

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

PRESENT: Mayor Jim Proctor
Commissioner Blaine Cox
Commissioner Chuck Watkins

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

ABSENT: Commissioner Lea Hullender
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 THE AGENDA

After discussion, Commissioner Cox made a motion to approve the agenda as amended by removing item 7b. request from Collin Brown on behalf of Mike McPherson, Tom Dixon, and Faye Dixon regarding a boathouse dispute and tabling this item until the next regular town council meeting being held August 10, 2004. Commissioner Watkins seconded the motion and the vote of approval was unanimous. Collin Brown furnished a letter dated July 13, 2004 to town council asking that his item on the agenda be tabled until the next town council meeting. (Copy of Mr. Brown's letter attached).

PUBLIC FORUM

Mayor Proctor invited the audience to speak on any non-agenda item. Karen Van Sickler, resident of Buffalo Shoals road, reported the problem of amplified music outdoors at Lake Lure

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Golf and Beach Resort disturbing her and other adjacent residents. Mrs. Van Sickler furnished a petition to Town Council asking them to eliminate amplified music outdoors at the Lake Lure Golf and Beach Resort. In addition, Mrs. Van Sickler distributed copies of her letters dated June 23, 2004 and July 9, 2004 addressed to Town Council detailing her complaint and a copy of a newspaper article regarding the City of High Point's proposed changes to their noise ordinance making it illegal for loud music to be heard 30 feet or more away from a private home, motel or hotel. (Copy of letters, newspaper article, and petition attached). Mayor Proctor informed Mrs. Van Sickler that the town was reviewing other town's regulations and exploring the metering of loud noise. Commissioner Cox stated that it is difficult to enforce the problem of noise and he expressed his sympathy regarding this matter. Commissioner Watkins suggested that Mrs. Van Sickler report her complaint to the Lake Lure Golf and Beach Resort POA board members and Mrs. Van Sickler said she would forward her letters to them. Town Manager Place said he would send a letter to the CEO of Lake Lure Golf and Beach Resort informing them about the complaints and violation of their permit. Mr. Place said if the Lake Lure Golf and Beach Resort failed to comply with the town's permit, there would be a \$50.00 fine. He said this violation was considered a civil matter rather than a misdemeanor.

Tommy Hartzog, resident of Bolt Road, asked for the town to help assist with an application for grant monies to develop trails for hiking, biking, jogging, and walkers. Commissioner Cox mentioned that the Realize Rutherford Program develops grants for these type projects. Mayor Proctor asked the town manager to get the town's engineer to look into this project. Town Manager Place agreed to contact the town's engineer regarding Mr. Hartzog's request and he will report back to town council his findings.

Gene Propost, resident of North Shore Drive, reported a problem of boating activities of certain renters creating wake problems on the lake in the North Shore Drive area and asked town council members to look into this matter.

CONSENT AGENDA

Mayor Proctor presented the consent agenda and asked if any item should be removed before calling for action.

Commissioner Watkins moved, seconded by Commissioner Cox, to approve the consent agenda items as presented. Therefore, the consent agenda, incorporating the following items was unanimously approved:

- a. minutes of June 8, 2004 (regular meeting and closed session);
- b. request from E. Charles Watkins to suspend the town alcohol ordinance in order to serve beer and wine during a 50th wedding anniversary party inside the Community Hall of the Lake Lure Municipal Center on August 14, 2004, from 5:00 p.m. until 8:00 p.m.; and

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- c. fabric structure permit for the Pediatric Brain Tumor Foundation “Ride for Kids” fund raiser event.

End of Consent Agenda.

NEW BUSINESS:

- a. Consider Request from John A. Kampe on Behalf of the Hickory Nut Gorge Chamber of Commerce to Suspend the Town Alcohol Ordinance in Order to Serve Beer and Wine During a “Business After Hours” Meeting on Town Property Adjacent to the Arcade Building on July 20, 2004, from 5:00 p.m. until 8:00 p.m.**

After discussion, Commissioner Cox made a motion to approve a request from John A. Kampe on behalf of the Hickory Nut Gorge Chamber of Commerce to close a portion of town street temporarily for a “Business After Hours” meeting being held at the Lake Lure Arcade Building and suspend the town alcohol ordinance in order to serve beer and wine during this meeting on July 20, 2004, from 5:30 p.m. until 8:00 p.m. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

- b. Consider Budget Amendment to Transfer Funds into the Sewer Fund for Extending a Sewer Line to an Existing Manhole on Harris Road**

Town Manager Place read into the record his memorandum dated July 7, 2004 regarding a new sewer line. (Copy of Mr. Place’s memorandum attached). Finance Director Sam Karr also furnished a memorandum dated July 7, 2004 requesting a budget amendment for extending a sewer line to an existing manhole on Harris Road. (Copy of Mr. Karr’s memorandum attached).

After discussion, Commissioner Cox made a motion to approve a budget amendment to transfer \$40,000.00 from the water/sewer fund equity to the sewer department’s line item #308200.5300 (**Sewer Extension/Harris Road**) for extending a sewer line to an existing manhole on Harris Road. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

- c. Board Appointments - Board of Adjustment/Lake Structures Appeals Board, and Parks/Recreation Board**

Town Manager Place read into the record his memorandum dated June 28, 2004 regarding the Parks and Recreation Board. (Copy of Mr. Place’s memorandum attached). Mr. Place stated

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that according to Chuck Nance of Isothermal Planning and Development Commission, the recreation study and survey should commence in the near future. Mr. Nance has requested that the Lake Lure Parks and Recreation Board participate in this activity. Mr. Place informed Council members that this committee has not met in over a year due to the inactivity of it's chairman, Hal Hermann. Mr. Place said he has been unable to reach Mr. Hermann. Mr. Hermann's phone has been disconnected and he has not left a forwarding address. Mr. Place recommended that town council remove Mr. Hermann from the Parks and Recreation Board and appoint someone to fill his position on this board immediately. Mr. Place said he will schedule a meeting as soon as this position has been filled to set up a re-organizational meeting to elect a new chairman and invite Mr. Nance to address the group. (Copy of Mr. Place's memorandum attached). Mr. Place requested that Town Council appoint someone to fill Scott Salik's position on the Board of Adjustment/Lake Structures Board as alternate member. Mr. Salik resigned his position on this board.

After discussion, Commissioner Wakins made a motion to remove Hal Hermann from the Lake Lure Parks and Recreation Board effective immediately and appoint Paula S. Jorden to fill this position with a term expiring December 31, 2004. Commissioner Cox seconded the motion and the vote of approval was unanimous.

A motion was made by Commissioner Cox to appoint Nancy McNary to serve as alternate board member on the Board of Adjustment/Lake Structures Board to fill Scott Salik's position with a term expiring December 31, 2004. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

d. Consider Amendment to the Pay and Classification Plan to Create Positions of Codes Administrator and Assistant Zoning Administrator

Town Manager Place read into the record his memorandum dated July 9, 2004 regarding an amendment to the pay and classification plan to create positions of Codes Administrator, Assistant Zoning Administrator and Erosion Control Officer. (Copy of Mr. Place's memorandum attached).

After discussion, Council members agreed to table action on the proposed amendment to the pay and classification plan to create positions of codes administrator and assistant zoning administrator until the next town meeting when all council members could be present to make a decision on this matter.

STAFF REPORTS

Town Manager Place reported on the following:

1. The sewer plant improvements using the STAG funds are finally underway after 3 ½ years

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of waiting and delays. Mr. Place said the initial pre-design meeting with McGill Associates was held on June 29, 2004. The current schedule lists a 30% design review in August, 2004, the 90% design review in November, 2004 and submission of the "authorization to construct" request for regulatory review in January, 2005. Construction will start sometime in the spring of 2005. Mr. Place said the town will be contracting with McGill Associates for a survey of the entire site, particularly the boundaries and highway right-of-way. He said this should be completed in about another week.

2. Camp Well and Pump Company drilled both wells at the Island Creek Road site. Both came in with less volume than what was expected, but they did reach water. Both wells measured about 30 gallons per minute, but they should increase to about 50 gallons per minute when they are bored to their full 8" diameter sometime next week. Mr. Place said he met with David Odom about the site for the third well. Mr. Place said he will be looking at the entrance to the new Highlands Estates subdivision. He said Mr. Odom and his partners will let the town use the property at no cost, if it proves feasible for a well site. The town engineers are happy with this location and Mr. Place expects a visit from the state inspector later this week to confirm that it meets their requirements for a public water well.
3. Mr. David Odom has finished his report regarding alternatives for expanding service to the sewer system. Mr. Place distributed copies of this report for council members to review.
4. The sewer system for the Ingles project is moving right along. Mr. Place said he had several meetings with Tom Alexander, representing the Taylor and Murphy Construction Company who will be building the new sewer line from the Ingles store to the lake shore. Their intent is to connect to the town's system at the manhole under the dock at Larkin's on the Lake. Mr. Place explained their original proposal was to run the line down the west side of U.S. Highway NC 9 and cross under U.S. 64/74A along the Kiwanis Park parcel, down the center of Larkin's parking lot and around the restaurant to the manhole. Mr. Place said after speaking with Tom and Myron Stepp regarding construction alternatives and Mark Hammond about the impacts on his business and obstacles encountered near the building, he concluded that it would be much easier to run the line along the shore and under the docks. Mr. Place said this would require drawing the lake level down for about two weeks. Mr. Place said he prefers this alternate because the line will be turned over to the town and he is not in favor of owning a line and several manholes under a private parking lot. Mr. Place said if the town starts lowering the lake level immediately after the New Year's holiday, it should be down to the required 4' level within two weeks and remain down another two weeks for construction (depending on weather). Mr. Place said it would take approximately two weeks to return the lake level to full pond. He said the lake should be back up by Valentine's Day.

After discussion, Commissioner Cox made a motion to lower the lake level starting January 1, 2005 by 4' and return lake level to full pond by February 14, 2005 for the purpose of installing a new sewer line as recommended by the town manager. Commissioner Watkins

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seconded the motion and the vote of approval was unanimous.

5. Mr. Place said that Russel Pitts has indicated to him that within a month he anticipates to begin dredging on a limited scale. A flexible pipe system has been recently ordered and Mr. Pitts plans to use the mud anchors for now.

Mr. Place said he would like to consider dredging the marina area at the Lake Lure Golf and Beach Resort this winter. Mr. Place said Mr. Pitts indicated to him that the town may be able to use the town's dredge for this purpose. Mr. Place stated that he plans to call Lake Norman Dredging Company for a quote to be on the safe side. Mr. Place said the real problem will be where to place the spoil material regardless of who does the work.

6. Mr. Place said he will be exploring the Streamside Systems approach to removing sediment and sand (the passive collector that the town looked at a couple of years ago). Mr. Place explained that they have a lot more experience now and it may be worth the town's while to talk to them again. He said they propose a two week test in the river with a small 2' collector to gauge the quality and quantity of material to be captured. Mr. Place will coordinate this with Russel Pitts and report any findings.

7. Mr. Place has received a request from Ron Kistler, the owner of the shopping plaza where the Carolina First Bank is located, asking the town to furnish a street light behind his building on Harris Road. Mr. Place explained that Mr. Kistler's building has had two break-ins within the past two years behind this same building and would like a street light for security purpose. Mr. Kistler has removed most of the vegetation from behind this building for this street light. Mr. Place said the finance director estimates the cost of this street light to be about \$60 to \$70 per year.

Council members agreed to authorize the town manager to proceed with installing a street light on Harris Road.

8. Mr. Place said he has received a letter from Paul Everhart and David Ray offering \$4,000 to purchase a single town-owned lot (R-1 zoned, 9,435 sq. ft.) across the road from the ninth hole at the corner of Charlotte Drive and Pleasant Circle. Mr. Place recommended that Town Council request a review by the Lake Lure Golf Course Advisory Committee to determine if this particular lot is needed to support the golf course before declaring it surplus and offering it for sale. Mr. Place said if the Lake Lure Golf Course has no need for this parcel, he recommends that Town Council declare this certain property surplus. Mr. Place mentioned to town council members that they would need to decide if they would like to have this particular lot appraised or accept the offer as submitted.

Council members agreed to request a review by the Lake Lure Golf Course Advisory Committee to determine if the lot is needed to support the golf course before declaring it surplus and offering it for sale.

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9. The new basketball court is currently under construction and should be finished before the end of this month. Mr. Place said this project is being funded by the generous donation from the Maria Vegh Wyatt Trust.
10. Mr. Place said he reported two months ago that the owner of the proposed LaStrada restaurant had written to say that he “has every intention to continue this project as early as next week.” The next week, Mr. Place received another letter indicating that he planned to do nothing on site until sometime next year. Mr. Place mentioned that just recently he was informed that construction would start soon. Mr. Place said they have a new sign up at this time and he will keep council members updated on the status of this project.
11. The Lake Advisory Committee recommended that the town purchase a new dissolved oxygen meter for the VWIN program. Mr. Place said he has received the specs for the dissolved oxygen meter and the finance director has it on order.
12. Updated council members on the status of back taxes owed being collected by Tax Collector Anita Taylor. He said Mrs. Taylor is working with the Rutherford County tax office to identify names and addresses before sending notices.
13. The new boat ordered for the town hall administration arrived about three weeks ago. Mr. Place plans to put town emblems on it, and equip it with a plug-in staff for a blue light and a removable radio for use as the auxiliary police boat. Mr. Place said the boat came with a boat cover and a standard single Bimini top, but the front half is on order to give it a full top (double Bimini).

COUNCIL COMMENTS

Commissioner Cox commented on the new Ford Explorer police vehicle recently purchased. Town Manager Place said the town received a state contract discount on this vehicle at a reasonable cost.

ADJOURNMENT

With no further items of discussion, Commissioner Cox made a motion to adjourn the meeting at 8:28 p.m. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

ATTEST:

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Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor