

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, FEBRUARY 12, 2013, 7:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

PRESENT: Mayor Bob Keith
Commissioner Mary Ann Silvey
Commissioner Bob Cameron
Commissioner Diane Barrett
Commissioner John W. Moore (Commissioner Moore was not present when the
meeting was called to order, but joined the meeting at approximately 8:05 p.m.)

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

ABSENT: N/A

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 adding an item as 10d under new business to consider approval a letter presented by Mayor Bob Keith regarding MAHEC and potential health services.

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

PUBLIC FORUM

Mayor Bob Keith invited the audience to speak on any non-agenda items and/or consent agenda topics. No one requested to speak.

STAFF REPORTS

Town Manager Chris Braund presented the town manager's report dated February 12, 2013. (Copy of the town manager's report is attached.)

COUNCIL LIAISON REPORTS & COMMENTS

Commissioner Diane Barrett reported on the activities of the Parks and Recreation Board.

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

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

PRESENT AWARD OF APPRECIATION TO BO WILLIAMS

Commissioner Mary Ann Silvey presented an award of appreciation on behalf of Town Council to Bo Williams for notable contribution to the Town of Lake Lure and the Lake Advisory Board from May, 2007 until January, 2013.

Commissioner Silvey also recognized Robin Proctor for contribution to the Lake Advisory Board from December, 2007 until January, 2013 and Wiley Bourne for contribution to the Lake Advisory Board from December, 2005 until January, 2013. Mrs. Proctor and Mr. Bourne were not present to accept their certificates of appreciation.

CONSENT AGENDA

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

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

- a. Minutes of the January 8, 2013 regular meeting
- b. a request from Susan Crotts to suspend the town's alcohol ordinance in order to have a champagne toast during a wedding reception being held inside the

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Community Hall of the Lake Lure Municipal Center on June 16, 2013, from 6 p.m. until 9 p.m.

- c. direct the Zoning and Planning Board to study and provide recommendations regarding differences in town regulations as they pertain to streets and driveways
- d. a contract between the town of Lake Lure and Martin Starnes & Associates, CPAs to audit accounts and authorize the mayor and finance officer to execute the contract on behalf of the town
- e. a budget amendment to include \$4,000 “No Man’s Land Tax” in the Fire Equipment Capital Reserve Fund for future fire equipment purchases as submitted by Finance Director Sam Karr
- f. a budget amendment to add \$40,500 to revenue line items Timken Grant – Fire Department (#10-332944) and increase \$40,500 to expense Capital Outlay - Fire Department Brush Truck as submitted by Finance Director Sam Karr
- g. a budget amendment to move \$3,723 from “Sale of Assets” (#10-383500) to “Debt Services Police Vehicle” (#10-91000-541) as submitted by Finance Director Sam Karr

End of Consent Agenda.

UNFINISHED BUSINESS:

a. OTHER UNFINISHED BUSINESS

There was no other unfinished business.

NEW BUSINESS:

a. CONSIDER ADOPTION OF ORDINANCE NO. 13-02-12 AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE LURE TO ADD PENALTIES FOR MULTIPLE FALSE FIRE ALARMS

Lake Lure Fire Chef Ron Morgan explained the intent of proposed Ordinance No. 13-02-12 concerning false fire alarms.

After discussion, council members asked that the ordinance state that “the fire chief *may* issue a civil penalty citation giving notice of the violation of this section for each such false

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alarm over two (2) per month” instead of stating that “the fire chief *shall* issue a civil penalty citation giving notice of the violation of this section for each such false alarm over two (2) per month.”

Commissioner Bob Cameron made a motion to approve Ordinance No. 13-02-12 as amended.

ORDINANCE NUMBER 13-02-12

AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE LURE TO ADD PENALTIES FOR MULTIPLE FALSE FIRE ALARMS

WHEREAS, multiple false alarms to which the Town of Lake Lure Fire Department responds create monetary expense to the town and result in increased danger of possible accidents involving those responding to such alarms;

WHEREAS, it is determined that those locations generating multiple false alarms should have an economic responsibility for such false alarms; and

WHEREAS, the Lake Lure Town Council finds that it is in the public interest to amend Chapter 31 of the Town’s Code of Ordinances to provide regulations regarding fire alarms;

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 THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE:

SECTION ONE: Chapter 31 of the Code of Ordinances of the Town of Lake Lure is amended by adding the following definitions to §31.12 Definitions:

“ALARM” as used herein shall mean any electrical or mechanical device, which transmits an electronic alarm signal or recorded message to the Rutherford County Communications Center indicating a fire or other incendiary occurrence.

“FALSE ALARM” as used herein shall mean an activation of an alarm system, which elicits a response from the fire department when no situation requiring such a response does, in fact, exist. This includes accidental, avoidable, and unnecessary alarm activation due to user error, equipment malfunction and improper or unsuited equipment, but does not include alarm activation caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm user.

“RESIDENTIAL”, “STORAGE”, “BUSINESS”, “ASSEMBLY”, “EDUCATIONAL”, “INDUSTRIAL”, “MERCANTILE”, “HAZARDOUS” AND “INSTITUTIONAL” as used herein shall have the meanings as set forth more fully in the occupancy classification of the North Carolina Building Code as adopted and enforced from time to time.

SECTION TWO: Chapter 31 of the Code of Ordinances of the Town of Lake Lure is amended by adding a new §31.99, “Penalty,” which shall read as follows:

§31.99 Penalty:

- a) If the Town of Lake Lure Fire Department shall respond to more than two (2) false alarms at the same premises or location within any calendar month, the fire chief may issue a civil penalty citation giving notice of the violation of this section for each such false alarm over two (2) per month. The citation shall issue to the owner of record of the property, or to the person or entity having present control of such premises or location if different from the owner of record of the property. Citations may be served in person or mailed by certified mail, return receipt requested, to the person or entity charged.
- b) The amount of the penalty shall be seventy-five dollars (\$75.00) pertaining to false alarms to residential and storage properties, one hundred dollars (\$100.00) pertaining to false alarms to business and assembly properties, and one hundred fifty dollars (\$150.00) pertaining to false alarms to educational, industrial, mercantile, hazardous, and institutional properties.
- c) Each citation shall impose the penalty described above and shall be paid to the Town of Lake Lure Finance Director within fourteen (14) days of issuance in full satisfaction of the assessed civil penalty. If the civil penalty is not paid within the time prescribed in the citation, the town may initiate a civil action in the nature of debt to collect such penalty.
- d) Payments shall be deposited into the responding fire departments budget.

SECTION THREE. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 12th day of February , 2012.

NEW BUSINESS:

**b. DISCUSSION REGARDING STRATEGY AND RECOMMENDATIONS
CONCERNING THE TOWN'S BOAT FLEET**

Town Manager Chris Braund presented an updated inventory of the town's boat fleet and gave an overview of the following recommendations concerning the boat fleet and purchase of a boat motor for the service work boat.

Recommendations:

- 1) Purchase a new Evinrude ETEC 75hp outboard motor and install it on the Service Work Boat. With parts, operating console and labor, the cost is \$9,267.58. This will give us a dependable motor for the primary work boat on the lake. I am requesting Council's approval to use funds from the sale of the Bennington to purchase this motor.
- 2) Transfer the old, 60hp engine from the Service Work Boat to the Work Barge. This boat gets less use, but is necessary for certain work and for Donnie's use at the dam (without railings or canopy, it can fit underneath the suspended cable.)
- 3) Sell or part out the current public works pontoon (in fair condition)
- 4) Sell or part out the current dam/hydroelectric pontoon (in poor condition)

Commissioner Bob Cameron expressed concern about not having enough places to store town boats and suggested setting aside money from the sale of town boats to use toward building a new floating boathouse to keep the town boats out of the weather. Commissioner Cameron further suggested that the town consider using a contractor's boat when a service boat is necessary instead of purchasing a new motor for the town's service boat.

Lake Operations Director Dean Givens explained why he feels it is necessary to use funds gained through the recent sale of a pontoon to purchase a replacement motor for the town's service boat.

Commissioner Cameron discussed revisiting the idea of selling the old boathouse property at the dam to pay for construction of a new boathouse.

Town Manager Chris Braund stated that a plan was brought to council at a previous meeting to address funding construction of a new boathouse through the sale of the old boathouse property, but at that time council was unsure about the project.

Council members discussed the proposed plan to build a boathouse after the sale of a

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piece of property at the dam. Mr. Braund agreed to bring back the proposed plan for funding construction of the boathouse through sale of property for council to consider.

Commissioner John Moore, who was not present for the earlier portion of the meeting, joined the meeting.

Commissioner Diane Barrett asked if the boat motor was an immediate need or if purchase of the motor could be postponed until next budget year. Mr. Givens stated that the motor was originally requested by his department in the 2012-2013 budget, but council directed him to sell a boat if he needed funds for the motor.

Commissioner John Moore stated he has discussed the idea of the town using privately owned commercial boats with contractors on the lake and they seem agreeable to the idea.

Lake Lure Fire Chief Ron Morgan explained that the service boat is also used by the fire department, specifically to retrieve distressed boats on the lake.

A member of the audience, Barbara Marsh Searcy, asked to speak as a town property owner. Ms. Searcy stated that as a citizen she feels if two department heads say they need an asset to perform their job and the town has the funds, council should allow them to purchase the asset.

After further discussion, Commissioner Bob Cameron asked that the town's assets be protected as much as possible and made a motion to approve the recommendations presented by Town Manager Chris Braund regarding the town's boat fleet and purchase of a boat motor using funds from the sale of pontoon. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

Commissioner Bob Cameron also asked that, at a future council meeting, Town Manager Chris Braund provide information concerning a plan to sale the boathouse property at the dam to gain funds to build a new boathouse.

NEW BUSINESS:

c. CONSIDER APPROVAL OF PARTICIPATION IN A COUNTY-WIDE SEWER STUDY

Town Manager Chris Braund gave an overview of a memo addressed to council regarding the town's participation in a county-wide sewer study.

After discussion, Commissioner Bob Cameron made a motion that the town endorse the application for a North Carolina Rural Center grant to fund a county-wide sewer study and, upon

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the award of such grant, to contribute \$7,505 toward the cost of such study, subject to and contingent upon a satisfactory agreement by and between the county and the participating municipalities which provides for participation and input from the Town of Lake Lure on the Request for Proposals for the study, and approval by the Town of Lake Lure of the final award of the contract for the study.

Commissioner John Moore seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

d. CONSIDER APPROVAL A REQUEST PRESENTED BY MAYOR BOB KEITH REGARDING MAHEC (MOUNTAIN AREA HEALTH EDUCATION CENTER)

Commissioner Bob Cameron made a motion to approve the following letter presented by Mayor Bob Keith concerning potential health services in the Lake Lure area. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

Dr. Jeffrey Heck
President/CEO
Education Center
121 Hendersonville Road
Asheville, NC 28803
Administration

Dr. Heck,

For the past several years, leaders of the Town of Lake Lure have worked to attract additional health service providers to our area. We have one family practitioner who is nearing retirement and have many unmet medical needs. Thus, we are excited about MAHEC's commitment to establishing a community health facility in town. To facilitate this outcome, the Town is able to offer the following contributions of support:

- a) Town Council member Commissioner Maryann Silvey will donate one acre of land adjacent to Don Adams property to be used for the medical and dental offices. This donation represents an estimated value of \$90,000 according to a BPO (Broker Price Opinion) provided by Real Estate Broker Jim Proctor. See attached document.
- b) The Town of Lake Lure will waive the water and sewer connect fees for roughly \$2100, application and land disturbance fees for roughly \$4000 and monitor the permitting process to assure that it goes smoothly and is carried out in a timely fashion.

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c) We will work closely with your staff in the areas of advertisement, promotion and fundraising by identifying key community leaders, networks and organizations to raise awareness and assure a successful implementation.

d) We will write articles in our local paper announcing our current progress on the medical/dental park decision (March Issue), another picturing and describing the ground breaking in the June/July timeframe and a third for the Grand Opening when that occurs around the first of 2014. We will also publish information in the Town's monthly electronic newsletter from time to time as we progress.

We trust that MAHEC and potential funding partners will recognize the support of the Town and private citizens as a meaningful local contribution to a much-needed project.

Sincerely,

Robert M. Keith
Mayor

ADJOURN THE MEETING

With no further items of discussion, Commissioner Bob Cameron made a motion to adjourn the meeting at 8:25 p.m. Commissioner John Moore seconded the motion and the vote of approval was unanimous.

ATTEST:

Andrea H. Calvert
Town Clerk

Mayor Bob Keith

