

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, JULY 10, 2012, 7:00 P.M. AT THE LAKEVIEW RESTAURANT, 112
MOUNTAINS BLVD, LAKE LURE, NC**

PRESENT: Mayor Bob Keith
Commissioner John W. Moore
Commissioner Mary Ann Silvey
Commissioner Bob Cameron
Commissioner Diane Barrett

Sam Karr, Finance Officer
J. Christopher Callahan, Town Attorney

ABSENT: Christopher Braund, Town Manager

CALL TO ORDER

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

INVOCATION

Attorney Chris Callahan gave the invocation.

PLEDGE OF ALLEGIANCE

Council members led the pledge of allegiance.

APPROVE THE AGENDA

Commissioner Diane Barrett made a motion to approve the agenda as amended including the following changes:

- add Discussion Regarding Employee 401(k) as item 11a under Unfinished Business
- add Approval of a Request Submitted by Jo Beyersdorfer on Behalf of the Dirty Dancing Festival to Have a Beer Garden at the 3rd Annual Dirty Dancing Festival at Lake Lure Being Held on August 17-18, 2012 as Item 10b Under the Consent Agenda
- remove consideration of Approval of a Memorandum of Agreement Between the North Carolina Sedimentation Control Commission and The Town of Lake Lure for the Purpose of Clarifying Their Roles in the Enforcement of the Sedimentation Pollution Control Act of 1973, N.C. Gen. Stat. Ch. 113A Art. 4 and Any Rules Adopted Pursuant to the Act from the consent agenda and add as a discussion item

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Commissioner Bob Cameron seconded the motion and the vote of approval was unanimous.

PUBLIC HEARING PROPOSED ORDINANCE NO. 12-07-10 AMENDING CHAPTER 81 OF THE CODE OF ORDINANCE IF THE TOWN OF LAKE LURE CONCERNING LEASH REQUIREMENTS FOR DOGS ON MORSE PARK AND ADJACENT TOWN OWNED PROPERTY

Mayor Bob Keith opened the public hearing regarding proposed Ordinance No. 12-07-10 and invited citizens to speak during the public hearing.

Stephen Webber expressed concerns about proposed Ordinance No. 12-07-10. Mr. Webber stated that he feels this ordinance is the result of one incident that was blown out of proportion since only one incident was documented in the recommendation from the Parks and Recreation Board. Mr. Webber asked that the other alleged incidents be described and included in the recommendation's justification and stated that he is familiar with the incident described and the dog owner was not unconcerned. Mr. Webber also expressed concern about the hurried nature of the ordinance and questioned a section in the ordinance that exempts certain dogs "per authorization from Town of Lake Lure". Mr. Webber recommended that the proposed ordinance not be approved to allow for further study on the topic.

Council members agreed to close the public hearing.

CONSIDER ADOPTION OF ORDINANCE NO. 12-07-10 AMENDING CHAPTER 81 OF THE CODE OF ORDINANCE IF THE TOWN OF LAKE LURE CONCERNING LEASH REQUIREMENTS FOR DOGS ON MORSE PARK AND ADJACENT TOWN OWNED PROPERTY

Public notices were duly published in the Daily Courier newspaper.

After discussion, Commissioner John Moore made a motion to continue consideration of adoption of Ordinance No. 12-07-10 to allow council members to obtain more information concerning the ordinance from the Parks and Recreation Board and research the incidents leading to the proposed ordinance. Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

CONSIDER APPROVAL OF A MEMORANDUM OF AGREEMENT BETWEEN THE NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION AND THE TOWN OF LAKE LURE FOR THE PURPOSE OF CLARIFYING THEIR ROLES IN ENFORCEMENT OF THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973,

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N.C. GEN. STAT. CH. 113A ART. 4 AND ANY RULES ADOPTED PURSUANT TO THE ACT

Commissioner Bob Cameron questioned what brought about the proposed memo and stated that he would like town staff to work with Henderson County concerning the sediment coming down the river from the Gerton and Highway 64 areas.

Commissioner John Moore noted the lack of effective dates in the memo and asked if the town's standards equaled or exceeded the SPCA standards. Commissioner Moore also asked that the town discuss this issue with Chimney Rock since the document references a "joint program" available for two or more units. Commissioner Moore stated that he would like to obtain more information about the town's current erosion control fees since the document states that "the total fee shall not exceed \$100 per acre."

Commissioner Diane Barrett pointed out that she would like more information about an item in the document concerning a 30 day corrective action period.

Council members agreed to table this item for discussion at a later meeting.

PUBLIC FORUM

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

Larry Gregg, a Rutherford county resident, introduced himself. Mr. Gregg stated that he currently works with charitable nonprofits in the community and the he has recently been selected as the Rutherford County delegate in the Senior Tar Heel Legislature. The nonpartisan group is seeking to inform senior adults about legislature that many go before the general assembly. Mr. Gregg provided his contact information and asked that anyone who has any questions please contact him.

Stephen Webber of 266 Burnt Ridge Road commended the town's public works department for their clean up of debris on Boys Camp Road after a recent storm.

STAFF REPORTS

Finance Director Sam Karr read excerpts from Town Manager Chris Braund's report dated July 10, 2012. (Copy of the town manager's report is attached.)

COUNCIL LIAISON REPORTS & COMMENTS

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Commissioner Diane Barrett reported that the Parks and Recreation Board has not met since the last council meeting, therefore she had no report.

Commissioner John Moore reported on the activities of the Zoning/Planning Board.

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

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

CONSENT AGENDA

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

Commissioner Moore requested that in the June 12, 2012 regular meeting minutes his motion regarding a hiring freeze be revised to include contract employees. The revised motion should require that “all positions be reviewed by council before replacing any town employees, *including contract employees.*”

Commissioner Bob Cameron moved, seconded by Commission Mary Ann Silvey, to approve the consent agenda items as amended. Therefore, the consent agenda incorporating the following items was unanimously approved:

- a. minutes of the June 12, 2012 (Regular Meeting) as amended and June 5, 2012 (Special Meeting); and
- b. a request submitted by Jo Beyersdorfer on behalf of the Dirty Dancing Festival to have a beer garden in a contained area at a the 3rd Annual Dirty Dancing Festival at Lake Lure being held on August 17-18, 2012.

End of Consent Agenda.

UNFINISHED BUSINESS:

a. DISCUSSION REGARDING TOWN EMPLOYEE 401K CONTRIBUTIONS

Commission Mary Ann Silvey expressed her concerns about a change made to the town's policy regarding the employer contribution to employees' 401(k). Commissioner Silvey stated that she has gathered information and thought about the decision and she feel council acted quickly regarding the decision and that it has been pointed out that in particular recent hires and

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employees in the lowest paid positions felt that they were not able to contribute and lost the five percent 401(k) benefit as a result of them not being able to contribute. Commissioner Silvey further stated that the five percent was budgeted for all employees and immediately after adopting the budget the change was made. Commissioner Silvey proposed that council suspend the policy revision until the end of the fiscal year to look at salaries and allow employees to work through finances and prepare to make their contribution. Commissioner Silvey stated that she feels the change affected employees that could least afford to be affected.

Commissioner John Moore stated that council has to start making steps toward saving money and that the cost to the town for some employee benefits, such as health care, has gone up will continue to go up.

Mayor Bob Keith explained that the actual savings to the town brought about by this action was less than the potential saving of \$36,000 and that with current employee contributions the actual savings to the town is around \$6,100 per year. Mayor Keith further stated and that the policy change has created some morale issues among employees since a large percentage of local government employers do not have 401(k) matching policies. Mayor Keith suggested that the Council revisit this issue in six months.

Commissioner Diane Barrett stated that council is trying to look at ways to cut spending because of upcoming expenses and the change in the employer 401(k) contribution policy was a potential saving.

Commissioner Bob Cameron agreed that council members were trying to cut the budget and that a five percent employer's 401(k) contribution is only required by the state for police officers, not other employees.

After further discussion, council agreed to revisit this issue in 6 months.

NEW BUSINESS:

a. CONSIDER APPROVAL OF A REQUEST FOR DEDICATION AND ACCEPTANCE OF THE LURE RIDGE WATER SYSTEM AND CONSIDER ADOPTION OF RESOLUTION NO. 12-07-10

Town Planner Suzy Smoyer presented information regarding a request asking the town to take over the Lure Ridge water system. Ms. Smoyer stated that the system has passed all inspections and has been approved by DENR and the Town.

After discussion, Commissioner Bob Cameron made a motion to accept the Lake Ridge water system and adopt Resolution No. 12-07-10. Commissioner John Moore seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

**b. CONSIDER APPROVAL OF THE DECLARATION OF COVENANTS AND
RESTRICATIONS FOR THE DAM BOATHOUSE PROPERTY**

Community Development Director Shannon Baldwin gave some background information regarding the town owned boathouse on Buffalo Shoals Road and discussed possible uses for the property. Mr. Baldwin also gave an overview of proposed Declaration of Covenants and Restrictions prepared for the property.

Commissioner John Moore expressed concerns about selling the property and questioned the need to build a new boathouse at the dam.

Council thanked the community development department for their work on the project and agreed to continue to study the possibilities for the property. It was the consensus of town council to continue consideration of approval of the Declaration of Covenants and Restrictions.

NEW BUSINESS:

c. TAX COMPARISON PRESENTATION

Town intern Jenifer Della Valle presented a detailed tax comparison presentation comparing tax rates in the Town of Lake Lure to tax rates in comparable municipalities in North Carolina and provided council members a handout outlining the information she presented.

Town Council members thanked Jenifer for her work on the tax comparison.

NEW BUSINESS:

**d. CONSIDER APPROVAL OF THE TOWN FEE SCHEDULE FOR FISCAL YEAR
2012-2013**

Commissioner Bob Cameron stated that he is concerned about the rising cost of annual boat permits and that he would like to see the price of boat permits decrease. Commissioner Cameron questioned whether the town needs two full time employees working in the Lake Operations department year-round.

Commissioner Mary Ann Silvey stated that the Lake Advisory Board did not recommend an increase in boat permit fees for 2013 and that the proposed fee schedule does not reflect an increase for boat permits this year.

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Commissioner John Moore made a motion to approve the town fee schedule for fiscal year 2012-2013 as presented and take another look at the boat permit fee schedule again at a later date. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

ADJOURN THE MEETING

Commissioner Bob Cameron announced that the regular August and September meetings of the Board of Adjustments/Lake Structure Appeals Board will be held at the Lakeview Restaurant in Rumbling Bald Resort.

With no further items of discussion, Commissioner Diane Barrett made a motion to adjourn the meeting at 8:45 p.m. Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

ATTEST:

Andrea H. Calvert
Town Clerk

Mayor Bob Keith