

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, APRIL 12, 2011, 7:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

PRESENT: Mayor Bob Keith
Commissioner Wayne Hyatt
Commissioner John W. Moore
Commissioner Mary Ann Dotson Silvey
Commissioner Linda Turner

Christopher Braund, Town Manager
J. Christopher Callahan, Town Attorney

ABSENT: N/A

CALL TO ORDER

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

Town Council agreed to appoint Andrea Calvert to take the minutes of this meeting in the absence of the town clerk.

INVOCATION

Attorney Callahan gave the invocation.

APPROVE THE AGENDA

After discussion, Commissioner Dotson made a motion to approve the agenda as amended. Adding an item as 9k under the consent agenda to approve a request from Community Development Director Shannon Baldwin regarding directives to the Zoning & Planning Board. Adding an item 9l under the consent agenda to approve a request from the mayor to suspend the town's alcohol ordinance on April 29, 2011 in order to serve beer and wine during a retirement party and recognition of board members that may be held in the Community Hall of the Lake Lure Municipal Center. Adding an item as 11c under new business discussion pertaining to rental fees of town facilities. Adding an item as 11d under new business to consider a request from the town manager on behalf of the Lake Lure Dragon Boat Racing Organization to suspend the town's peddling ordinance during the "Lure of the Dragons Race and Festival" being held on May 21, 2011 from 8:00 a.m. to 7:00 p.m. Commissioner Turner seconded the motion and the vote of approval was unanimous.

PUBLIC HEARING ORDINANCE NO. 11-04-12 AMENDING SECTION 94.02 DEFINITIONS, 94.05 DESIGN AND CONSTRUCTION STANDARDS, 94.15 PROHIBITED USES, 94.17 COMPLIANCE, AND 94.99 PENALTIES AND CREATION OF 94.18 INSPECTIONS AND INVESTIGATIONS OF THE LAKE STRUCTURE REGULATIONS OF THE TOWN OF LAKE LURE

Mayor Bob Keith opened the public hearing regarding proposed Ordinance No. 11-04-12.

Clint Calhoun gave a brief overview and answered questions pertaining to Ordinance No. 11-04-12.

Council members agreed to leave the public hearing.

CONSIDER ADOPTION OF ORDINANCE NO. 11-04-12 AMENDING SECTION 94.02 DEFINITIONS, 94.05 DESIGN AND CONSTRUCTION STANDARDS, 94.15 PROHIBITED USES, 94.17 COMPLIANCE, AND 94.99 PENALTIES AND CREATION OF 94.18 INSPECTIONS AND INVESTIGATIONS OF THE LAKE STRUCTURE REGULATIONS OF THE TOWN OF LAKE LURE

Public notices were duly given and published in the Forest City Daily Courier newspaper.

After discussion, Commissioner Hyatt made a motion to adopt Ordinance No. 11-04-12 Amending Section 94.02 definitions, 94.05 Design and Construction Standards, 94.15 Prohibited Uses, 94.17 Compliance, and 94.99 Penalties and Creation of 94.18 Inspections and Investigations of the Lake Structure Regulations of the Town of Lake Lure. Commissioner Turner seconded the motion and the vote of approval was unanimous.

ORDINANCE NUMBER 11-04-12

AN ORDINANCE AMENDING SECTION 94.02 DEFINITIONS, 94.05 DESIGN AND CONSTRUCTION STANDARDS, 94.15 PROHIBITED USES, 94.17 COMPLIANCE, AND 94.99 PENALTIES AND CREATION OF 94.18 INSPECTIONS AND INVESTIGATIONS OF THE LAKE STRUCTURE REGULATIONS OF THE TOWN OF LAKE LURE

WHEREAS, the Town of Lake Lure Lake Advisory Board has recommended modifications to Chapter 94, concerning the definitions, design and construction standards of the Lake Structure Regulations of the Town of Lake Lure; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the 12th day of April, 2011, upon the question of amending the Lake Structure Regulations in this respect.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF TOWN COUNCIL VOTING IN THE AFFIRMATIVE.

