

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, FEBRUARY 10, 2004, 7:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

PRESENT: Mayor Jim Proctor
Commissioner Blaine Cox
Commissioner Lea Hullender
Commissioner Chuck Watkins

H. M. Place III, Town Manager
J. Christopher Callahan, Town Attorney

ABSENT: Commissioner Dick McCallum

CALL TO ORDER

Mayor Proctor called the meeting to order at 7:00 p.m.

INVOCATION

Town Attorney Callahan gave the invocation.

APPROVE AGENDA

Commissioner Hullender made a motion to approve the agenda as amended, adding an item under new business as 7c. to review a request from Peter Steenstra to waive boat permit fees and suspend the town's boat length restriction for the Ohio State Crew Club members and the UNC's men's rowing team for an annual rowing scrimmage event. 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. Bettina Wolff, a Lake Lure resident, mentioned that Hugo Moirano, a former Lake Lure Council member, had died recently. Mrs. Wolff asked Council members to dedicate a memorial in memory of Mr. Moirano for his contributions to the town.

Town Manager Place asked citizens to inform him about Mr. Moirano's contributions to the town so that he may compile a list to share with others for a memorial in Mr. Moirano's honor.

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 Watkins to approve the 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 January 13, 2004 (regular meeting and closed session);
- b. amend the budget as outlined by the Finance Director in a memorandum dated February 5, 2004, transferring \$4,000.00 from the contingency fund (account #109100.1000) to the line item for Community Center Department (account #106230.1500 maintenance and repair building) to cover the cost of a heat pump for the Lake Lure Community Center; (Copy of memorandum attached); and
- c. ratify approval for budget amendments as outlined in a memorandum submitted by the finance director, dated February 5, 2004, to cover merit pay increases for town employees; transferring \$10,372.41 from the contingency fund to the general fund; transferring \$1,643.64 from fund equity water/sewer fund; and transferring \$524.55 from fund equity hydro electric fund to hydro electric department; (Copy of memorandum attached).

End of Consent Agenda

NEW BUSINESS:

a. Request from Edneyville Boy Scout Troop 605 to Waive Boat Permit Fees

Don Henderson, Edneyville Boy Scoutmaster of Troop 605, asked Council members to do the same as last year in regards to waiving boat permit fees for two motorized boats and two non-motorized boats. Additional boat permits purchased by the Edneyville Boy Scouts were charged at a resident rate. (Copy of letter from Don Henderson attached).

After discussion, Commissioner Cox made a motion to waive boat permits for one motorized and two non-motorized boats. Additional boat permits purchased by the Edneyville Boy Scouts will be charged at a resident rate. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

b. Request from Harry Thal Regarding Gene Stratton Porter Road

Council members reviewed a letter of January 8, 2004 received from Harry Thal asking the town to consider the closing of Gene Stratton Porter Road and he would maintain this road. (Copy of letter attached).

After discussion, Commissioner Hullender made a motion to adopt the Resolution of Intent No. 04-02-10 to consider the closing of Gene Stratton Street as presented. Also, require that Harry

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Thal reimburse the town for all associated costs with regards to proceeding with Mr. Thal's request including legal advertisements, postage, recording costs, and legal fees. Commissioner Cox seconded the motion and the vote of approval was unanimous.

Resolution of Intent

No. 04-02-10

A resolution declaring the intention of the Town of Lake Lure Town Council to consider the closing of Gene Stratton Porter Street.

WHEREAS, G.S. 160A-299 authorizes the Lake Lure Town Council to close public streets and alleys; and

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

- (A) A meeting will be held at 7:00 p.m. or thereafter on the 13th day of April, 2004, in the Council Meeting Room of the Lake Lure Municipal Center, to consider a resolution closing Gene Stratton Porter Street.
- (B) The Town Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in The Daily Courier Newspaper of Forest City, North Carolina or other newspaper of general circulation in the area.
- (C) The Town Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Resolution of Intent.
- (D) The Town Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Upon motion duly made by Commissioner Hullender, and duly seconded by Commissioner Cox, the above resolution was duly adopted by the Lake Lure Town Council at the meeting held on the 10th day of February, 2004, in the Town Council Meeting Room of the Lake Lure Municipal Center.

Upon call for a vote the following Commissioners voted in the affirmative:

Commissioner Blaine Cox
Commissioner Lea Hullender
Commissioner Chuck Watkins

and the following Commissioner voted in the negative:

none

This the 10th day of February, 2004.

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Attest:

Mary A. Flack, MMC
Town Clerk

Jim Proctor
Mayor

NEW BUSINESS:

c. Request from Peter Steenstra to Waive Boat Permit Fees and Suspend the Town's Boat Length Restriction for an Annual Rowing Scrimmage Event

Town Manager Place read into the record a letter of February 5, 2004, received from Peter Steenstra, head coach of the Ohio State Crew Club, asking the town to waive the boat permit fees on March 19-26, 2004, for the Ohio State Crew Club members and the UNC men's rowing team for an annual rowing scrimmage event. (Copy of letter attached). Mr. Place stated that Town Council has approved these type requests in the past and asked that council members consider authorizing him to grant future waiver of fees and boat length restrictions for rowing team events.

After discussion, Commissioner Watkins made a motion to approve the request from Peter Steenstra, to waive the boat permit fees on March 19-26, 2004, for the Ohio State Crew Club members and the UNC men's rowing team for an annual rowing scrimmage event. Also, suspend the town's boat length restriction for this event. Authorize the town manager to grant future waivers of fees and boat length restrictions for rowing team events. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

Town Manager Place agreed to notify Peter Steenstra about the lake level and let him know the town will begin raising the lake level starting on March 15, 2004.

STAFF REPORTS

Town Manager Place reported on the following:

1. Repairs to the town's dredge have been delayed due to bad weather. Dave Smith from Gulf Atlantic has been back once and his mechanic twice to repair and replace the main pump.

Russ Pitts gave a brief overview of the status of the town dredge with regards to repairs.

2. A grant has been submitted to the Rutherford County Water and Sewer Funding Program in the amount of \$336,678 to be used toward reducing the amount of loan funds needed for the water system improvements project. Mr. Place explained this is the same program that the town successfully applied last year for a \$50,000.00 grant to help fund the town's match for the STAG grant sewer improvements. He explained that this is a grant and there is a stipulation requiring that revenue be returned to the county to help keep the county program funded. Mr. Place stated that in this case, the town will add a \$1,000.00 access fee per tap and \$5.00 per month to the water bill over a 20 year period with these funds being returned to the county Water and Sewer Funding Program. He said this formula may be revised and possibly reduced.

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3. A representative from the Rutherford Electric Membership Cooperative informed Mr. Place that there are 21 street lights on Buffalo Creek Road which have been turned off for several years. He said this is in addition to the five Duke Power lights that town council already agreed to turn back on at the town's expense. Mr. Place said he estimates it will cost the town \$2,034.00 annually to operate those street lights if the town elects to have them all turned back on. Mr. Place said he plans to meet with Public Works Director Tony Hennessee to determine how many of these lights actually are needed and then he will report back the cost to be considered at budget deliberations.
4. Update on new computers installed at town hall. Mr. Place said there are still problems with the new file server computer. Two of the three drives in the server crashed and required replacement by Dell. Mr. Place said the technician hired by the town is having to reinstall many programs in the town's computer system. He said the town staff members were unable to use the financial programs as well as others for several days. Mr. Place anticipates that the computers will back up and running just in time for payroll checks.
5. Fire Coordinator Ron Morgan informed Mr. Place that the contract for the addition to the fire station has been signed and the work which was be scheduled two weeks ago had been delayed due to bad weather. The work should begin shortly with installation of the new septic system and site grading. Also, the new fireboat is almost complete and ready to be delivered. Mr. Morgan went to Arkansas last month to inspect the new red fireboat and he was pleased with the boat's construction.
6. The public works department employees have almost completed the dock located near the town's boardwalk, next to the water works at the town's beach. This dock replaces the old one that the town removed last year because of safety concerns. The new dock will be available to the public to use on a short term basis (up to two hours) to visit the town center and/or the beach area. A notice will be posted regarding the limited docking time per day. In addition, the public works department employees have been painting in town hall in the Town Council meeting room, around the front desk, and the office of Customer Services Supervisor.

COUNCIL COMMENTS

Commissioner Cox stated that a resolution will be presented at the next town meeting for consideration supporting the Rutherford Realize Program. He asked council members to give their input with regards to drafting this resolution.

Commissioner Cox mentioned that he and other Council members attended a concert last Saturday held at the Isothermal Community College foundation building to raise funds to help individuals in Rutherford County who have lost their jobs and are unemployed. He reported that approximately \$2,200.00 was raised at this time and that they will continue to raise funds on an ongoing basis. Commissioner Cox applauded their efforts for trying to help others in the County. Mayor Proctor said that he would write them a letter on behalf of the town.

Commissioner Hullender said that she had received several calls regarding a request to change the Tryon Bay Circle from a one-way street to a two-way street. Town Manager Place explained that a public hearing was originally scheduled for the February 10, 2004 town meeting based on a letter he had received. He later requested that it be postponed until the next town meeting held on March 9, 2004 because more time was needed to notify all of the adjacent property owners

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concerning this public hearing. Mr. Place said this is not a required public hearing, but he thinks it is important to hear from the property owners who are concerned about this proposed change.

Commissioner Watkins asked for a clarification on the date the town plans begin raising the lake level. Town Manager Place stated that he had set the date for March 15, 2004 to begin raising the lake level. Mr. Place explained that he had extended the date because of bad weather and the fact the Army Corp. of Engineers had extended the town's permit for an additional two weeks due to a permitting process.

Mayor Proctor asked Council members to approve a budget amendment in the amount of \$5,000.00 to retain attorney George William Sherk for a lake use study analysis. The Mayor reviewed Mr. Sherk's memorandum of February 9, 2004 outlining his fees and his services that he will provide the town. (Copy of memorandum attached).

After discussion, Commissioner Watkins made a motion to amend the budget \$5,000 from the hydro electric fund to cover the cost of retaining Attorney George William Sherk for his expenses and services provided to the town as outlined in Mr. Sherk's memorandum dated February 9, 2004. Commissioner Cox seconded the motion and the vote of approval was unanimous.

Commissioner Cox said he would like to see a report on how the hydro-electric fund is doing financially. Town Manager Place said he provided Council members with an analysis last month and he would do another report as soon as the town receives their next check.

Council members reviewed a memorandum of February 5, 2004 from Customer Services Supervisor Linda Ward regarding the town's marina boat slip policy. (Copy of Memorandum attached). After review, Council members agreed to delay any changes to the marina boat slip policy at this time and hold the remaining slip open unless a person with the number one priority arrives.

CLOSED SESSION

A motion was made by Commissioner Cox to enter into closed session to discuss personnel matters and review an employment contract pursuant to G.S.143-318.11(a)(5) and (6). Commissioner Hullender seconded the motion and the vote of approval was unanimous.

With no further discussion in closed session, Commissioner Hullender moved, seconded by Commissioner Cox, to come out of the closed session meeting at 10:15 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 Watkins made a motion to adjourn the meeting. Commissioner Cox seconded the motion and the vote of approval was unanimous.

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ATTEST:

Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor