

# Town of Lake Lure

P. O. Box 255 • Lake Lure, NC 28746-0255 • 704/625-9983 • FAX 704/6

Incorporated 1927

## MINUTES OF THE REGULAR MEETING OF THE LAKE TOWN COUNCIL HELD TUESDAY, JULY 26, 1994, 7:30 P.M. AT THE LAKE LURE COMMUNITY CENTER

**PRESENT:** Mayor Max E. Lehner  
Mayor Pro-tem Bud Schichtel  
Commissioner Bill Bush  
Commissioner Bill Church  
Commissioner Jack Donovan

Thomas M. Hord, Town Manager  
Sam Karr, Finance Director  
J. Christopher Callahan, Town Attorney

**ABSENT:** N/A

### CALL TO ORDER

Mayor Lehner called the meeting to order at approximately 7:30 p.m. Mayor Lehner requested the Clerk to note that a full quorum was present.

### INVOCATION

Town Manager Hord gave the invocation.

### APPROVAL OF MINUTES

Commissioner Bush moved, seconded by Commissioner Schichtel, to approve the minutes of Tuesday, July 12, 1994 Regular Council Meeting, and the minutes of Tuesday, June 28, 1994 as written with the following changes submitted:

Change the wording on the minutes of June 28, 1994, page 10 from:

Mayor Lehner also stated that all Council members who would like to *participate on this Committee would be added.*

To read:

Mayor Lehner also stated that all Council members who would like to *have input to contact a Committee member.*

The vote of approval was unanimous.

**PUBLIC HEARING CONCERNING PROPOSED AMENDMENTS TO THE SUBDIVISION REGULATIONS OF LAKE LURE RELATIVE TO ALTERNATIVE DRAINAGE METHODS, MAXIMUM SLOPE OF NEW ROADS AND TO ELIMINATE ONE-WAY STREETS IN FUTURE SUBDIVISIONS**

Commissioner Donovan moved, seconded by Commissioner Church, to enter into the public hearing to consider the proposed amendments to the Lake Lure Subdivision Regulations. The vote of approval was unanimous.

Mary Lynne Ray, Deputy Zoning Administrator, reported on the proposed amendments to the Lake Lure Subdivision Regulations. Ms. Ray said that the proposed amendments would affect Section 801. Streets and Roads of the subdivision regulations, and if adopted, would accomplish the following:

- \* Indicate that with alternative drainage methods, it may be possible to grade streets to a width less than 32 feet.
- \* Allow a maximum slope of 15% rather than 12 % for subdivision slopes with the possibility of an even greater slope if approved in a special review by the Zoning and Planning Board.
- \* Eliminate one-way streets in future subdivisions due to safety concerns.

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Mayor Lehner invited citizens who wanted to speak at the public hearing for or against the proposed amendments to do so.

Russell Maze, resident of Lake Lure, addressed Council with questions regarding the minimum width paving requirements.

Francis C. Proctor, resident of Lake Lure, expressed his concern of the maximum slope of 15% rather than 12% for subdivisions slopes and how they might affect heavy tanker trucks on narrow paved roads.

With no further items of discussion within the public hearing, Commissioner Bush moved, seconded by Commissioner Schichtel, to come out of the public hearing and re-enter the regular session of the meeting. The vote of approval was unanimous.

After discussion among Town Council, Commissioner Bush moved, seconded by Commissioner Schichtel, to approve the ordinance amending Section 801. Streets and Roads of the Town's Lake Lure Subdivision Regulations as presented by the Zoning and Planning Board. The vote of approval was unanimous. (Ordinance attached).

Mayor Lehner recommended that a motion be made to change the Street Acceptance Policy from the 12% maximum slope to 15% to correspond with the amended Zoning Ordinance.

Commissioner Bush moved, seconded by Commissioner Schichtel, to change the wording of the Street Acceptance Policy to allow a maximum slope of 15% rather than 12% for subdivision slope to correspond with the amended Zoning Ordinance. The vote of approval was unanimous.

**PUBLIC HEARING CONCERNING THE NEED FOR COMMERCIAL STORAGE OF BOATS IN THE TOWN AND PROPOSED AMENDMENT TO THE TOWN'S ZONING ORDINANCE RELATIVE TO EXCLUDING MULTI-LEVEL RACK TYPE BOAT STORAGE FACILITIES**

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Commissioner Donovan moved, seconded by Commissioner Church, to enter the public hearing to consider the proposed amendments to the Lake Lure Zoning Ordinance. The vote of approval was unanimous.

