



Incorporated 1927

Town of Lake Lure

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MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, MARCH 9, 2004, 7:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER

PRESENT: Mayor Jim Proctor
Commissioner Blaine Cox
Commissioner Lea Hullender
Commissioner Dick McCallum

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

ABSENT: Commissioner Chuck Watkins

CALL TO ORDER

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

INVOCATION

Town Attorney Callahan gave the invocation.

APPROVE AGENDA

A motion was made by Commissioner McCallum to approve the agenda as presented. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

PUBLIC FORUM

Mayor Proctor invited the audience to speak on any non-agenda item. Harold Harper, a resident of Harper Valley Lane in Lake Lure, made a presentation offering of \$4,000 to purchase certain town property and asked Town Council to declare this property as surplus. Council members agreed to discuss this request further at the next regular town meeting being held on April 13, 2004.

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 consent agenda items as presented and Commissioner Hullender seconded the motion. Therefore, the consent agenda,

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incorporating the following items was unanimously approved:

- a. minutes of February 10, 2004 (regular meeting and closed session);
- b. request from the Hickory Nut Gorge Kiwanis Club to: (1) suspend the town's peddling ordinance for "Memorial Days Festival" being held on May 29-31, 2004 and the "Autumn Festival" held on October 16-17, 2004; (2) close a portion of town street temporarily during these events (contingent upon vendors not leaving their vehicles and trailers parked in the closed portion of the street); and (3) use of town property surrounding the Lake Lure Arcade Building including property along Pool Creek for selling crafts and food, fund raising, and music during these events; (Copy of letter dated March 3, 2004 attached);
- c. request from Pastor 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 2, 2004 through October 10, 2004, from 9:00 a.m. until 9:30 a.m.; (Copy of letter dated February 24, 2004 attached);
- d. request from Lake Lure Fire Coordinator Ron Morgan to name an existing private drive off of Holmes road as recommended by the owner to be named after a book author Pat Conroy; Conroy Court was recommended for the name of this private drive; (Copy of memorandum of March 4, 2004 attached);
- e. permit for a fabric structure from Dennis Buckner on behalf of the Fairfield Mountains Property Owners Association to place a tent on the beach area of the Lake Lure golf and beach property; (Copy of application for fabric structure permit attached);
- f. request from the Dixie Rodder's to: (1) hold a 20th annual car show July 9-10, 2003 on town property; (2) rent the town community center along with the grassy area behind and adjacent to the building which extends toward the town marina; (3) suspend the town peddling ordinance to allow the club to sell t-shirts and other vendors to sell food and car parts; (4) use a P.A. system for playing music and making announcements and (5) suspend the town alcohol ordinance for participants to consume alcohol (beer and wine only) as stipulated with restrictions by the Lake Lure police department; (Copy of letter dated February 9, 2004 attached); and
- g. authorized Personnel Director Anita Taylor to co-sign checks for the town's payroll account and general account; remove former Personnel Director Betty Hinson's name from these bank accounts at the Lake Lure First Charter Bank; (Copy of memorandum dated March 5, 2004 attached).

End of Consent Agenda

Public Hearing - Regarding a Request to Change Tryon Bay Circle from a One-Way Street to a Two-Way Street
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Mayor Proctor opened the public hearing to receive citizen comments regarding a request from Jerry McCall to change Tryon Bay Circle from a one-way street to a two-way street.

1. Tyrone Phillips, spoke on behalf of the Edneyville Boy Scout Troop 605, stated that

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he would like the road to remain a one-way street. He said if the road was changed back to a two-way street, it would become a safety issue for those who travel on this street including the Boy Scouts.

