

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL  
HELD TUESDAY, FEBRUARY 8, 2005, 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

<b>CALL TO ORDER</b>
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Mayor Proctor called the meeting to order at 7:00 p.m.

<b>INVOCATION</b>
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Town Attorney Callahan gave the invocation.

<b>APPROVE THE AGENDA</b>
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After discussion, Commissioner McCallum made a motion to approve the agenda as presented. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

<b>PUBLIC FORUM</b>
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Mayor Proctor invited the audience to speak on any non-agenda item and the following individuals requested to speak.

1. Chuck Ross, a Lake Lure resident, expressed his concerns about allowing 65 foot height structures on larger PUDs and what a structure like that on the top of "Rumbling Bald Mountain" would do to the beauty of Lake Lure.
2. Gary McCall, a Lake Lure resident, asked for a clarification on allocated funds for silt removal. Mr. McCall suggested that town council consider doing a study on what citizens of Lake Lure want for their community.
3. Jeanine Noble, a Lake Lure resident, expressed her concerns about the town opening itself up for a lawsuit by unscrupulous developers if John Cloud is allowed to proceed with his planned unit development project.

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4. Wiley Bourne, a Lake Lure resident, suggested that the town council seek professional help to address issues of concern with regards to creating regulations for the future of the lake in Lake Lure.
5. Bob Stewart, a Lake Lure resident, suggested that town seek a professional planner to assist with the development of a land use plan.

<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.

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

- a. minutes of January 11, 2005 (regular meeting and closed session);
- b. a request from Lynn & Vicki Smith for the town to suspend the peddling ordinance in order to sell items for the following events to be held: (1) May 4-8, 2005 for a V-ROC (Vulcan Riders Owners Club) rally to raise funds for the Lake Lure youth center; (2) May 21, 2005 for a "Strut Your Mut" dog show to raise funds to go toward the animal compassion network; and (3) September 9-11, 2005 for "I Deserve It Weekend" to raise funds for the Lake Lure youth center. These events will be held at the Geneva Riverside; and
- c. budget amendments for FEMA reimbursements and grants as submitted by the finance director; increased FEMA revenues in the general fund for \$349,142.00 and increased expenditures by \$349,142.00 (breakdown: \$11,736.00 - P.W. - Street Paving, \$31,580.00 - P.W. - M & R Grounds, \$1,069.00 - ADM-M & R BLDG/Grounds, \$1,210.00 - Golf Course - M & R Grounds, and \$303,547.00 - Silt Removal); increased hydro-electric revenues by \$5,211.00 and increased expenditures by \$5,211.00 (breakdown: \$1,180.00 - M & R - Dam House and \$4,031.00 - M & R - BLDG/Grounds); transferred \$4,100.00 from Sale of Assets account #103310.0800 to P.W. Department account #105600.1510 M & R/Grounds. (Copy of memorandums from the finance director dated February 3, & 4, 2005 are attached).

### **End of Consent Agenda**

<b>UNFINISHED BUSINESS:</b>
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<b>a. Schedule a Joint Workshop Meeting with the Zoning and Planning Board</b>
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After discussion, Commissioner Cox made a motion to schedule a joint workshop meeting with the zoning and planning board to be held on Tuesday, February 15, 2005, at 9:30 a.m. in the town council meeting room of the Lake Lure Municipal Center for the purpose of reviewing the current planned unit development ordinance, proposed changes, and focus on PUD problems. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

**UNFINISHED BUSINESS:**

**b. Schedule a Special Town Council Meeting**

After discussion, Commissioner Hullender made a motion to schedule a special town council meeting to be held on Tuesday, February 15, 2005, at 1:00 p.m. in the town council meeting room of the Lake Lure Municipal Center for the purpose of considering the proposed ordinance imposing a moratorium on sections of the Town of Lake Lure zoning regulations that regulate planned unit developments. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

**NEW BUSINESS:**

**a. Consider a Request from Edwin Haskell on Behalf of Anne Brown Blackwell Regarding a Quitclaim Interest in Property Located in Tryon Bay Cove**

Town Attorney Callahan presented the request from Edwin Haskell on behalf of Anne Blackwell regarding a quitclaim interest in property located in Tryon Bay Cove. (Copy of letter from Edwin Haskell dated December 14, 2004 and survey are attached).

Attorney Callahan stated that he did not have a problem with town council allowing the quitclaim to be made.

Town Manager Place said he had examined Mr. Haskell's letter requesting a quitclaim interest in property located in Tryon Bay Cove. Mr. Place said he does not believe that this particular land should be considered as part of the lake and the land has no value to the town, considering its shape, size and the existence of the Blackwell house on the majority of it.

Mary Ann Dotson briefed council members on the background of the Blackwell house.

After discussion, Commissioner Cox made a motion to approve the request from Edwin Haskell on behalf of Anne Brown Blackwell to grant a quitclaim deed for certain property located in Tryon Bay Cove according to the survey submitted by Mr. Haskell. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

**NEW BUSINESS:**

**b. Consider Lifting the Moratorium Restriction for the Delayed Harvest of Fish to be Caught in Lake Lure**

A motion was made by Commissioner Cox to lift the moratorium restriction on the harvest of fish to be caught in Lake Lure effective on Wednesday, February 9, 2005. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

**STAFF REPORTS**

Town Manager Place reported on the following:

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1. Update on new sewer manholes project. Mr. Place said Stepp Construction, Inc. has completed their work on the new sewer manholes placed adjacent to the shoreline at Larkin's restaurant and had rebuilt Larkin's docks. Mr. Place explained the agreement between the town and the owners of Larkin's stated that they would end up with the same number of slips as they had prior to construction of the manholes. Mr. Place said because the new manholes occupied two of the old slips, a new pier was constructed to provide the two replacement slips.
2. Mr. Place said William Grimes, Wastewater Plant Operator, informed him that as the lake level rose toward full pond, there was an increase in the water inflow at the wastewater treatment plant. Mr. Place explained that this was due to a substantial leak in the sewer system that was allowing lake water to flow through the wastewater treatment plant. Mr. Grimes had discovered that an 8" line in Tryon Bay Cove had broken loose from a manhole and was the source of the inflow at the plant. The contractor who installed this line has been notified that he is responsible for repairing this sewer line. Mr. Place said Mr. Grimes anticipates this repair to be fixed on or before the lake level has been returned to full pond by the 14<sup>th</sup> of this month.
3. Mr. Place said the town earned just over \$51,000.00 from generated hydro-electric power last month. He explained that this was the fourth highest payment received during the past four years bringing the total received for this fiscal year to \$243,226.00. The revenue projected for this fiscal year was \$180,000. Mr. Place said the town lowered the lake last month which increased the hydro-electric power generated for that month.
4. Status on the silt removal project. Lake Norman Dredging has also submitted a maintenance project proposal for the river. Mr. Place said FEMA requires the town to seek a minimum of three bids if possible for the lake project.
5. Status on wastewater treatment plant improvements (under the Stag funding program). Mr. Place said a meeting took place with representatives from McGill Associates two weeks ago to discuss means of accelerating the design and approval process for the wastewater treatment plant improvements. Mr. Place said there was discussion on ways to improve the solids removal process, as well as, the logistics of this project to ensure that the town would not be offline during the reconstruction. Mr. Place mentioned that the original engineer assigned to this project by McGill Associates has left their firm. McGill Associates has reassigned this project to another staff member who has been with their firm for over five years and is familiar with this project.
6. Fire Coordinator Ron Morgan has hired Randy Hardin for the assistant fire coordinator's position. Mr. Place said Mr. Hardin is well experienced for this position and has worked for the Rutherfordton Fire Department for several years.
7. Update on the tree replacement project. Mr. Place said new trees will be planted this spring around the town's beach and picnic area replacing those removed because of disease and infirmities caused by improper pruning over the years.

<b>COUNCIL COMMENTS</b>
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Council members agreed to tentatively schedule a joint workshop meeting with the Lake

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Advisory Committee to be held on Wednesday, March 16, 2005, at 9:30 a.m. in the town council meeting room of the Lake Lure Municipal Center.

The mayor recessed the meeting at 8:00 p.m. for a break and reconvened the meeting at 8:15 p.m.

### **CLOSED SESSION**

A motion was made by Commissioner McCallum to enter into the closed session meeting to: (1) discuss legal matters and attorney client privilege pursuant to G.S. 143-318.11(a)(3) and (2) review employment contract and discuss personnel matters pursuant to G.S. 143-318.11(a)(5 & 6). Commissioner Hullender seconded the motion and 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.

With no further items of discussion in closed session, Commissioner Cox made a motion to come out of the closed session meeting at 9:30 p.m. and re-enter the regular session of the town council meeting. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

A motion was made by Commissioner Cox to amend the budget retroactive January 1, 2005 to increase the town manager's base salary by \$3,000.00 totaling \$64,750.00 and increase the town manager's in-town travel mileage allowance per year by \$1,200.00 totaling \$3,600.00. Also, allow the town manager to continue combining his in-town travel allowance with his annual salary base. Adjust the budget for one-half of the current fiscal year, transferring \$2,500.00 (breakdown: salary \$2,100.00, FICA \$161.00, retirement \$101.00, 401(k) \$105.00 and insurance \$33.00) from the contingency fund account #10-9100.1000 to administration. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

### **ADJOURNMENT**

With no further items of discussion, Commissioner Cox made a motion to adjourn the meeting at 9:35 p.m. Commissioner McCallum 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