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SECTION ONE. Section 94.02 of the Lake Structure Regulations of the Town of Lake Lure is hereby amended to add or amend the following definitions. All other definitions are to remain the unchanged:

§ 94.02 DEFINITIONS

“MSL.” The elevation above mean sea level, ~~United States Geological Survey~~ North Carolina Geodetic Survey datum.

“Shoreline.” The line where the land or an existing seawall and waters of the lake meet. For the purpose of these regulations, the normal lake level of 990 feet MSL as it exists for the majority of each year shall be used to establish the shoreline. The official benchmark for MSL Datum shall be marked at the Lake Lure Dam. For the purpose of positioning lake structures along an irregular boundary, the shoreline shall be defined as the straight line between the two widest points on the shoreward side of the lake structure, where they meet the shoreline.

“Slip.” ~~An area within or alongside a lake structure that is confined by at least two sides of the structure and that is designed for temporary or permanent mooring.~~ A specific type of mooring, contiguous to a lake structure that is confined by two parallel sides of the lake structure, does not exceed 11 feet in width and that is designed for temporary or permanent mooring. A space confined by one side and one end may be a mooring but is not a slip.

“Water depth.” Measured from the average lake level of 990 feet above mean sea level, ~~United States Geological Survey~~ North Carolina Geodetic Survey datum.

SECTION TWO. Section 94.05 (B) and (L)(5) of the Lake Structure Regulations of the Town of Lake Lure are hereby amended as follows. All other portions are to remain unchanged:

§ 94.05 DESIGN AND CONSTRUCTION STANDARDS

(B) No structure shall be placed in the water more than 30 feet or one third the distance to the opposite shore, whichever is less, as measured to and from the shoreline. At least one third of the waterway must be left unobstructed. No portion of any lake structure shall extend beyond this boundary. For the purpose of positioning lake structures along an irregular boundary, the shoreline shall be defined as the straight line between the two widest points on the shoreward side of the structure, where they meet the shoreline. The measurement to the opposite shore shall be made to the point on the opposite shore which results in the shortest distance from the proposed structure.

(L) Moored Floating Platforms

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- (5) Temporarily moored inflatable water recreation devices shall be no greater than 80 square feet in area or 10 feet in diameter and are ~~permitted on Lake Lure only during daylight hours and are to be used only by swimmers. Such devices shall be removed from the lake when not in use:~~ allowed in the lake only from April 1 through November 30.

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK-THROUGH~~]

SECTION THREE. Section 94.15 of the Lake Structure Regulations of the Town of Lake Lure is hereby amended to add subsection (P) as follows. All other portions are to remain unchanged:

§ 94.15 PROHIBITED USES

- (P) Any temporarily moored inflatable water recreation device larger than 80 square feet in area or 10 feet in diameter, and any such device in the lake from December 1 through March 31.

SECTION FOUR. Section 94.17 of the Lake Structure Regulations of the Town of Lake Lure is hereby amended as follows:

§ 94.17 ~~COMPLIANCE~~ INJUNCTIVE RELIEF

- (A) In the event any lake structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or used in violation of these regulations, the Lake Structure Administrator or any other appropriate Town authority, or any person who would be damaged by such violation, in addition to other remedies, may institute an action of injunction, or mandamus, or other appropriate action or proceedings to prevent such violation.
- (B) Whenever the Town Council has reasonable cause to believe that any person is violating or threatening to violate this chapter or any rule or order adopted or issued pursuant to this chapter, or any term, condition, or provision of an approved lake structure permit, it may, either before or after the institution of any other action or proceeding authorized by this chapter, institute a civil action in the name of the Town of Lake Lure for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the Superior Court of Rutherford County.
- (C) Upon determination by a court that an alleged violation is occurring or is threatened, the court shall enter any order or judgement that is necessary to abate the violation, to ensure that restoration is performed, or to prevent the threatened violation. The institution of an action for injunctive relief under this section shall not relieve any party to the proceedings from any civil or criminal penalty prescribed in § 94.99 below, for violations

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of this chapter.

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK-THROUGH~~]

SECTION FIVE. Section 94.18 of the Lake Structure Regulations of the Town of Lake Lure, entitled "Inspections and Investigations," is hereby created to read as follows:

§ 94.18 INSPECTIONS AND INVESTIGATIONS

- (A) Inspection. The Lake Structure Administrator or a designee will periodically inspect lake structures to ensure compliance with this chapter, or rules or orders adopted or issued pursuant to this chapter. Notice of the right to inspect shall be included in the certificate of approval of each lake structure permit.
- (B) Willful Resistance, Delay or Obstruction. No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of the town while that person is inspecting or attempting to inspect a lake structure under this chapter.
- (C) Notice of Violation. If it is determined that a person engaged in activities in violation of this chapter, or rules, or orders adopted or issued pursuant to this chapter, a notice of violation shall be served upon that person. The notice may be served by any means authorized under G.S. § 1A-1, Rule 4. The notice shall specify a date by which the person must comply with this chapter, or rules, or orders adopted pursuant to this chapter, and inform the person of the actions that need to be taken to comply with this chapter, or rules, or orders adopted pursuant thereto. However no time period for compliance need be given for failure to submit a lake structure permit application for approval or for obstructing, hampering, or interfering with an authorized representative while in the process of carrying out his/her official duties. Any person who fails to comply within the time specified is subject to the civil and criminal penalties provided in this chapter.
- (D) Investigation. The Lake Structure Administrator shall have the power to conduct such investigation as may reasonably be deemed necessary to carry out the duties prescribed in this chapter, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the site of any lake structure.
- (E) Statements and Reports. The Town shall also have the power to require written statements, or filings of reports under oath, with respect to pertinent questions relating to lake structures.

SECTION SIX. Section 94.99 of the Lake Structure Regulations of the Town of Lake Lure is hereby amended as follows:

§ 94.99 PENALTIES

(A) ~~Unless otherwise specifically provided, violation of any provisions of this ordinance or any other ordinance shall be a misdemeanor or an infraction as the case may be, as provided by G.S. § 14-4, and punishable as provided therein. This chapter may be enforced by any one, all, or a combination of the remedies authorized and prescribed by G.S. § 160A-175.~~

(B) ~~Fines~~ Criminal Penalties.

All lake structures built after December 15, 1992 are required to have a permit prior to commencement of any construction or alteration for which a permit is required (see § 94.03). Any person who knowingly or willfully violates any provision of this ordinance, or rule, or order adopted pursuant to this ordinance, or who knowingly or willfully initiates or continues construction or alteration of a lake structure for which a permit is required except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a Class 3 misdemeanor which may include a fine not to exceed \$500 as provided in G.S. § 14-4.

(1) ~~All lake structures built after December 15, 1992 are required to have a permit prior to commencement of construction (see § 94.03). Should construction be started before a permit is issued or alterations not in accord with the permit be made during construction, the owner of the upland property and the building contractor shall each be subject to a fine not to exceed \$500. Failure to receive a lake structure permit as required by this chapter prior to commencement of construction or alteration of a lake structure shall subject both the owner of the upland property and any contractor engaged for the purpose of performing the work to a fine not to exceed \$500. If the illegal structure construction or alteration meets all requirements of this chapter, a permit shall be approved upon application and a lake structure certificate shall be issued upon payment of the fine and submittal of a completed application, including detailed plans, other required documentation, and fees. If the illegal structure or alteration does not meet said requirements, the structure shall either be removed, be brought into compliance, or receive a variance (see § 94.16) prior to approval of a permit and receipt of the certificate.~~

(C) Civil Penalties. ~~Violation of any provision of this ordinance shall subject the offender to a civil penalty which would be determined, assessed, and recovered by the Town in a civil action in the nature of debt if the offender does not pay the penalty within a reasonable period of time prescribed by an administrative officer of the Town after such offender has been cited for such violation.~~

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(1) Civil Penalty for a Violation. Any person who violates any of the provisions of this ordinance, or rule or order adopted or issued pursuant to this ordinance, or who initiates or continues construction or alteration of a lake structure for which a permit is required except in accordance with the terms, conditions, and provisions of an approved permit, is subject to a civil penalty. The maximum civil penalty amount that the Town may assess per violation is \$500. A civil penalty may be assessed from the date of violation. Each day of a continuing violation shall constitute a separate violation.

(2) Notice of Civil Penalty Assessment. The Lake Structure Administrator shall provide notice of the civil penalty amount and basis for assessment to the person assessed. The notice of assessment shall be served by any means authorized under G.S. § 1A-1, Rule 4, and shall direct the violator to either pay the assessment or contest the assessment, by written demand for a hearing (see § 94.16).

(3) Collection. If payment is not received within thirty (30) days after it is due, the Town may institute a civil action to recover the amount of the assessment. The civil action may be brought either in the Superior Court of Rutherford County or in a court in the location of the violator's residence or principal place of business, as the Town shall elect. Such civil actions must be filed within three (3) years of the date the assessment is due. An assessment that is not contested is due when the violator is served with a notice of assessment. An assessment that is contested is due at the conclusion of the administrative and judicial review of the assessment.

(D) Any provision of this ordinance that makes unlawful a condition existing upon or use made of any property may be enforced by injunction and order of abatement, and the General Court of Justice shall have jurisdiction to issue such orders. When a violation of such a provision occurs, the town may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular. In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; the fixtures, furniture or other movable property be removed from the building on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this policy or such ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, such defendant may be cited for contempt, and the town may execute the order of abatement. The town shall have a lien on the upland property for the cost of executing an order of abatement in the nature of a mechanic's and material man's lien. The defendant may secure cancellation of an order of abatement by paying all costs to the town of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of Superior Court in an

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amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

(E) The provisions of this ordinance may be enforced by any one, all, or any combination of the remedies authorized and prescribed by this section.

(F) Except as otherwise specifically provided, each day's continuing violation of any provision of this ordinance shall be a separate and distinct offense. Penalty, see § 94.99.

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK-THROUGH~~]

SECTION SEVEN. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 94.99 of the Lake Structure Regulations.

SECTION EIGHT. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION NINE. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION TEN. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing violations.

SECTION ELEVEN. This ordinance shall be in full force and effect from and after the date of Adopted this 12th day of April, 2011.

ATTEST:

Mary A. Flack, MMC
Town Clerk
Approved as to form:

Mayor Robert Keith

J. Christopher Callahan
Town Attorney

PUBLIC FORUM

Mayor Keith invited the audience to speak on any non-agenda items and/or consent agenda topics and the following requested to speak.

1. Jerry Nelon reported that on March 8, 2011, a dump truck hauling gravel wrecked and burned after crossing the speed bump near Jim Proctor's pond on Boys Camp Road. The driver lost his steering after crossing the speed bump. He said it was believed that the speed bump caused the breakage of the steering which in turn led to the driver hitting a tree. The truck was a total loss. Mr. Nelon said the speed bumps are a hazard and have caused damage. Mr. Nelon expressed his concerns about the safety of the speed tables. He asked that Council members look into this matter. Mr. Nelon informed Council members that some residents were getting together a petition in an effort to have the speed tables removed.

Town Manager Braund agreed to look into this matter. Former Commissioner Blaine Cox explained that the speed bumps were placed on Boys Camp Road by the town at the request of local residents living on this road mainly because of individuals speeding on this road and safety concerns.

2. Boyce Abernathy made a presentation to town council pertaining to Rutherford County tax evaluations and furnished copies of information obtained as public records from them. In addition, he furnished three DVD copies of meetings of the ad hoc citizen committee detailing reviews of property tax appraisals.
3. Woody Turner asked that his request submitted to town council be withdrawn concerning the Hickory Nut Gorge Olympiad benefit for 2011. Mr. Turner said this event will be held at another location.

Mayor Keith recessed the meeting for a break at 8:02 p.m. and reconvened the meeting at 8:07 p.m.

STAFF REPORTS

Town Manager Christopher Braund read into the record the town manager's report dated April 12, 2011. (Copy of the town manager's report is attached).

Mr. Braund announced that town council approved a settlement agreement between Southern Soil Builders (hereinafter "Southern Soil") prepared by Town Attorney Callahan to pay Southern Soil \$12,000 and dismiss the pending Civil Action 10 Cvs 1507 and all claims therein prejudice.

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Town Council also authorized the town manager, mayor and Attorney Callahan to execute this document.

COUNCIL LIAISON REPORTS & COMMENTS

Commissioner Turner reported on the activities of the Parks and Recreation Board and the Zoning/Planning Board.

Commissioner Silvey reported on the activities of the Lake Advisory Board and the Lake Lure ABC Board.

Commissioner Hyatt reported on the activities of the Lake Lure Board of Adjustment/Lake Structures Appeal Board.

CONSENT AGENDA

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

Commissioner Turner moved, seconded by Commissioner Silvey, to approve the consent agenda items as amended. Therefore, the consent agenda incorporating the following items was unanimously approved:

- a. minutes of the March 8, 2011 (regular meeting & special meeting), and March 25, 2011 (special meeting & closed session);
- b. a budget amendment regarding settlement agreements with McGill Associates, P. A., Randall D. Hintz, and Brentwood Industries, Inc. as submitted by Finance Director Sam Karr as outlined in memorandum(attached) dated March 29, 2011 to transfer \$35,200 from total settlement proceeds of \$190,127.50 to the general fund for legal expenses (account #10-413000.180). The remaining balance will be transferred to the water/sewer fund for reimbursements;
- c. a budget amendment regarding retirement incentive plan as submitted by Finance Director Sam Karr to transfer \$20,000 from contingency (account #970) to administration (\$10,000), salaries (account #100) and public works (\$10,000), salaries (account #100) as outlined in memorandum (attached) dated April 7, 2011 from by Finance Director Sam Karr;
- d. a budget amendment regarding telephone lease as submitted by Finance Director Sam Karr to move \$2,151.16 from administration (account #691) into debt service account, \$1,579.43

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phone (account #620) and \$571.73 interest (account #720) as outlined in memorandum (attached) dated March 31, 2011 from Finance Director Sam Karr;

- e. a budget amendment regarding Christmas decorations as submitted by Finance Director Sam Karr to transfer \$5,000 from contingency (account #970) into public works department (account #351) M & R Grounds as outlined in memorandum (attached) from Finance Director Sam Karr dated March 30, 2011;
- f. a request from David Dahle on behalf of the Lakefront Owners Association to suspend the town's alcohol ordinance in order to serve beer and wine during their annual meeting being held inside the Community Hall of the Lake Lure Municipal Center on July 2, 2011 from 4:00 p.m. until 9:00 p.m.; also, waive the rental fee for use of the Community Hall for this event;
- g. a request from the community development department to direct the Zoning and Planning Board to draft possible amendments pertaining to conditional zoning as outlined in memorandum (attached) dated April 12, 2011 as submitted by Planner/Subdivision Administrator Suzy Smoyer;
- h. a request from the community development department to direct the Zoning and Planning Board to draft possible amendments to address a gap in the definition of major and minor subdivisions as outlined in memorandum (attached) dated April 12, 2011 as submitted by Planner/Subdivision Administrator Suzy Smoyer;
- i. a request to set a \$10 registration fee for tree services provider licensing as outlined in memorandum (attached) dated April 6, 2011 as submitted by Environmental Management Officer Clint Calhoun;
- j. a request to hold a North Carolina Lake Management Society Spring Workshop on May 12, 2011 in the Community Hall and authorize sponsorship by the town to cover the expenses for this event as outline in a memorandum (attached) dated March 31, 2011 as submitted by Dean Givens, Director of Lake Operations;
- k. a request from Community Development Director Shannon Baldwin to direct the community development staff and the Zoning and Planning Board to assess the advertising needs of the business owners in the Lake Lure Arcade; also draft amendments to meet needs defining the following parameters: location, size, type, number, color and type-method of illumination for signs; draft amendments pertaining to balance between community appearance and the advertising needs of businesses in Lake Lure; and

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1. a request from the mayor to suspend the town's alcohol ordinance on April 29, 2011 in order to serve beer and wine during a retirement party and recognition of board members that may be held in the Community Hall of the Lake Lure Municipal Center.

End of Consent Agenda.

UNFINISHED BUSINESS:

A. CONSIDER ADOPTION OF RESOLUTION NO. 11-04-12 AMENDING THE PERSONNEL POLICY PERTAINING TO WORK SCHEDULE AND LUNCH HOUR

Town Manager Chris Braund reviewed and answered questions regarding proposed Resolution No. 11-04-12 amending the personnel policy pertaining to work schedule and lunch hour.

After discussion, Commissioner Turner made a motion to adopt Resolution No. 11-04-12 amending the personnel policy pertaining to work schedule and lunch hour as presented. Commissioner Silvey seconded the motion. Commissioners Turner, Silvey and Moore voted in favor of the motion. Commissioner Hyatt voted against the motion. Therefore, the motion carried with a vote of 3 to 1 in favor.

RESOLUTION NO. 11-04-12

**AMENDING THE PERSONNEL POLICY OF THE TOWN OF LAKE LURE
PERTAINING TO WORK SCHEDULE AND LUNCH HOUR**

WHEREAS, The Mayor and Council Members of the Town of Lake Lure recognize the importance of their municipal employees and have adopted a personnel policy manual establishing the rules and regulations governing employment by the town; and

WHEREAS, the board desires to amend the current personnel policy relating to work period and schedule and work week and pay period.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF LAKE LURE, hereby amends the Personnel Policy as follows:

SECTION ONE. Article V., The Pay Plan, Section 13 of the Personnel Policy of the Town of Lake Lure is hereby amended as follows:

Section 13. Work Week and Pay Period

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The standard seven day work week for the Town of Lake Lure is 12:01 a.m. Saturday to 12:00 midnight on the following Friday. The Town's office hours are Monday through Friday from 8:00 a.m. to 5:00 p.m. ~~and stagger staff member's schedules to maintain the current policy benefit allowing one paid lunch hour.~~ However, many services performed by Town employees are essential and some must be provided 24 hours each day, every day of the year. Therefore, Town employees may be required to work changing shifts and the number of hours per day may differ. All employees shall be paid on a bi-weekly basis with the payday being every other Thursday at noon. When a holiday falls on a payday Thursday the payday will be the last workday preceding the holiday. The pay received on payday pays each employee for work performed from the last payday through the Friday preceding the current payday.

{ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~}

SECTION TWO. Article VI., Work Conditions and Expectations, Section 1 of the Personnel Policy of the Town of Lake Lure is hereby amended as follows.

Section 1. Work Conditions and Expectations

The work period and schedule for all divisions will be determined by the Town Manager after considering the activities required to meet work needs of particular departments. The workweek is defined as seven consecutive days beginning at 12:01 a.m. on Saturday and ending at 12:00 midnight on the following Friday. Office hours for all administrative departments shall be from 8:00 a.m. to 5:00 p.m. Monday through Friday except for official holidays.

Full-time, non-exempt, employees (other than public safety shift employees) normally work 5 8-hour days per work week and are subject to the overtime provisions set forth in Article IV, Section 10 of this policy. Public Safety employee's work schedule(s) will be established and maintained in accordance with Title 29 Code of Federal Regulations, Parts 500 through 899.

All employees shall be allowed up to 1 hour per day for lunch. In addition all employees may be allowed up to 15 minutes for a break in the morning and in the afternoon, when work demands permit. ~~This time is considered work time for pay purposes.~~ While eating at your workspace is not prohibited, it is discouraged.

{ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~}

These amendments become effective as of May 1, 2011.

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Adopted this the 12th day of April, 2011.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Mayor Bob Keith

AS TO FORM:

J. Christopher Callahan
Town Attorney

<p>UNFINISHED BUSINESS: B. OTHER UNFINISHED BUSINESS</p>
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There was no other unfinished business.

<p>NEW BUSINESS: A. CONSIDER AWARDING BID TO DEMOLISH AND REMOVE THE DEPLAPIDATED DWELLING AT 147 SIDNEY LANIER DRIVE (RUTHERFORD COUNTY TAX ID# 226293, 226289, AND 226292), CASE # HC-11-01</p>

Code Administrator John E. Ganus reviewed and answered questions pertaining to a bid summary (attached) dated March 30, 2011 and packets prepared by him regarding the bid opening held on March 30, 2011 at 2:00 p.m. to demolish and remove a dilapidated dwelling at 147 Sidney Lanier Drive (Rutherford County Tax ID#: 226293, 226289, and 226292).

Four bids were received during the bid opening including: (1) a bid in the amount of \$8,849.00 from W&W Grading of Mill Spring, North Carolina, (2) a bid in the amount of \$11,900.00 from Isabell Construction Company of Rutherfordon, North Carolina, (3) a bid in the amount of \$10,600.00 from Jerry D. Nelon & Co. LLC of Rutherfordton, and (4) a bid in the amount of \$7,500.00 from Marathon Builders of Lake Lure, North Carolina.

After a discussion, Commissioner Moore made a motion to award the bid to Marathon Builders of WNC, Inc. in the amount of \$7,500 to demolish the delapidated dwelling at 147 Sidney Lanier Drive. Commissioner Turner seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

B. BOARD APPOINTMENT - BOARD OF ADJUSTMENT/LAKE STRUCTURES APPEALS BOARD

Council members voted by nomination. Commissioners Hyatt, Silvey, Moore, and Turner unanimously nominated Lance Johnson to fill Robert Gibbons alternate position on the Board of Adjustment/Lake Structures Appeals Board with a term expiring December 31, 2012;

The mayor announced the following results: appointed Lance Johnson to fill Robert Gibbons alternate position on the Board of Adjustment/Lake Structures Appeals Board with a term expiring December 31, 2012.

NEW BUSINESS:

C. DISCUSSION PERTAINING TO RENTAL FEES OF TOWN FACILITIES

Council members held discussion pertaining to the rental of town facilities. Town Manager agreed to draft a revised fee schedule for rental of the community hall and the gazebo to be considered at the next regular town council meeting.

NEW BUSINESS:

D. CONSIDER A REQUEST FROM THE TOWN MANAGER ON BEHALF OF THE LAKE LURE DRAGON BOAT RACING ORGANIZATION TO SUSPEND THE TOWN'S PEDDLING ORDINANCE DURING THE "LURE OF THE DRAGONS RACE AND FESTIVAL"

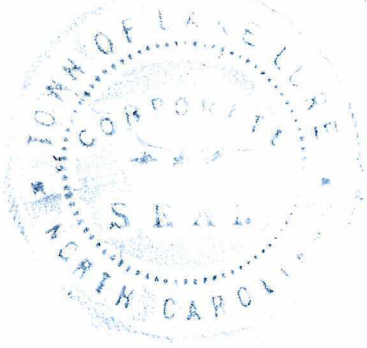
After discussion, Commissioner Turner made a motion to approve a request from the town manager on behalf of the Lake Lure Dragon Boat Racing Organization to suspend the town's peddling ordinance during the "Lure of the Dragons Race and Festival" being held on May 21, 2011 from 8:00 a.m. to 7:00 p.m. Commissioner Silvey seconded the motion and the vote of approval was unanimous.

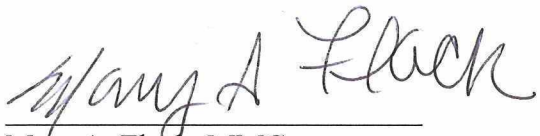
ADJOURN THE MEETING

With no further items of discussion, Commissioner Turner made a motion to adjourn this meeting at 9:20 p.m. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

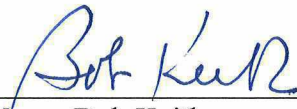
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ATTEST:





Mary A. Flaek, MMC
Town Clerk



Mayor Bob Keith