2. Don Henderson, Edneyville Boy Scoutmaster of Troop 605, agreed with Mr. Phillips and asked that this road remain a one-way street.
3. Mary Ann Dotson, a resident of Tryon Bay Circle, gave a brief review of her letter dated March 8, 2004 submitted to Town Council detailing various activities on Tryon Bay Circle. Ms. Dotson stated that she would be in favor of changing Tryon Bay Circle to a two-way street. Ms. Dotson asked Council to consider widening this street for safety reasons. Also, study this road for future growth and development. (Copy of letter dated March 8, 2004 attached).
3. Aaron White, owner of Linne 'Arden bed and breakfast inn located on Tryon Bay Circle, said that he was in favor of this road remaining a one-way street. Mr. White explained that there were several safety issues to consider. Mr. White distributed pictures taken by him for Council members to review. He asked that these pictures be entered into the record. (Copy of pictures attached).
4. Commissioner Cox requested to speak on behalf of Jerry McCall, a property owner of Tryon Bay Circle, who had requested that Tryon Bay Circle be changed to a two-way street. Commissioner Cox reviewed Mr. McCall's letter dated February 10, 2004 submitted to Town Council. Mr. McCall mentioned in his letter that should Council find a compelling reason to leave the road as one-way, he would ask that the first 100 feet of the road be made two-way. Mr. McCall explained this would give him a safe exit from his driveway.

Commissioner McCallum said he drove on Tryon Bay Circle street prior to this meeting and he doesn't think this road is wide enough for a two-way street.

Commissioner Hullender stated that in her opinion a two-way street would be too crowded. She suggested that the Lake Lure Police patrol this road more often based on the complaints about individuals violating traffic laws.

Town Manager Place stated based on comments from town staff members, he does not recommend changing the entire street to a two-way street.

Mayor Proctor acknowledged letters received from citizens concerning the request to change Tryon Bay Circle street. He mentioned the majority of the citizens were not in favor of the proposed change. (Copies of letters received from citizens attached).

A motion was made by Commissioner Cox to come out of the public hearing. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

After discussion, Commissioner Cox made a motion to deny the request to make the entire Tryon Bay Circle a two-way street except for about 125' at the entrance of this street. Also, direct the town manager to have clear directional signs posted on this street. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

Hearing - Appeal from the Decision of the Lake Structures Appeals Board (Case #LSA 03-06 Duffy for Grant)

Mayor Proctor opened the meeting regarding the appeal from the decision of the Lake Structures Appeals Board (case number LSA-03-06 Duffy for Grant). The Mayor said as per the Lake Structures Regulations for the Town of Lake Lure, this is a hearing of record to discuss the decision of the Lake Structures Board for case number LSA-03-06. Mayor Proctor stated that this is a hearing of information only brought up during the Lake Structures Appeals Board meeting to review case number LSA-03-06 and no new evidence will be heard. He also announced that this is not a public hearing.

Next, Zoning Administrator Terri Potts was sworn in by Town Attorney Callahan and was asked to state the findings of fact outlined in the Lake Structures Appeals Board order denying a variance request submitted by Don Duffy for James and Kathleen Grant. (Copy of order attached). Ms. Potts stated that the Lake Structures Appeals for the Town of Lake Lure, held a public hearing on February 24, 2004, to consider case number LSA-03-06, a request submitted by Don Duffy for James and Kathleen Grant for a variance from the requirements of Section 94.05, Design and Construction Standards, of the town code to allow removal of existing boathouse and use the existing footprint which encroaches eleven feet into the side setback and expand a non-conforming boathouse. Ms. Potts stated that the Lake Structures Appeals Board concluded based on the evidence and testimony and findings of fact cited in the order, concluded that there does exist a practical difficulty and hardship not of the applicants own actions which would be addressed by granting of this variance and that said grant would be consistent with the requirements of Section 94.05 of the town code. Ms. Potts said a motion to grant approval was passed by 3 to 2 majority, however, a majority of 4 to 1 is required to grant a variance.

The Mayor invited Don Duffy, who is speaking on behalf of James and Kathleen Grant, and representatives to speak concerning this appeal to come forward, state their name for the record and be sworn in by Town Attorney Callahan. Don Duffy was sworn in by Town Attorney Callahan. Mr. Duffy said that he was representing James and Kathleen Grant in regard to their appeal from the variance hearing. Mr. Duffy summarized what he believed to be the facts of record and stated the basis for Mr. and Mrs. Grant's appeal.

Mary Ann Dotson, Chairperson of the Lake Structures Appeal Board, stated her name for the record and was sworn in by Town Attorney Callahan. Ms. Dotson reported on the basis of the Lake Structures Appeals Board decision.

Mayor Proctor invited Council members to speak regarding this hearing. After discussion, Commissioner McCallum made a motion to close the hearing and Commissioner Cox seconded the motion. The vote of approval was unanimous.

After reviewing the facts presented regarding James and Kathleen Grant's appeal, Commissioner McCallum made a motion to reverse the decision of the Lake Structures Appeal Board and grant a variance as requested by Don Duffy on behalf of James and Kathleen Grant. Commissioner Hullender seconded the motion. Commissioners McCallum and Hullender voted in favor of the motion. Commissioner Cox voted against the motion. Therefore, the motion carried with a vote of 2 to 1.

The Mayor recessed the meeting for a break (five minutes) and then reconvened the meeting.

NEW BUSINESS:

a. Report on Rutherford County Comprehensive Plan

Chuck Nance, Senior Planner of Isothermal Planning Development Commission, gave a brief report about the Rutherford County Comprehensive Recreation Plan. Mr. Nance offered Lake Lure the chance to become involved with the planning process, and to be a specific part of the Rutherford County Comprehensive Recreation Plan. The cost to each municipality participating would be less than \$5,000. Mr. Nance said he will report back to Town Council with exact figures at a later date. (Copy of letter dated February 4, 2004 attached).

Commissioner Cox suggested that Mr. Nance consider asking the Village of Chimney Rock to participate with the Rutherford County Comprehensive Recreation Plan.

NEW BUSINESS:

b. Request from Kim Hollifield on Behalf of the Employees' Credit Union to Lease Town Property for an ATM Machine

Kim Hollifield presented a proposal on behalf of the Employees' Credit Union to lease town property for an ATM machine. (Copy of letters dated January 12, 2004 and February 18, 2001).

Town Manager Place reviewed his memorandum dated February 23, 2004 addressed to Town Council regarding the request to lease town property for an ATM machine. (Copy of memorandum attached).

After discussion, Commissioner McCallum made a motion to authorize the town manager and the town attorney to draft a lease and publish a notice in the newspaper announcing that Town Council will consider a resolution at the next regular meeting on April 13, 2004, at 7:00 p.m. or thereafter, authorizing the lease of town property (a 20' by 40' portion of lot located adjacent to the parking lot within Morse Park. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

c. Request from Gisela Hopke for the Town to Grant Her an Easement on Town Property for a Driveway

Gisela Hopke asked Town Council to consider her request for the town to grant her an easement on town property for a driveway. (Copy of letter dated February 25, 2004 and preliminary site plan drawing attached).

After discussion, Commissioner McCallum made a motion to approve Gisela Hopke's request for the town to grant her an easement on town property for a driveway as presented in her proposal contingent upon Ms. Hopke maintaining the road at her expense, paying for all legal fees and cost of preparing a meets and bounds survey. Commissioner Cox seconded the motion and the vote of approval was unanimous.

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Ms. Hopke asked for permission to burn some of the trees. Town Council requested that town manager be authorized to follow up on her request.

NEW BUSINESS:

d. Review Rental Fees for Grassy Area Adjacent to the Lake Lure Community Center Referred to as Morse Park Meadows

Town Manager Place read into the record a memorandum dated February 19, 2004, from Linda Ward, Customer Service Supervisor, regarding rental fees for the grassy area adjacent to the Lake Lure Community Center referred to as Morse Park Meadows.

After review, Commission Hullender made a motion to revise the permit fees for use of the Lake Lure Community Center, Pavillion, use of grassy area adjacent to the Community Center referred to as Morse Park Meadows and the Community Hall in the Municipal Center as follows:

1. Increase the Pavillion rental fee from \$100 to \$150 for more than 4 hours, and/or all day.
2. Increase the Community Hall rental fee from \$85.00 to \$100 per day (in excess of 4 hours). Monday through Friday (holidays excepted), 9:00 a.m. until 4:00 p.m.
3. Increase the Community Hall rental fee from \$85.00 to \$100 for the evening or any fraction thereof. Monday through Friday (holidays excepted), 5:00 p.m. until 9:00 p.m.
4. Increase the Community Hall rental fee from \$100 to \$150.00 per day (in excess of 4 hours). Weekends, 9:30 a.m. until 9:00 p.m.
5. Increase the Community Hall rental fee from \$100 to \$150 for all day (including after 4:00 p.m.). Friday.
6. Deposits will be non refundable for cancellations

Commissioner Cox seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

e. Request from Pat Buede on Behalf of the GORGE-US Group of Hickory Nut Gorge Regarding Rental Fees for use of the Lake Lure Municipal Community Hall to Hold Their Monthly Meetings

Town Manager Place read into the record a letter received from Pat Buede on behalf of the GORGE-US Group of Hickory Nut Gorge asking for continual monthly rental of the Community Hall in the Municipal Center at a reduced rate. (Copy of letter dated February 27, 2004 attached).

After discussion, Commissioner Cox made a motion to: (1) deny the request from Pat Buede on behalf of the GORGE-US Group of Hickory Nut Gorge asking for continual monthly rental of the Community Hall in the Municipal Center at a reduced rate, (2) establish a policy for not renting

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the community hall facility on a continual monthly basis and prohibit advanced booking for rentals for more than a 12 month period. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

f. Adopt Resolution No. 04-03-09 Supporting the Rutherford Realize Program

After review, Commissioner Cox made a motion to adopt Resolution No. 04-03-09 as presented. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

**RESOLUTION NO. 04-03-09 RECOMMENDING
AND SUPPORTING REALIZE RUTHERFORD**

WHEREAS, Realize Rutherford identifies the future desired by Rutherford County residents; and

WHEREAS, Realize Rutherford's vision will have supportive growth and development of existing businesses and will have competitive economic development programs that attract quality businesses, improve productivity and provide opportunities for all residents; and

WHEREAS, Realize Rutherford's vision will have stimulating education and training for all county residents integrated with economic opportunities and cultural values; and

WHEREAS, Realize Rutherford's vision will have a coordinated countywide system of activities and services to enhance the physical, mental, emotional, creative and spiritual quality of life of all residents; and

WHEREAS, Realize Rutherford's vision will have comprehensive infrastructure that will improve transportation, water, sewer, housing, telecommunications and the environment in a way that is supported by people of Rutherford County; and

WHEREAS, Realize Rutherford's vision will have governments that will be unified while serving the best interest and needs of its citizens; and

WHEREAS, Realize Rutherford's vision will have creative and committed private sector leadership.

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

- (A) That this Council supports the concept of Realize Rutherford.
- (B) That this Council supports becoming a vision partner committed to making an individual strategy a reality.
- (C) That this Council becomes a supporter of the vision process by endorsing the strategic plan.

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(D) That this Council recognized that a vision partner will: adopt strategies; form strategic action teams where appropriate; create strategy benchmarks; develop action steps to accomplish the strategy and meet the benchmarks with realistic deadlines; provide funding and resources to implement action steps; and generate progress reports.

(E) That this resolution is effective upon its adoption.

Adopted this 9th day of March, 2004.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Jim Proctor
Mayor

STAFF REPORTS

Town Manager Place reported on the following:

1. The Rural Center has approved the town's request for a \$40,000 Capacity Building Grant to be used to update and revise the town's 201 Facilities Plan. This plan is an inventory and analysis of our utilities systems and is the basis for all our utilities grants. It is a requirement to receive the multi-million dollar water system improvement grant/loan that was approved last year.
2. Mr. Place said that John Orsillo of McGill Associates reported on the status of the water system project, a copy of which has been distributed for Council's information. In an effort to "fast track" the process to accommodate the schedule for Ingles, they are dividing the project into three segments that will run simultaneously: the wells, the tank and the water lines. They are preparing to solicit bids next week for the well drilling as they finalize the water line design and continue the engineering design for the elevated tank. Because of the built in delays inherent in the state grant process, the final completion of the entire project will not be until April 2005, however Ingles will be able to connect by October of this year. In all, this project will repair and replace 5 miles of existing water lines, construct 2 miles of new water mains, provide three new wells, construct a new elevated water storage tank and add the control mechanism to integrate the Lake Lure and Chimney Rock water systems. It will not only bring our current water system up to standards, it will provide the needed infrastructure for the Ingles Supermarket and additional development and set the stage for future expansions of the water system.

Mr. Orsillo also reported to Mr. Place that the town needs to front a part of the initial cost of the project to meet the fast track schedule. The wells will probably cost between \$35,000 and \$40,000 and need to be started as soon as possible. Since the town is still working to meet the state's requirements for the actual receipt of the funds, they will probably not be in hand before the wells are finished in May. Mr. Place recommended that Town Council authorize the transfer of \$40,000 from the Water and Sewer Reserve Equity Fund to the Water Division Capital Outlay account for this purpose. The funds are available and the expenditure will be reimbursed from the proceeds of the grant.

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A motion was made by Commissioner McCallum to approve a budget amendment to transfer \$40,000 from the water and sewer reserve equity fund to the water division capital outlay account (#308300.5550 wells) to cover the initial cost of the town's water system project. Commissioner Cox seconded the motion and the vote of approval was unanimous.

3. The town is still making money at the hydro plant. Mr. Place distributed a table developed by him to Town Council. (Copy of table attached). He said in spite of the lake being down and one generator being off-line for an oil pump replacement. At this point in the year, the town is 67% through the budget year and \$65,457 or 136% above our budgeted revenues as amended.

The lake will start back up on March 15, 2004 as discussed last month and should take about 12 to 14 days to return to full pond. Mr. Place said William Grimes plans to shut the plant down on the 15th to bring the level back up and will perform maintenance on the plant while the units are off. Therefore, the town can expect a lower income for that period.

4. Mr. Place said a meeting took place with Russ Pitts and Dale Pennell from McGill Associates to discuss the cabling system planned to operate the dredge. McGill Associates will give the town an idea of what's involved in about two weeks and we hope to have it set up shortly after the lake is restored. Mr. Place said Gulf Atlantic says that they have finished the final repairs and renovations on the dredge and it should be ready to go when the cable system is complete. Mr. Place said a preliminary cost estimate has been received from Streamside Systems for the passive collector we are considering for installation above the area to be dredged. The costs are quite a bit higher than anticipated, particularly for an unproven concept, so the town staff will have more discussions with the manufacturer.
5. Received a letter from the NC DOT advising us that the federal authorization has been approved for the first \$15,000 of the enhancement grant for the pedestrian walkway in the town center area. These funds are for preliminary engineering. The town is still waiting for an OK from the state to use McGill Associates to do that engineering before the town can actually begin.
6. Mr. Place said he has not received any comments from anyone regarding a fitting memorial for the late Hugo Moirano. He asked Tony Hennessee to look into a tree or other object in Morse Park that we can dedicate to his memory. Mr. Place will report the findings next month.
7. Reported on the status fire station.
8. Chuck Nance of IPDC informed Mr. Place that Rutherfordton has agreed to fund their recreation plan portion of the county plan. Mr. Nance appeared before Town Council last month and offered to do the same for us. This would expand on the overall county plan by preparing a Lake Lure citizens survey, a needs assessment, and goals and site-specific implementation strategies for Lake Lure. The cost would be based on an hourly charge, but would not exceed \$5,000. Mr. Nance indicated that the town could budget this for 04/05 rather than the current fiscal year.

COUNCIL COMMENTS

Council members acknowledged and thanked the citizens in the audience for attending this meeting.

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Mayor Proctor recessed the town meeting at 9:50 p.m. in order to call the Lake Lure Marine Commission meeting to order. The Mayor said he would reconvene the regular council meeting immediately following the Lake Lure Marine Commission meeting.

After adjourning the Lake Lure Marine Commission meeting, Mayor Proctor called the regular council meeting back to order at 10:35 p.m.

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 McCallum seconded the motion and the vote of approval was unanimous.

With no further discussion in closed session, Commissioner Cox moved, seconded by Commissioner Hullender, 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.

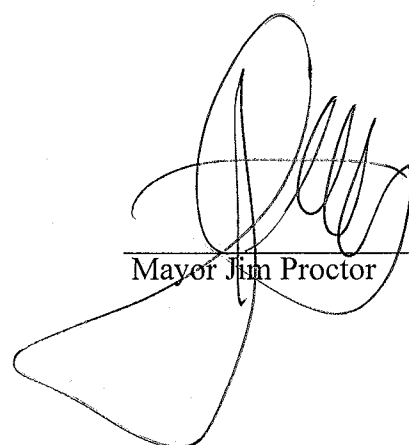
While in closed session, Council members voted to seal the minutes of the closed session meeting in order to avoid frustrating the purpose of the closed session.

ADJOURNMENT

With no further items of discussion, Commissioner Cox made a motion to adjourn the meeting. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

ATTEST:


Mary A. Flack, MMC
Town Clerk


Mayor Jim Proctor