Mary Lynne Ray, Deputy Zoning Administrator, read aloud the following proposed amendment to the ordinance that would affect Section 606. C-1 General Commercial District. Ms. Ray said the last paragraph of subsection (2) would be amended to prohibit multi-level rack type boat storage

**This ordinance specifically excludes those businesses requiring outside display of merchandise for sale or open storage of vehicles, motorized equipment, wrecked vehicles, inoperable vehicles, discarded tires, auto parts, and machinery and construction equipment; multi-level rack type boat storage facilities; businesses which sell, rent, or display obscene materials as defined in the Town's Code of Ordinances; tattoo parlors; and manufacturing employing ten (10) or more persons.**

Mayor Lehner invited citizens who wanted to speak at the public hearing for or against the proposed amendments to do so.

Priscilla Doyle, resident of Lake Lure, commended the Lake Lure Zoning and Planning Board for all their hard work. Ms. Doyle recommended to Council that they consider not only prohibiting the multi-level rack boat storage facilities in commercial zone but also the commercial storage of boats within the Town limits of any kind. Ms. Doyle also stated that she believed that boat storage units are not necessarily attractive and that Lake Lure should not allow buildings to go up in Lake Lure that would destroy the natural beauty of the Town.

Mayor Lehner stated that he would like to enter into the record that three letters were received from individual citizens who could not attend this meeting expressing their opinion on the proposed amendment. The letters received include:

1. Dick Weaver, Buffalo Shoals Road, Lake Lure.
2. Ed Dittmer, Captain U.S. Navy, Tryon Bay, Lake Lure.
3. Derek J. Slep, Pres. of Sound Choice, Storm Ridge Rd, Lake Lure.

(Letters attached).

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Alan P. Moore, owner of the Dam Marina in Lake Lure, requested that Council allow boat storage in a controlled buffer zone. Mr. Moore said that some residents do not have enough space in their driveways for boat storage and that the Town needed to cater to their needs since the Town owns the lake.

With no further items of discussion within the public hearing, Commissioner Bush moved, seconded by Commissioner Schichtel, to come out of the public hearing and re-enter the regular session of the meeting. The vote of approval was unanimous.

After discussion among Town Council, Commissioner Bush moved, seconded by Commissioner Schichtel, to approve the ordinance amending Section 606. C-1 General Commercial District of the Town's Lake Lure Zoning Ordinance as recommended by the Lake Lure Planning and Zoning Board with the exception of deleting the words multi-level rack type from the proposed amendment and to read as "boat storage facilities". The vote of approval was unanimous. (Ordinance attached).

Commissioner Bush expressed his concerns that ordinances be enforced fairly, equitably, and unwavering.

Town Attorney Callahan suggested that Council or Town staff submit a list of places in violation to him for review and/or enforcement of the ordinances.

**AUDIENCE OF CITIZENS**

No persons signed up to speak under audience of citizens.

**CONSIDER ADOPTION OF  
PERSONNEL, CLASSIFICATION, AND COMPENSATION**

Town Manager Hord recommended that Council adopt the draft of the personnel, classification and compensation policy.

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Commissioner Schichtel moved, seconded by Commissioner Bush, to adopt the draft Personnel, Classification and Compensation Policy as written including the following resolution:

**PERSONNEL POLICY FOR THE TOWN OF LAKE LURE**

WHEREAS, the Mayor and Council of the Town of Lake Lure recognize the importance of its municipal employees in meeting the service needs of Town residents; and

WHEREAS, it is the desire of the Mayor and Council to maintain a municipal work force composed of qualified, competent, dedicated employees; and

WHEREAS, the Mayor and Council recognize the necessity of equitable rates of pay and reasonable conditions of employment in the maintenance of such a work force; and

WHEREAS, it is the desire of the Mayor and Council to establish a system of personnel administration that will assure equity of compensation and fair and reasonable employee treatment;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF LAKE LURE that the following rules and regulations shall govern the appointment, classification, salary, promotion, demotion, dismissal, and employment conditions of the employees of the Town of Lake Lure, North Carolina, replacing where appropriate the existing articles and sections on personnel, pay plans, class specifications and benefits.

Adopted the 26th day of July 1994. Effective the 1st day of July, 1994.

The vote of approval was unanimous.

**OTHER OLD BUSINESS**

Town Manager Hord gave an up-to-date report on the following items of old business as requested by Commissioner Bush.

1. **Status of the Gazebo/Pavilion** -- Completed the first phase of putting on the roof and shingles. The next Phase is the Carpentry.
2. **Boat Trailers** -- There has been a reduction in the number of boats left over-night in the parking lot in front of the Community Center.
3. **Street Signs** -- Waiting on the Communication Center (911) to send a copy of a resolution currently being drafted for street name signs and a numbering system throughout the County. Mr. Hord stated the reason for waiting the draft of the street sign policy for Lake Lure was to try to make the Town's policy uniform with the Enhanced 911 System.
4. **Police Radio System** -- Another vendor (Motorola) has been contacted and Dan Zimmel has agreed to work with the new vendor on what problems needed to be resolved.

**APPROVAL FOR THE POLICE DEPARTMENT TO PARTICIPATE IN EXCESS PROPERTY FROM DOD UNDER SECTION 1208 OF THE NATIONAL DEFENSE AUTHORIZATION ACT**

Town Manager Hord recommended that Council approve a plan for the Lake Lure Police Department to participate in an excess property dispersal program administered by the Department of Defense. Mr. Hord stated that Council must authorize the Police Department to be able to participate and agree to use any property received.

Commissioner Donovan moved, seconded by Commissioner Bush, to authorize the Lake Lure Police Department to obtain excess property in accordance with the appropriate instructions and directives furnished by the North Carolina Law Enforcement Support Services, the State of North Carolina Law, and the Depart-

ment of Defense and that the Town of Lake Lure and the Lake Lure Police Department will ensure that any property received under the provisions of Section 1208 of the Defense Authorization Act will be properly operated, secured, and maintained. The vote of approval was unanimous.

**PROPOSAL FOR A FUND RAISER FOR THE FLOOD  
VICTIMS IN GEORGIA**

Rodney Hayes, Recreation Supervisor, requested that the Town of Lake Lure donate the proceeds from the Town Beach for one day, Friday, August 5, 1994 to flood victims in Georgia. All proceeds from adult and child admissions, tubes, paddle boats and other beach revenues for that day would be donated.

Mr. Hayes stated that all lifeguards and clerks have agreed to work this particular day free of charge. Mr. Hayes will contract all the local shops to see if they would like to donate items to be given away as door prizes. There will be drawings for door prizes every hour. Tickets will be sold for the drawings at a cost of \$1.00 each (proceeds donated).

Mr. Hayes said that Lynn Davis with the American Red Cross has agreed to schedule a special blood drive in Lake Lure August 5, 1994 from 11:00 a.m. until 4:00 p.m. in conjunction with this fund raiser.

Mr. Hayes stated that the funds would be turned over to the Red Cross.

Council commended Rodney Hayes for his hard work in organizing this fund raiser to help the flood victims in Georgia.

Commissioner Bush moved, seconded by Commissioner Church, to approve the request submitted by Rodney Hayes and to match all funds collected by the Town employees as the Town's contribution to the relief program. The vote of approval was unanimous.

**APPROVE CONTRACTS/AGREEMENTS FOR FIRE  
DEPARTMENTS SERVING LAKE LURE**



**Page 9 Minutes of the July 26, 1994 Regular Council Meeting**

Town Manager Hord presented Council with copies of the proposed contracts between the Town and four Volunteer Fire Departments (Lake Lure VFD, Fairfield Mountain's VFD, Bill's Creek VFD, and Chimney Rock VFD) that serve the Town of Lake Lure.

Commissioner Donovan moved, seconded by Commissioner Schichtel to approve the two proposed contracts as written. The vote of approval was unanimous. (Contracts attached).

**LAKE ADVISORY BOARD APPOINTMENTS**

Commissioner Schichtel moved, seconded by Commissioner Church, to reappoint Bob Washburn, Dick Weaver, and Ross Worden to the Lake Advisory Committee and change the expiration terms from April 1994 to December 1996. Also change the expiration terms for Jack Powell, Mary Ann Dotson, and Dick Beeson from April 1995 to December 1995. The vote of approval was unanimous.

**APPOINT INTERIM TOWN MANAGER**

Mayor Lehner recommended that Council appoint Paul Wilson as interim Town Manager.

Commissioner Schichtel moved, seconded by Commissioner Church, to appoint Paul Wilson as interim Town Manager. The vote of approval was unanimous.

**OTHER NEW BUSINESS**

Mayor Lehner read aloud a letter from Rev. Alan M. Stegall requesting permission for the Chimney Rock Baptist Church and Green River Baptist Association to sponsor a community wide gospel singing beginning at approximately 7:00 p.m. lasting until approximately 9:00 p.m. at the Lakeside Chapel during the evening of Friday, July 29, 1994.

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Commissioner Bush moved, seconded by Commissioner Church, to approve the request by the Chimney Rock Baptist Church and Green River Baptist Association to hold a gospel singing at the Lakeside Chapel during the evening of July 29. The vote of approval was unanimous.

**STAFF REPORTS**

Finance Director Sam Karr gave an up-to-date report on the Town's financial status.

Town Manager Hord publicly recognized Sam Karr for his good work.

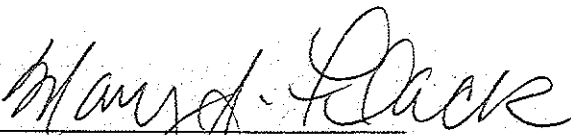
Mr. Hord expressed his appreciation to Council, Town Attorney, Staff, and Citizens for their support during the past three years.


**COUNCIL COMMENTS**

Mayor Lehner announced a final farewell party for Tom Hord which will be held at Jimney's on Thursday, July 29, 1994, 6:15 p.m. and all are invited to come.

With no further items of discussion, Commissioner Bush moved, seconded by Commissioner Donovan, to adjourn the Council meeting at approximately 9:00 p.m. The vote of approval was unanimous.

ATTEST:

  
Mary A. Flack, CMC/AAE  
Town Clerk

  
Mayor Max E. Lehner



AN ORDINANCE AMENDING THE SUBDIVISION REGULATIONS  
OF THE TOWN OF LAKE LURE, NORTH CAROLINA

WHEREAS, the Town of Lake Lure Zoning and Planning Board, upon evaluation of the Subdivision Regulations, has recommended amendments regarding subdivision street standards;

AND WHEREAS, the Town Council of Lake Lure, after due notice, conducted a public hearing on the 26th day of July, 1994, upon the question of amending the Subdivision Regulations in this respect;

AND WHEREAS, the Town Council deems it in the best interest of the health, safety, and welfare of the Town to enact certain amendments considered at such hearing;

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 COUNCILMEN VOTING IN THE AFFIRMATIVE:

SECTION ONE: To amend Article VIII of the Subdivision Regulations of the Town of Lake Lure by deleting in its entirety Section 801. Streets and Roads and placing in its stead the following:

Section 801. Streets and Roads.

All lots to be platted shall have access to a street, and all proposed streets shall be installed or financially guaranteed as provided in subsection 603.1, and in accordance with the requirements below, prior to final plat approval.

Within any subdivision, no private drive, as defined in this ordinance, shall be allowed to provide access to more than one (1) lot. All streets shall be designated as either public or private on both the preliminary and final plats. If streets are designated as private, the developer shall submit a written statement with the preliminary plat specifying plans for ownership and maintenance of said streets. In addition, said statement shall appear on the original of the final plat in such a manner that it will be legible on any copies made therefrom. If streets are designated as public, the town may by resolution, in accordance with Section 606, accept said streets for ownership and maintenance. If requested by the developer and at the option of the Town Council, streets may be accepted by the town for ownership and maintenance in stages as planned by the developer in order to save undue expense to the developer as well as the town. In no case will the streets be accepted for ownership and maintenance by the town until the following minimum standards have been met or financially guaranteed as provided in subsection 603.1. All streets designated to be privately owned and maintained shall also meet the following minimum standards:

- (1) Forty-five (45) foot street right-of-way.
- (2) All grading and ditching will be done to meet town specifications.
- (3) All drainage pipe to be installed at the expense of the developer. The pipe size to be determined by the town, but in no case will anything less than fifteen (15) inch pipe be permitted.
- (4) The amount of right-of-way to be graded may vary depending on the drainage method selected by the developer. For standard double-ditch drainage, it will be necessary to clear a minimum of 32 feet from ditch to ditch. When alternative drainage methods are used (i.e.

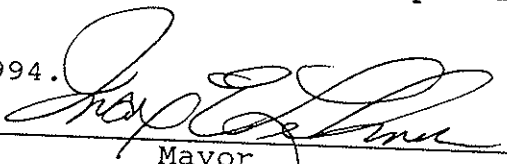
curb & gutter, drainage to one side of the road, inverted crown road, etc) grading of less than 32 feet may be possible. See attached illustrations.

- (5) Curb and gutter will be optional, but the town would encourage that it be installed. Total cost of curb and gutter to be paid by the developer.
- (6) The shoulders of the street must be seeded by the developer to prevent erosion within thirty (30) days from the date of paving.
- (7) Paving must be twenty (20) feet in width.
- (8) Street paving to consist of a six (6) inch compacted stone base and two (2) inch I-2 bituminous plant mix.
- (9) The total cost of paving will be paid by the developer. The paving may be arranged by the developer with the contractor being approved by the town, or, should the developer request, paving may be arranged by the town.
- (10) The grade of the road should not exceed 15 percent because of the difficulty of operating vehicles on such a steep road and the high potential for erosion of the travelway and ditches. Roads may exceed a 15 percent grade only on special review of the Zoning and Planning Board. Where possible, to avoid environmental impact, yet commensurate with safety, the road should be constructed along the contour of the land to avoid steep grades.
- (11) At the option of the Town Council, the streets may be accepted as part of the town's street system when the streets have been paved or the developer has submitted funds to the town for such paving as part of the improvements guarantee in accordance with subsection 603.1.

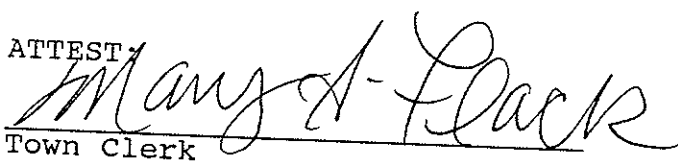
**SECTION TWO:** The Zoning Administrator shall make all the necessary corrections and additions to the Subdivision Regulations so as to implement the provisions of this ordinance and shall henceforth enforce the regulations as hereby amended.

**SECTION THREE:** This ordinance shall be effective upon its adoption.

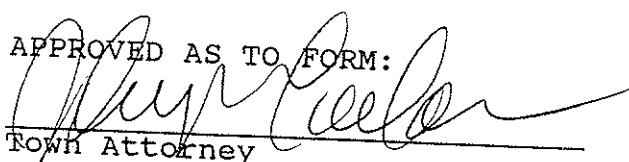
Adopted the 26th day of July, 1994.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Town Attorney



AN ORDINANCE AMENDING THE ZONING ORDINANCE  
OF THE TOWN OF LAKE LURE

WHEREAS, the Town of Lake Lure Zoning and Planning Board, upon evaluation of the Zoning Ordinance in regard to commercial boat storage facilities, has recommended additional restrictions;

AND WHEREAS, the Town Council of the Town of Lake Lure, after due notice, conducted a public hearing on the 26th day of July, 1994 upon the question of amending the Zoning Ordinance in certain respects;

AND WHEREAS, the Town Council deems it in the best interest of the health, safety, and welfare of the Town to enact certain amendments considered at such hearing;

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

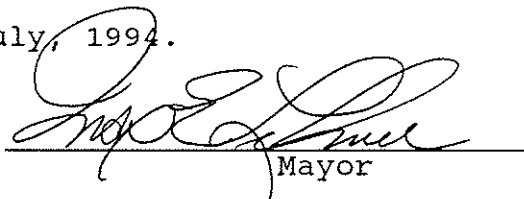
SECTION ONE: To amend Section 606. General Commercial District of the Town of Lake Lure Zoning Ordinance by deleting the last paragraph of that section and placing in its stead the following:

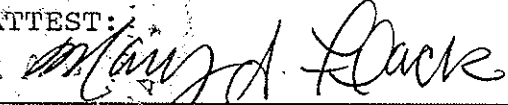
This ordinance specifically excludes those businesses requiring outside display of merchandise for sale or open storage of vehicles, motorized equipment, wrecked vehicles, inoperable vehicles, discarded tires, auto parts, and machinery and construction equipment; boat storage facilities; businesses which sell, rent, or display obscene materials as defined in the Town's Code of Ordinances; tattoo parlors; and manufacturing employing ten (10) or more persons.


SECTION TWO: The Zoning Administrator shall make all the necessary corrections and additions to the Zoning Ordinance so as to implement the provisions of this ordinance and shall henceforth enforce the ordinance as hereby amended.

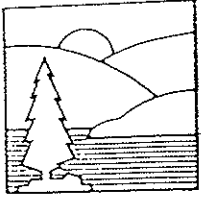
SECTION THREE: This ordinance shall be effective upon its adoption.

Adopted the 26th day of July, 1994.

  
Mayor

ATTEST:  
  
Town Clerk

APPROVED AS TO FORM:  
  
Town Attorney



Incorporated 1927

# Town of Lake Lure

P. O. Box 255 • Lake Lure, NC 28746-0255 • 704/625-9983 • FAX 704/625-8371

## MEMORANDUM

TO: Mayor Max E. Lehner  
Mayor Pro-tem Bud Schichtel  
Commissioner Bill Bush  
Commissioner Bill Church  
Commissioner Jack Donovan

FROM: Tom Hord, Town Manager

DATE: July 15, 1994

SUBJECT: Contracts/Agreements for Fire Departments Serving Lake Lure

Attached for your review and comment are two agreements or contracts between the Town and our four fire departments. The first contract is for the Lake Lure Volunteer Fire Department. You may note it is the longer of the two and in much more detail. I have tried to include all the requirements, limitations and safeguards you have discussed in various meetings.

The second contract is to be signed by the Fairfield Mountain's Volunteer Fire Department, Bill's Creek Volunteer Fire Department and Chimney Rock Volunteer Fire Department. This contract is very similar to the ones in the past, with only minor changes or additions.

I recommend that you review these contracts and note any changes that need to be made in the next few days so that final documents can be available for your approval at your next regular meeting on July 26, 1994.

TMH/at

Attachments/2

NORTH CAROLINA )  
RUTHERFORD COUNTY )  
TOWN OF LAKE LURE )

A G R E E M E N T

THIS AGREEMENT, made and entered into as of the 1st day of July, 1994, by and between the TOWN OF LAKE LURE, hereinafter referred to as the Town, and the LAKE LURE VOLUNTEER FIRE DEPARTMENT, INC., hereinafter referred to as the Fire Department;

WITNESSETH:

WHEREAS, North Carolina General Statute 160A-20.1 provides that Municipalities may provide for fire protection in a fire protection district by contracting with any incorporated nonprofit volunteer or community fire department; and

WHEREAS, the Fire Department is a nonprofit corporation organized to furnish fire protection to the citizens of its district; and

WHEREAS, the Town and the Fire Department desire to enter into this agreement for the Fire Department to furnish fire protection for and within the District;

NOW, THEREFORE, in consideration of the premises and of other good and valuable considerations, the parties hereto contract and agree as follows:

1. Town of Lake Lure agrees that it will allocate funds, each fiscal year, estimated on the needs projected in a budget estimate submitted by the Fire Department to the Town Manager and a recommendation for funds submitted by the Town Manager to the Town Council for furnishing fire protection within the Town limits.

2. The funds shall be allocated to the Fire Department within the fiscal year as agreed to by the Fire Department and the Town Manager. Funds shall not exceed the amount budgeted by the Town Council in the particular fiscal year for fire protection within the Town.

3. The Fire Department shall furnish adequate fire protection within the Town and shall provide the necessary equipment, personnel, water, and all things necessary for furnishing adequate fire protection. The services shall be in accordance with minimum standards set forth by the Rutherford County Fire Marshall and the North Carolina Insurance Services Office. The Fire Department shall provide workmen's compensation insurance coverage applicable to all Fire Department personnel, regardless of status, at least to the extent required bylaw. The Fire Department shall furnish said fire protection without charge to all persons and property located in the Town limits in an efficient and workmanlike manner. Upon the failure of the Fire Department to meet the standards set forth herein, no further funds shall be spent by the Town on behalf of said Fire Department until said minimum standards are re-established. The Fire Department shall discharge its obligations in a timely manner.

4. All funds spent for the Fire Department by the Town shall be used exclusively to provide fire protection within the Town of Lake Lure except as may be otherwise provided by Town Council approved mutual aid agreements. Purchasing and payments will be administered by Lake Lure Finance Director based on approved purchase orders or comparable documentation provided by Fire Department.

5. The Town may inspect all the books and records of the Fire Department at any time.

The Fire Department shall further provide such additional information as the Town may reasonably request from time to time. The Fire Department agrees that it will supply such records, information or verification relating to expenditures of the funds or the operations of the Fire Department as may reasonably be requested by the Town. The Fire Department shall maintain a written accounting system which provides adequate documentation of all of its receipts and disbursements including those related to the funds subject to this agreement.

6. The Fire Department shall have available an audit report performed annually by a certified public accountant of all its funds, and as soon as such auditor's report becomes available to the Fire Department, a copy shall be submitted to the Town Manager.

7. In the event the Fire Department fails to continue to render fire protection, no further funds shall be paid by the Town on behalf of the Fire Department, even though previously budgeted by the Town.

8. In the event of dissolution of the Fire Department, the Fire Department agrees that it will convey all of its assets, subject to any liens against said property, to the Town or to another 501 (c) (3) non-profit corporation approved by Town Council.

9. The Fire Department shall use the funds subject to this agreement in accordance with the annual Budget of the funds which is approved and adopted by the Town Council, which is incorporated automatically herein by reference each year. No change or alteration in the amount of the total Budget may be made without the express approval of the Town Council. The Budget detail may be amended with the approval of the Town Manager, within the funds made available by this agreement.

10. The Fire Department will maintain its current rating or better with the North Carolina Insurance Services Office as well as its present nonprofit corporation status pursuant to Chapter 55A of the North Carolina General Statutes and/or Section 501 (c) (3) of the Internal Revenue Code. The Fire Department shall continuously comply with all applicable laws, ordinances and regulations. The bylaws of the Fire Department shall have reasonable provisions enabling citizens of the District to participate in the affairs of the Fire Department.

11. The Department, its officers, and members shall, through the signing of this document, by an authorized party or agent, indemnify, hold harmless and defend the Town and its agents and employees from all suits and actions, including attorney's fees and all costs of litigation and judgement of every name and description brought against the Town as a result of loss, damage, or injury to person or property.

12. The Town will lease to the department, for the term of the agreement, the building located in the city limits of the Town of Lake Lure which is more particularly located in the Northwest corner of the intersection of Charlotte Drive and U.S. Highway 64-74 for the sum of one dollar.

13. The department agrees to maintain insurance for its property and all vehicles and equipment leased from the Town to its full insurable value including required liability insurance.

14. The Town agrees to maintain fire, extended coverage, and vandalism and malicious



mischievous insurance on the building.

15. The department shall be responsible for all water, electricity, and any other utility and operational expenses incurred at the premises and in the operation of the Fire Department. The department also shall be responsible for general maintenance of the building and grounds. The Town shall be responsible for improvements to the structure itself which shall hereafter become necessary.

16. The Town shall also lease to the department for the sum of one dollar each, the brush truck, tanker, and pumper owned by the Town.

17. The department agrees to furnish to the Town an accounting of all its fire-fighting calls, other emergency services, training, and other similar activities relating to its fire-fighting operations from time to time as requested by the Town Manager.

18. It is agreed that the Lake Lure Volunteer Fire Department Board of Directors will consist of the following type of persons:

- (a) Two (2) fire-fighters as selected by the membership;
- (b) One (1) Lake Lure Volunteer Fire Department Chief;
- (c) One (1) Lake Lure Town Council representative as selected by Town Council;
- (d) One (1) Lake Lure Town Administrator (Finance Director);
- (e) One (1) Chamber of Commerce Member as selected by Chamber of Commerce;
- (f) One (1) citizen of Lake Lure not associated with any of the above and selected by Town Council.

19. Town owned fire trucks will be governed by the following:

- (a) Only for training as approved by Lake Lure Volunteer Fire Department Board (no personal use);
- (b) All uses shall be logged on appropriate forms including destination(s), purpose of the trip, and mileage.

20. Use of firehouse and adjoining property will be governed by the following:

- (a) The firehouse and adjoining property will be used for activities associated with training of personnel, maintenance of equipment and property, and preparation for fighting fires;
- (b) Any other use of the firehouse or adjoining property must be approved in advance by the Lake Lure Volunteer Fire Department Board;

21. This Agreement may not be transferred or assigned by the Fire Department without the written consent of the Town.

22. This Agreement shall become effective as of July 1, 1994, and subject to the continued

legal existence of the District shall continue throughout the 1994-95 fiscal year in accordance with the annual budget adopted by the Town Council for providing fire protection within the Town of Lake Lure

and to the extent of funds appropriated to continue this agreement.

23. This agreement shall terminate on June 30, 1995, and the leased vehicles, premises, and equipment, (unless a subsequent written agreement and lease establishes otherwise), will thereafter immediately be returned to the Town in as good condition as before with reasonable wear and tear.

In witness thereof, the Town has caused these presents to be signed in its name by its Mayor and attested by its Clerk, by authority of its Town Council and the department, has caused these presents to be signed in its name by its President, and attested by its Secretary, by authority of its board of directors, this the \_\_\_\_ day of \_\_\_\_\_, 1994.

Lake Lure Volunteer  
Fire Department

Town of Lake Lure

by: \_\_\_\_\_  
President

by: \_\_\_\_\_  
Mayor

ATTEST:

ATTEST:

\_\_\_\_\_  
Secretary, LLVFD

\_\_\_\_\_  
Town Clerk

NORTH CAROLINA )  
RUTHERFORD COUNTY )  
TOWN OF LAKE LURE )

A G R E E M E N T

THIS AGREEMENT, made and entered into as of the 1st day of July, 1994, by and between the TOWN OF LAKE LURE, hereinafter referred to as the Town, and the \_\_\_\_\_ VOLUNTEER FIRE DEPARTMENT, INC., hereinafter referred to as the Fire Department;

WITNESSETH:

WHEREAS, North Carolina General Statute 160A-20.1 provides that Municipalities may provide for fire protection in a fire protection district by contracting with any incorporated nonprofit volunteer or community fire department; and

WHEREAS, the Fire Department is a nonprofit corporation organized to furnish fire protection to the citizens of its district; and

WHEREAS, the Town and the Fire Department desire to enter into this agreement for the Fire Department to furnish fire protection for and within the District;

NOW, THEREFORE, in consideration of the premises and of other good and valuable considerations, the parties hereto contract and agree as follows:

1. Town of Lake Lure agrees that it will provide a portion of the funds, each fiscal year, estimated on the needs projected in a budget estimate submitted by the Fire Department to the Town Manager and a recommendation for funds submitted by the Town Manager to the Town Council for furnishing fire protection with the Town.

2. The funds shall be paid to the Fire Department within the fiscal year as agreed to by the Fire Department and the Town Manager. Payments shall not exceed the amount budgeted by the Town Council in the particular fiscal year for fire protection within the Town.

3. The Fire Department shall furnish adequate fire protection within the Town and shall provide the necessary equipment, personnel, water, and all things necessary for furnishing adequate fire protection in the Town. The services shall be in accordance with minimum standards set forth by the Rutherford County Fire Marshall and the North Carolina Insurance Services Office. The Fire Department shall provide workmen's compensation insurance coverage applicable to all Fire Department personnel, regardless of status, at least to the extent required by law. The Fire Department shall furnish said fire protection without charge to all persons and property located in the Town limits in an efficient and workmanlike manner. Upon the failure of the Fire Department to meet the standards set forth herein, no further funds shall be paid by the Town to said Fire Department until said minimum standards are re-established. The Fire Department shall discharge its obligations in a timely manner.

4. All funds paid to the Fire Department by the Town shall be used exclusively to provide fire protection within the Town of Lake Lure.

5. The Town may inspect all the books and records of the Fire Department at any time. The Fire Department shall further provide such additional information as the Town may reasonably request from time to time. The Fire Department agrees that it will supply such records, information or verification relating to expenditures of the funds or the operations of the Fire Department as may reasonably be requested by the Town. The Fire Department shall maintain a written accounting system which provides adequate documentation of all of its receipts and disbursements including those related to the funds subject to this agreement.

