

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL  
HELD TUESDAY, APRIL 13, 2004, 7:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER**

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

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**

Town Attorney Callahan gave the invocation.

**APPROVE AGENDA**

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

**PUBLIC HEARING - RENEWAL OF CABLE FRANCHISE AGREEMENT**

Mayor Proctor opened the public hearing regarding the renewal of the cable franchise agreement between the Town of Lake Lure and Northland Cable Ventures LLC.

David Harris of Custom Communications answered questions pertaining to the renewal of the cable franchise agreement. Mr. Harris recommended that Town Council authorize the mayor to execute the franchise renewal upon decision of council after the public hearing.

Mayor Proctor invited citizens to speak during the public hearing. Ken Jordan, Russell Maze, Sue Forsith, Millie Loud, Lynn Smith, and Susan Harper requested to speak during the hearing about problems with their cable reception and service.

Nick Stover, representative of Northland Cable Ventures LLC answered questions regarding their service. Mr. Stover agreed to follow up on the complaints mentioned by Lake Lure citizens

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regarding their cable reception. Mr. Stover agreed to submit an article to be placed in the town's newsletter informing citizens about services provided by Northland Cable and contact numbers for reporting cable service problems.

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

<b>ADOPT ORDINANCE NO. 04-04-13 AMENDING THE CABLE FRANCHISE AGREEMENT WITH NORTHLAND CABLE VENTURES LLC DATED AUGUST 1, 1996 (FIRST READING)</b>
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A motion was made by Commissioner Cox to adopt Ordinance No. 04-04-13 as presented. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

### **ORDINANCE NO. 04-04-13**

#### **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 Cable Ventures LLC ("Northland") on August 1, 1996; and

**WHEREAS**, Northland has requested a five year extension of the current Franchise Agreement under the provision of Section 4. Franchise Term and Extension of the current Franchise Agreement; and

**WHEREAS**, Section 4 of the current Franchise Agreement requires that the Council conduct a full, open and public hearing prior to any modification of the Franchise; and

**WHEREAS**, the Town Council conducted said public hearing on April 13, 2004; and

**WHEREAS**, the Town Council is satisfied that Northland has met the obligations of the current Franchise Agreement;

**NOW THEREFORE**, the Town Council of the Town of Lake Lure doth amend the Franchise as follows:

**"Section 4.** Franchise Term and Extension is amended by adding the following: (c) The expiration date of this Franchise Agreement shall be July 23, 2011."

Effective this the 11<sup>th</sup> day of May, 2004 after having been read and adopted at a first reading on April 13, 2004 and a second reading on May 11, 2004.

ATTEST:

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Mary A. Flack, MMC  
Town Clerk

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Jim Proctor  
Mayor

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Approved as to form and legal sufficiency:

\_\_\_\_\_  
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 to extend the expiration date to July 23, 2011.

By: \_\_\_\_\_  
Name and Title

Date: \_\_\_\_\_

Notary Certification:

<b>PUBLIC HEARING - REGARDING A REQUEST FROM HARRY THAL TO CLOSE GENE STRATTON PORTER STREET</b>
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Mayor Proctor opened the public hearing to receive citizen comments regarding a request from Harry Thal to close Gene Stratton Porter Street.

Town Manger Place read into the record a letter received from Harry Thal dated January 16, 2004 asking town council members to close Gene Stratton Porter Street. (Copy of letter attached). In addition, Mr. Place read into the record his memorandum of April 13, 2004 pertaining to Mr. Thal's request. (Copy of memorandum attached). Mr. Place informed council members that Mr. Thal could not attend this meeting and asked him to speak on his behalf.

Commissioner Watkins said he had received a phone call from Mr. Carlos Caulder requesting that Mr. Watkins speak on his behalf. Mr. Caulder informed Mr. Watkins that he did not have a problem with Mr. Thal's request as long as he had access to his property.

A motion was made by Commissioner Cox to close the public hearing. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

<b>CONSIDER RESOLUTION NO. 04-04-13 ORDER TO CLOSE GENE STRATTON PORTER STREET</b>
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After discussion, council members agreed to table the adoption of Resolution No. 04-04-13 an order to close Gene Stratton Porter Street for further consideration at a later date to be announced and authorize the town manager to contact Mr. Harry Thal regarding reimbursement costs to the town pertaining to the street closing proposal.

<b>PUBLIC FORUM</b>
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Mayor Proctor invited the audience to speak on any non-agenda item. Lake Advisory Committee Chairman Bob Washburn introduced George Sherk, D.S., J.D. who gave a brief report regarding lake issues and the town's right to regulate the lake.

<b>CONSENT AGENDA</b>
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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 consent agenda items as presented and Commissioner Hullender seconded the motion. Therefore, the consent agenda, incorporating the following items was unanimously approved:

- a. minutes of March 9, 2004 (regular meeting and closed session); and
- b. budget amendments totaling \$17,000 out of the contingency fund (account #109000.5400) as submitted by the finance director; transferring \$11,500 (golf course maintenance and repair equipment account #106200.1600) to cover the cost to replace a water pump at the Lake Lure golf course and transferring \$5,500 (insurance account #109000.5400) to cover the cost of property insurance. (Copy of memorandum of March 2, 2004 attached).

**End of Consent Agenda**

<b>UNFINISHED BUSINESS:</b>
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<b>a. Consider Resolution No. 04-04-13A Authorizing the Lease of a Portion of Town Property Located Adjacent to the Parking Lot Within Morse Park for an Employees' Credit Union ATM Machine</b>
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Town Manager Place reviewed the proposed lease agreement and Resolution No. 04-04-13A. After discussion, Commissioner Watkins made a motion to adopt Resolution No. 04-04-13A as presented and authorize the mayor to execute the lease agreement for a portion of town property located adjacent to the parking lot within Morse Park for a State Employees' Credit Union ATM machine. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

**Resolution No. 04-04-13A**

**Resolution Authorizing the Lease of Certain Property**

**WHEREAS**, at its regular meeting on the 9<sup>th</sup> day of March 2004, the Town Council of the Town of Lake Lure authorized the town manager and town attorney to draft a lease agreement and publish a notice as required by G.S. 160A-272 in the newspaper at least ten days prior to the April 13, 2004 regular meeting.

**WHEREAS**, public notice of intent of the Town Council and of the time and place of the meeting was published along with a description of the real property and a statement of the lease payments, as required by law; and

**WHEREAS**, at its regular meeting on the 9<sup>th</sup> day March, 2004, the Town Council considered the lease of the property and desires to lease the real property of the town described below;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council that:

- (A) The following described property is hereby declared to be surplus to the needs of the town:

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A 20' by 40' portion of lot located adjacent to the parking lot within Morse Park. This property is identified on the Rutherford County Tax Map 518 as Lot 1E, Block 1, and recorded in the Rutherford Register of Deeds Office, Deed Book 606, Page 749.

- (B) The Mayor and the Town Clerk are hereby authorized to execute a lease agreement to be for no longer than 10 years.
- (C) The lease payment for the real property of the Town of Lake Lure described above will be \$200 per month for the first two year period and increasing by \$25 per month at the beginning of each two year period thereafter.

Adopted this 13<sup>th</sup> day of April, 2004.

ATTEST:

\_\_\_\_\_  
Mary A. Flack, MMC  
Town Clerk

\_\_\_\_\_  
Jim Proctor  
Mayor

AS TO FORM:

\_\_\_\_\_  
J. Christopher Callahan  
Town Attorney

### **UNFINISHED BUSINESS:**

#### **b. Consider Request from Harold and Susan Harper to Purchase Certain Town Property**

Town Manager Place read into the record his memorandum of April 8, 2004 regarding an offer from Harold and Susan Harper to purchase a portion of town property. (Copy of memorandum attached).

After discussion, Commissioner Cox made a motion to deny Harold and Susan Harper's request to purchase part of golf course property owned by the town and not declare this property as surplus at this time. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

### **NEW BUSINESS:**

#### **a. Request from Lynn & Vicki Smith Regarding a "Strut Your Mut" Dog Show and a Vulcan Riders Owners Club Rally Fund Raiser Event**

Lynn Smith answered questions pertaining to his request for approval for a "Strut Your Mut" dog show and a Vulcan Riders Owners Club rally fund raiser event.

A motion was made by Commissioner McCallum to approve the request from Lynn and Vicki Smith for the town to suspend the peddling ordinance in order to sell items on May 15, 2004 during a "Strut Your Mut" dog show to raise funds to go towards the local humane societies and May 19-22, 2004 for a V-ROC (Vulcan Riders Owners Club) rally to raise funds for the Lake Lure

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Youth Center; both events will be held at the Geneva Riverside. Commissioner Cox seconded the motion and the vote of approval was unanimous.

### **NEW BUSINESS:**

#### **b. Request from Ken Jordan to Sponsor a Boat Parade**

Ken Jordan, LakesEdge Realty, asked for approval to sponsor a boat parade in Lake Lure to be held on June 26, 2004 to raise funds for the Lions and Kiwanis Clubs and to generate tourist interest in Lake Lure to benefit merchants.

Commissioner Cox made a motion to suspend the peddling ordinance on June 26, 2004 for a boat parade event contingent upon the Lake Lure Marine Commission approving this event. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

After discussion, council members agreed to discuss Mr. Jordan's request further during the Lake Lure Marine Commission meeting following the council meeting.

### **NEW BUSINESS:**

#### **c. Request from Paula Jordan and Patricia Maringer for the Town to Appoint a Committee to Address Issues Concerning the Cutting of Trees in Lake Lure**

Paula Jordan and Patricia Maringer asked council members to appoint a committee to address issues concerning the cutting of trees in Lake Lure. Mrs. Jordan distributed pictures showing erosion damage as a result of tree cutting in Lake Lure (Copy of letter dated April 8, 2004 and pictures attached).

Council members reported that the Zoning and Planning Board had already been instructed to address the concerns mentioned by Mrs. Jordan and Mrs. Maringer. Council members invited Mrs. Jordan and Mrs. Maringer to attend the next Zoning and Planning Board meeting and share their concerns with this board.

### **NEW BUSINESS:**

#### **d. Request from C. J. Sands on Behalf of the Hickory Nut Gorge Chamber of Commerce to Suspend the Town Alcohol Ordinance in Order to Serve Beer and Wine During an Annual Business Meeting**

After discussion, Commissioner Hullender made a motion to approve a request from C. J. Sands on behalf of the Hickory Nut Gorge Chamber of Commerce to suspend the town alcohol ordinance in order to serve beer and wine during an annual business meeting being held inside the community hall of the Lake Lure Municipal Center on April 21, 2004, from 5:00 p.m. until 7:00 p.m. and waive the community hall fee for this event. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

<b>STAFF REPORTS</b>
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Town Manager Place reported on the following:

1. The Rutherford County Capital Planning and Finance Advisory Committee voted to recommend approval to the Rutherford County Commission for the Town of Lake Lure's application for \$336,678 in grant funds (a 50/50 match) to be used toward the water system improvement project. Mr. Place explained this grant must be approved by the Rutherford County Commission as part of their fiscal year 2004/2005 budget.
2. Mr. Place announced that the draft capital improvements program for fiscal year 2004/2010 is ready for review. He asked Council members to schedule a workshop meeting with town staff members to review the proposed capital improvements program.

After discussion, council members agreed to schedule a special workshop meeting to be held on Tuesday, April 27, 2004, 9:00 a.m., in the council meeting room of the Lake Lure Municipal Center for the purpose of meeting with town staff members to review the draft CIP for fiscal year 2004-2010.

3. Bids were opened recently, for two wells that will serve a new tank located on U. S. Highway 9. Mr. Place said the town had already set aside \$40,000 for part of this project. He said the town received one invalid bid and three valid bids. Camp Well Drilling submitted the lowest bid of \$33,600. The second lowest bid was \$33,910 and the highest bid was over \$44,000. McGill Associates will prepare the final bid tabulation and send the results to DENR for state approval.
4. Mr. Place said the lake is back to full pond at this time. He mentioned that Hydro Plant Operator William Grimes has completed both the scheduled and unscheduled maintenance repairs at the hydro plant while the lake was down. Revenues from the hydro plant operation was lower as of March, 2004. Mr. Place said although revenues was down as of March, the revenue for this fiscal year is \$245,457 at this time which exceeds the budget projections.
5. Russel Pitts met with Dale Pennell of McGill Associates to talk about the proposed dredge cabling system. Mr. Place said that nothing has been resolved at this point and David Smith of Gulf Atlantic will look at the conceptual plans and report back to the town with his recommendations.
6. The North Carolina Department of Transportation has approved the use of McGill Associates for the town's engineering consultant regarding the pedestrian walkway project. Mr. Place said the design is underway at this time and he has received notice that the town's application period for the next phase of this project is here.
7. Mr. Place said the big hole in front of Dr. Steve Stewart's house on Memorial Highway will finally be fixed. Dr. Stewart has been working with the North Carolina Department of Transportation to engineer a new drop inlet to replace the one damaged when his drainage pipe failed. Mr. Place said he had just received a copy of the approved encroachment agreement.
8. Mr. Place said he had received a request from Lake Lure Tours to install a high tech version of an outhouse in the vicinity of the "skipper's shack" by the tour boat dock. He said there is a shortage of public restrooms. Mr. Place stated that the town needs to provide permanent

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public restroom facilities for the public spaces near the park and docks. He suggested at this time, that the town contract for four temporary, portable units to be placed at the end of the paved area and enclose them with a temporary fence to improve the aesthetics of the units.

After discussion, Council members agreed to authorize the town manager to contract for four temporary portable units to be placed at the end of the paved area as suggested by Mr. Place.

9. The town received a gift of \$25,000 from the Maria Vegh Wyatt foundation earmarked for the Lake Lure Youth Center. Mr. Place said he is looking into the cost of the construction of a new basketball court to replace the slab of concrete next to the community center. He publicly thanked the trustees of the foundation for their generous gift.
10. Chuck Nance of Isothermal Planning Development Commission informed Mr. Place that Rutherfordton has agreed to fund their recreation plan portion of the county plan. Mr. Place said that Mr. Nance appeared before town council last month and offered to do the same for the Town of Lake Lure. He said 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 Lake Lure could budget this for fiscal year 2004/2005 rather than the current fiscal year. After discussion, council members agreed to budget for Lake Lure's portion to fund a recreation plan as suggested by Mr. Nance.

Mr. Place agreed to talk to Mayor O'Leary about the Village of Chimney Rock participating with funding a portion of the recreation plan.
11. Mr. Place said he would be attending a North Carolina League of Municipalities regional meeting on April 20, 2004 in Canton with Mayor Proctor and Commissioner McCallum. Mr. Place invited other council members to attend this meeting.
12. Announced that the town's new fire boat has arrived. He said the boat still needs the A/C unit installed, but should be on the water this coming weekend or shortly thereafter. Mr. Place said all of the operators of this boat will get several hours of training.

<b>COUNCIL COMMENTS</b>
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Commissioner Cox gave a brief report about the condition of the Lake Lure Municipal golf course. He complimented Golf Course Manager Chris Shute for doing a good job on the appearance of the golf course.

Commissioner McCallum requested that Hal Hermann, Chairman of the parks and recreation committee be contacted about resigning his position on this committee due to his lack of attendance and appoint someone else to fill his position.

Commissioner Watkins gave a brief report on activities and recommendations of the Lake Advisory Committee.



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<b>ADJOURNMENT</b>
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With no further items of discussion, Commissioner Cox made a motion to adjourn the meeting at 9:05 p.m.. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

ATTEST:

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Mary A. Flack, MMC  
Town Clerk

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Mayor Jim Proctor