

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, MAY 13, 2003, 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 Cox to remove item 5g (budget amendments regarding silt removal; public works department - storm debris removal and erosion; and control state revenues) off the consent agenda for discussion as item 7c under new business. Commissioner Pressley seconded the motion and the vote of approval was unanimous.

Commissioner Cox made a motion to approve the agenda as amended removing item 5c off the consent agenda for discussion as item 7c. Commissioner Pressley 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 item should be removed before calling for action. A motion was made by Commissioner McCallum to approve the following 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 April 8, 2003 (regular meeting) and May 2, 2003 (special workshop meeting);
- b. request from Paul and Jan LaQue to suspend the town alcohol ordinance in order to serve beer and wine during a wedding reception inside the community hall of the Lake Lure Municipal Center on August 9, 2003, from 6:00 p.m. until 9:00 p.m. and allow D. J. music inside the community hall for this event;
- c. request from Brian McDermott to suspend the town alcohol ordinance in order to serve beer, champagne, and wine during a wedding reception inside the community hall of the Lake Lure Municipal Center on July 3, 2004, from 5:00 p.m. until 11:00 p.m.;
- d. request from Dwayne Bolt and Faith Nelson to suspend the town alcohol ordinance in order to serve beer, champagne, and wine during a wedding reception inside the community hall of the Lake Lure Municipal Center on July 20, 2003, from 4:00 p.m. until 7:00 p.m.;
- e. request from Larry Sanders on behalf of the Chimney Rock Baptist Church to hold worship services at the Lakeside Chapel located on town property and permitting access to the right of the town's former boat landing in order to conduct lakeside services held on Sundays starting May 4, 2003 through October 12, 2003, from 9:00 a.m. until 9:30 a.m.; and
- f. contract between the Town of Lake Lure and the town auditor for fiscal year beginning July 1, 2002 & Ending June 30, 2003.

End of Consent Agenda

UNFINISHED BUSINESS

a. Discussion Regarding Marina Boat Slip Policy
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Council members reviewed and revised a proposed boat slip policy for the Town of Lake Lure which was presented by Commissioner Hullender. After discussion, Commissioner McCallum made a motion to approve the proposed boat slip policy as amended and authorized the town manager and town attorney to make the final changes to this policy and present it for final approval at the next town council meeting being held on June 10, 2003. Commissioner Pressley seconded the motion and the vote of approval was unanimous.

UNFINISHED BUSINESS

b. Proposal to Purchase a New Fire Boat

Fire Coordinator Ron Morgan presented a proposal to purchase a new fire boat. (Copy of proposal attached). After discussion, Commissioner Pressley made a motion to approve the proposal submitted by Fire Coordinator Morgan to purchase a new fire boat and transfer \$30,000 from the contingency fund for the financing of a new fire boat. Commissioner Cox seconded the motion and the vote of approval was unanimous.

NEW BUSINESS

a. Discussion Concerning the Warranty for Two Pumps Installed at the Town's Lift Station

John Orsillo with McGill Associates; Tom Brown, President of Brown Utility Company, and Mike Dysart representative of Pumps, Parts and Service, Incorporated were present to answer questions regarding the warranty for two pumps installed at the town's lift station.

After discussion, Commissioner McCallum made a motion to accept the warranty as submitted from Pumps, Parts and Service, Incorporated for two pumps installed at the town's lift station. (Copy of warranty and letter of credit attached). Commissioner Hullender seconded the motion and the vote of approval was unanimous.

NEW BUSINESS

b. Proclamation 03-3 Supporting the Sale of "Buddy Poppies" by the Veterans of Foreign Wars of the United States

Mayor Jim Proctor read into the record Proclamation No. 03-3 supporting the sale of "Buddy Poppies" by the Veterans of Foreign Wars in gratitude to the men and women of this country who have risked and gave their lives in defense of the freedoms which we continue to enjoy as American citizens.

A PROCLAMATION NO. 03-3

Whereas: The annual sale of Buddy Poppies by the Veterans of Foreign Wars of the United States has been officially recognized and endorsed by governmental leaders since 1922; and

Whereas: V.F.W. Buddy Poppies are assembled by disabled veterans, and proceeds of this worthy fund raising campaign are used exclusively for the benefit of disabled and needy veterans, and the widows and orphans of deceased veterans; and

Whereas: The basic purpose of the annual sale of Buddy Poppies by the Veterans of Foreign War is eloquently reflected in the desire to "Honor the Dead by Helping the Living"; therefore

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I, Jim Proctor, Mayor of the Town of Lake Lure do hereby urge the citizens of this community to recognize the merits of this cause by contributing generously to its support through the purchase of Buddy Poppies on the day set aside for the distribution of these symbols of appreciation for the sacrifices of our honored dead.

I urge all patriotic citizens to wear a Buddy Poppy as mute evidence of our gratitude to the men and women of this country who have risked their lives in defense of the freedoms which we continue to enjoy as American citizens.

This 13th day of May, 2003.

Attest:

Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor

NEW BUSINESS

c. Approve Budget Amendments as Submitted by the Finance Director Regarding (1) Lake Silt Removal; (2) Public Works Department - Storm Debris Removal and Erosion; and (3) Control State Revenues - Inventory, Intangible, Beer, Wine, and Food Stamps

Council members reviewed a memorandum of May 8, 2003 presented by the Finance Director regarding budget amendments. (Copy of memorandum attached).

Commissioner Cox made a motion to approve budget amendments for the following: (1) transfer \$138,500 from the silt removal fund to the general fund-silt removal line item for dredging Tryon Bay Cove; (2) transfer \$4,000 from the silt removal fund to the general fund-silt removal line item for Snug Harbor Cost Sharing Program; (3) transfer \$20,000 from the contingency fund to Public Works Department line item contractual services (#105600.4500) for storm debris removal damage; (4) remove \$43,300 from state inventory, intangibles, food stamps, and beer and wine taxes from the budget and decrease the contingency fund by \$43,300; and (5) transfer \$30,000 from the contingency fund to the fire department line item fire boat. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

STAFF REPORTS

Town Manager Place reported on the following:

1. Cleanup after the storms of last week. Jerry Nelon started working last Friday with an all day tour of the town in company with Public Works Director Tony Hennessee to determine the extent of downed trees to be removed. His crew started cleanup operations on Saturday and will continue until there are no more trees to be removed or the money runs out - whichever happens first. He plans to haul all materials to his base just off NC 9 where he has a barrel chipper that can take just about any sized tree and turn it into mulch. Mr. Place said he would keep Council members updated on the progress. The town public works crew will also be picking up a lot of the smaller stuff in addition to their normal workload.

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2. Lake Norman Dredging has finished the project in Tryon Bay Cove and are in the process of cleanup and equipment removal. At the request of two property owners, Rick Miller of Lake Norman has looked into dredging the end of Snug Harbor Cove while his equipment and crew are still here. One of the owners, John Hutchinson, has offered the use of his land adjacent to the cove for a spoil depository. Mr. Miller has gave the town a quote of \$12,000 to dredge an area of about 8,000 square feet to a depth of 6'. Mr. Place proposed that the town pay one third the cost and the affected property owners pay the remainder. There is also a proposal from a property owner near Fairfield to have Lake Norman dredge his cove at his expense while the equipment is still here. Since all dredging requires Town Council approval, Mr. Place asked Council members to authorize him blanket authorization to review and approve any maintenance dredging project submitted in the next 60 days which does not change the shoreline.

Commissioner Cox made a motion to authorize the town manager to review and approve any maintenance dredging project submitted in the next 60 days which does not change the shoreline. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

Commissioner Pressley requested that the town manager investigate dredging the Fairfield Mountains area.

3. Finance Director Sam Karr is finalizing the department's budgets. A workshop meeting has been scheduled for department heads next Monday. Mr. Place asked Council members to schedule a budget workshop meeting one day during the week of May 27 through 30.

Commissioner Cox made a motion to schedule a special town council meeting to be held at 9:00 a.m. on Wednesday, May 28, 2003, at the council meeting room of the Lake Lure Municipal Center in order to review preliminary budget items for fiscal year 2003-2004. Commissioner Pressley seconded the motion and the vote of approval was unanimous.

4. Mr. Place said he will be in Texas from June 2 through June 13 and Florida from June 23 through July 4. He will be absent from the June council meeting. He suggested that Town Council schedule a special meeting for June 17 or another date that week to adopt the budget and the Capital Improvements Program.

Commissioner McCallum made a motion to schedule a special town council meeting to be held on Thursday, June 19, 2003, 9:00 a.m., at the council meeting room of the Lake Lure Municipal Center for the presentation of the town budget and the budget message for fiscal year 2003-2004; adoption of the town budget ordinance and approve the Capital Improvements Program.

5. Mr. Place said it has always been difficult to relate the location of docks and boat houses on the lake to that of residences from the road. The original lake structure registration was intended to help in this regard, but the system of numbering using manhole numbers had no relationship to access from the land. Fire Coordinator Ron Morgan has suggested that the town require all developed lake front properties be identified with a sign displaying the street address of the property. This would be consistent with the 911 numbering system and would be of great help to law enforcement and emergency management personnel. A side benefit would be the resurrection of the lake structure registration process that the town had let slide for several years using this number instead of the manhole number. Mr. Place said

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he asked Fire Coordinator Ron Morgan and Zoning Administrator Terri Potts to work together to develop the logistics, including funding of such a system for Town Council's consideration. If accepted, the town will need to enact a law to mandate the system and amend the current requirements in the lake structures regulations. Mr. Place said he will report back to Town Council with more details as they are developed.

6. An Amber Alert Task Force has been formed in 14 counties within Western North Carolina to respond to reports of missing children. The goals of the Task Force include a safe return of abducted children to parents, successful investigations and the apprehension and prosecution of abductors. Lake Lure's police department has been very active in this effort with Police Chief Bustle being the Rutherford County representative on the task force. All area law enforcement agencies, emergency management agencies and the media have signed memorandums of understanding regarding the implementation of this program and grant funds are being solicited to help pay for this effort.
7. Mr. Place said he asked Hydro Plant Operator William Grimes to compare the month of April this year with last year at the hydro plant to help put the difference into perspective. During April, 2002, generator #1 ran for 75.5 hours. This past month, generator #1 ran for 318 hours. Last April, generator #2 ran for 108.5 hours while this April it ran for 560.5 hours and the combined total electricity produced by both generators amounted to 340,000 KW last April compared with 1,574,000 KW this year (almost five times more). The difference in income for the period of mid March to mid April shows an increase of over 300%. Mr. Place said much of the extra time running was during off-peak hours, so the difference is not quite so dramatic as the running hours, but the mid April to mid May income should be even better.

COUNCIL COMMENTS

Commissioner McCallum agreed to respond in writing on behalf of Town Council to an editorial published in the Forest City Daily Courier pertaining to distribution methods of sales taxes based on ad valorem taxes versus per capita.

Council members agreed to direct the town attorney to draft an ordinance pertaining to a new federal law requiring individuals under the age of 13 to wear life jackets while in a boat on Lake Lure.

The Mayor recessed the meeting for five minutes.

NEW BUSINESS

Closed Session

A motion was made by Commissioner Hullender to enter into closed session to discuss attorney attorney client privilege and legal matters pursuant to G.S.143-318.11(a)(3). Commissioner Pressley seconded the motion and the vote of approval was unanimous.

With no further discussion in closed session, Commissioner McCallum moved, seconded by Commissioner Pressley, to come out of the closed session meeting and re-enter the regular session of the meeting. The vote of approval was unanimous.

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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 10:59 p.m. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor