

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, APRIL 11, 2006, 7:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER**

PRESENT: Mayor Jim Proctor
Commissioner Dick McCallum
Commissioner Jeanine Noble
Commissioner Russ Pitts
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 THE AGENDA

After discussion, Commissioner McCallum made a motion to approve the agenda as amended by removing item under new business as 8c (consider proposed Ordinance No. 06-04-11 amending the Lake Structure Regulations, Title IX, Chapter 94) and adding an item under new business as 8f. (consider Resolution No. 06-04-11A allowing town employees to participate in the North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan referred to as PPO Smart Choice Plus). Commissioner Watkins seconded the motion and the vote of approval was unanimous.

PUBLIC FORUM

Mayor Proctor invited the audience to speak on any non-agenda item. Bill Beason asked Council members to consider implementing impacts fees. After discussion, Council members directed the town manager to get cost estimates for a consultant to do a study regarding implementing impact fees for the Town of Lake Lure.

COMMITTEE REPORTS

Commissioner Watkins reported on the activities of the Board of Adjustment/Lake Structures Appeals Board.

Commissioner Noble reported on the activities of the Golf Course Committee and the Parks and Recreation Board. Ed Ditmer was appointed by the Parks and Recreation Board as their Chairman.

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Commissioner Pitts reported on the activities of the Lake Advisory Committee.

Commissioner McCallum reported on the activities of the Lake Lure ABC Board and Zoning/Planning Board.

CONSENT AGENDA

Mayor Proctor presented the consent agenda and asked if any item should be removed before calling for action. Commissioner McCallum moved, seconded by Commissioner Noble, to approve the consent agenda items as presented. Therefore, the consent agenda, incorporating the following items was unanimously approved:

- a. minutes of March 14, 2006 (regular meeting and closed session);
- b. a request from Beverly Bradigan and Lin Reed for the hospitalized veteran patients at the Veterans Affairs Medical Center at Asheville, North Carolina to suspend the town's regulations prohibiting fishing from the dock behind town hall for a disabled veteran's fishing tournament being held on Saturday, May 20, 2006;
- c. a request from B. Steve Philbeck on behalf of the Star Touring and Riding Chapter 236 of Hendersonville to suspend the town's peddling ordinance in order to sell apparel and refreshments on town property (meadows area) during their second annual "Ride to Feed the Kids Poker Run" event being held on Sunday, May 21, 2006, contingent the time for this event being determined by the town administration;
- d. a request from Kevin and Wendy McEntyre to suspend the town's alcohol ordinance in order to serve beer and wine during a wedding reception inside the community hall of the Lake Lure Municipal Center on Sunday, June 11, 2006, from 2:00 p.m. until 6:00 p.m.;
- e. a request from Jim Formichella on behalf of Land Resource Companies to extend the date of their permit for a fabric structure (HGTV Dream House Tent) from December, 2005 until April 14, 2006;
- f. the naming of the town's fire range training facility located on Island Creek Road as "C. M. Bustle Public Safety Training Facility" in honor of retired Police Chief Mike Bustle;
- g. a request from Town Manager H. M. Place III to award a service side arm to retiring Police Chief Mike Bustle; and
- h. Resolution No. 06-04-11 supporting the Rutherford County comprehensive solid waste management plan.

**TOWN OF LAKE LURE
RESOLUTION NO. 06-04-11
TO APPROVE THE RUTHERFORD COUNTY
SOLID WASTE PLAN**

WHEREAS, better planning for solid waste will help protect public health and the environment, provide for an improved solid waste management system, better utilize our natural resources, control the cost of solid waste management; and

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WHEREAS, NC General Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to develop a 10-year comprehensive solid waste management plan;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Lake Lure hereby approves the Rutherford County Comprehensive Solid Waste Management Plan.

Adopted this 11th day of April, 2006.

End of Consent Agenda

UNFINISHED BUSINESS:

a. Other Unfinished Business

There was no other unfinished business for discussion.

NEW BUSINESS:

a. Report on Activities of the HGTV Dream House Tours

Jim Formichella with Land Resource Companies gave a brief report on the activities of the HGTV Dream House Tours. Mr. Formichella thanked Council members and the Lake Lure Police Department for their support with HGTV Dream House tours.

Judy Beeson with the Hickory Nut Gorge Chamber of Commerce commented on the activities of the HGTV Dream House tours. Ms. Beeson said \$28,000 visitors came to the Lake Lure visitor center during the months of January, February, and March.

Mayor Proctor read into the record a proclamation proclaiming the town's appreciation to HGTV and Land Resource Companies for the HGTV Dream Home and for the business and tourism associated with the dream home. (Copy of Proclamation is attached).

NEW BUSINESS:

b. Consider a Request from Bo Williams on Behalf of Lake Lure Tours to Erect a Fabric Awning for the Tour's Passengers & Add a Play Structure at the Far End of the Beach Adjacent to the Water Works

Bo Williams, General Manager of Lake Lure Tours, answered questions pertaining to his letter dated April 3, 2006 to town council asking permission to erect a fabric awning for the tour's passengers and add a play structure at the far end of the beach adjacent to the water works. (Copy of letter attached).

Verylynn Cox, a Lake Lure resident, expressed her concern about the colors of the play structure.

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Council members agreed to look at the play structure before making a final on the decision on Mr. Williams request.

After discussion, Commissioner Watkins made a motion to grant approval for the Lake Lure Tours to erect a fabric awning on town property near the boat dock for the tour's passengers contingent upon approval of the Board of Adjustment/Lake Structures Board for a variance on the lake front setbacks and table their decision until the next regular council meeting being held on May 9th regarding the request to add a play structure at the far end of the beach. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

c. Consider a Request from William Hutchinson Representing Property Owners Petitioning to Change Hilton Edge Lane to Rock Point Road

Ron Morgan, Lake Lure Fire Coordinator, answered questions pertaining to his memorandum dated March 31, 2006 regarding a request from William Hutchinson representing property owners petitioning to change Hilton Edge Lane back to Rock Point Road. (Copy of memorandums dated March 31, 2006 and April 5, 2006 attached). Mr. Morgan stated the reasons for opposing the changing of street names because it is detrimental to emergency service response. He explained to allow a name change makes all 100 plus maps in the hands of emergency responders inaccurate and causes a delayed response. Mr. Morgan said there is no justification for allowing this name change. He explained that Rutherford County used the same procedure for every road in the county and there has not been a problem concerning this road name for nearly nine years. He said if the town allows this name change it would allow the same opportunity for virtually every road in the town.

William Hutchinson, Shirley Howell and William Deviney asked council members to correct an action made nine years ago by the county and change their road name back to Rock Point Road.

Ms. Howell stated she and her neighbors would be will to pay for the cost of changing their road signs and they would also replace their lake structures signs.

After discussion, Commissioner Watkins made a motion to approve the request from William Huchinson representing property owners petitioning to change Hilton Edge Lane back to Rock Point Road. Commissioner Pitts seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

d. Consider Awarding a Bid Offer from Paul Everhart & David Ray to Purchase Certain Golf Course Property Located on the North Side of Charlotte Drive between Pleasant Circle and Sandal Wood Drive; Authorize the Town Attorney to Prepare the Appropriate Documents to Finalize the Sale

Town Manager Place read his memorandum into the record dated April 5, 2006 regarding a bid offer from Paul Everhart and David Ray to purchase certain golf course property located on the north side of Charlotte Drive between Pleasant Circle and Sandal Wood Drive. (Copy of memorandum attached).

After discussion, Commissioner McCallum made a motion to award the bid of \$82,450

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submitted by Paul Everhart and David Ray to purchase certain golf course property located on the north side of Charlotte Drive between Pleasant Circle and Sandal Wood Drive and authorize the town attorney to prepare the appropriate documents to finalize the sale. Commissioner Noble seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

e. Consider Approval to Use Lake Water for Irrigation at the Lake Lure Municipal Golf Course

Town Manager Place read his memorandum into the record dated April 5, 2006 regarding approval to use lake water for irrigation at the Lake Lure Municipal golf course. (Copy of memorandum attached).

After discussion, Commissioner Noble made a motion to approve the recommendation from the town manager to grant permission to the Town of Lake Lure municipal golf course to use lake water as a source for irrigation as required by Section 94.15 of the Code of Ordinances. Commissioner Pitts seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

f. Consider Resolution No. 06-04-11A (Allowing Town Employees to Participate in the North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan referred to as PPO Smart Choice Plus)

Town Manager Place read into the record a memorandum dated April 11, 2006 from Personnel Director Anita Taylor on behalf of the town employees requesting town council to consider adopting Resolution No. 06-04-11A (allowing town employees to participate in the North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan referred to PPO Smart Choice Plus). (Attach is a copy of a memorandum dated April 11, 2006 from Personnel Director Anita Taylor).

Town Manager Place reviewed a rate comparison with the town's current insurance carrier which is Municipal Insurance Trust of North Carolina and the North Carolina Teachers' and State Employees' PPO Insurance. He explained that the town and employees would save a considerable amount of money by changing insurance plans. Mr. Place requested on behalf of the town employees that town council authorize the mayor to sign Resolution No. 06-04-11A on behalf of the town requesting that the Town of Lake Lure's employees be entered into the North Carolina Health Plan including the Retired Health Plan for retired and vested employees, and to instruct the administration to implement the move as expediently as the State Health Insurance and State Retirement personnel can accommodate. He also requested that town council continue the coverage of dental, life and vision coverage through the league insurance and provide it for retirees as well as a benefit. He informed council members that other towns/cities already provide health insurance coverage for their retirees. Mr. Place asked council members to provide for retirees from the Town of Lake Lure health insurance, dental, life and vision coverage to be funded out of the savings by changing insurance plans.

After discussion, Commissioner Pitts made a motion to adopt Resolution No. 06-04-11A allowing town employees to participate in the North Carolina Teachers' and State Employees'

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Comprehensive Major Medical Plan referred to as PPO Smart Choice Plus as presented and authorize the mayor to sign this resolution. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

Resolution No 06-04-11A

Whereas the State of North Carolina deems it to be in the public interest for employees of an employer, as defined for local government employers by G. S. 128-21 (11), to be given the opportunity to participate voluntarily for local government employees in the benefits provided by the North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan referred to as the PPO Smart Choice Plus which begins October 1, 2006 with an open enrollment period May 22 to June 30, 2006; and

Whereas the local government employer, by resolution legally, adopted by the employer and approved by the Executive Administrator and Board of Trustees, elects to have its employees become eligible to participate in the Plan, and to make the contributions as required by the Executive Administrator and Board of Trustees; and

Whereas the local government employer enrolls all of its eligible employees, retired employees, and, as applicable, their eligible family members in the Plan. Eligible employees, retired employees, and, as applicable, their eligible family members, shall participate in disease management, case management, and all other mandatory and voluntary cost containment measures implemented by the Executive Administrator and Board of Trustees; and

Whereas if the local government employer elects to cover its retired employees under the Plan, then:

1. The agreement of the local government employer to make contributions on account of all of its retired employees shall be irrevocable, and should a local government employer for any reason become financially unable to make the contributions payable on account of its retired employees, then the employer shall be deemed to be in temporary default. Temporary default shall not relieve the employer from any liability for its contributions payable on account of its retired employees; and
2. The local government employer shall make a contribution to the Local Government Employees' Retirement System equal to the contribution required of all other employing units to the State Retirement Systems for covering their retired employees. If the local government employer does not participate in the Local Government Employees' Retirement System and has another formally established retirement plan, the local government employer shall remit to the Teachers' and State Employees' Comprehensive Major Medical Plan referred to as the PPO Smart Choice Plus the amount of premium required by the Executive Administrator and Board of Trustees for coverage of retirees and their eligible family members.

Now Therefore Be It Resolved that the Town of Lake Lure Commissioners does request that all of the employees of Town of Lake Lure be made a part of the Teachers and State Employees'

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Comprehensive Major Medical Plan referred to as the PPO Smart Choice effective July 1, 2006.

Adopted this the 11th day of April, 2006.

STAFF REPORTS

Town Manager Place read his report into the record dated April 11, 2006. (Copy of the town manager's report is attached).

COUNCIL COMMENTS

Council members authorized the mayor to sign an agreement between the Town of Lake Lure and Southern Soils Builders to haul sludge.

After discussion council members directed the town manager to notify the Hickory Nut Gorge Chamber of Commerce and the Rutherford County Tourist Development regarding the town's intent to restore the operations of the Lake Lure Youth Center to be supervised by the Lake Lure Police Department.

The mayor read into the record a proclamation to his father Francis Proctor wishing him a happy 80th birthday.

ADJOURNMENT

With no further items of discussion, Commissioner Noble made a motion to adjourn the meeting at 8:50 p.m. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor