come out of the closed session meeting and re-enter the regular session of the meeting. Commissioner Pressley seconded the motion and 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 McCallum made a motion to adjourn the meeting. Commissioner Pressley seconded the motion and the vote of approval was unanimous.

ATTEST


Mary A. Flack, MMC
Town Clerk


Mayor Jim Proctor

