



Incorporated 1927

Town of Lake Lure

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

MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, APRIL 11, 1995, 9:30 A.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

John R. Strutner, Town Manager
Sam Karr, Finance Director

ABSENT: N/A

CALL TO ORDER

Mayor Lehner called the meeting to order at approximately 9:30 a.m.

INVOCATION

Commissioner Church gave the invocation.

APPROVAL OF MINUTES

Commissioner Bush moved, seconded by Commissioner Schichtel, to approve the following minutes of Tuesday, January 24, 1995 Regular Council Meeting as written and presented by the Town Clerk. The vote of approval was unanimous .

AUDIENCE OF CITIZENS

No persons signed up to speak under audience of citizens.

ADOPTION OF RESOLUTION -- REGARDING TERM LIMITS FOR PERSONS APPOINTED TO THE SEVERAL BOARDS AND COMMITTEES AND FOR THE OFFICES OF MAYOR AND COMMISSIONER OF THE TOWN OF LAKE LURE; AND DISCONTINUING APPOINTMENTS TO MULTIPLE BOARDS OR COMMITTEES

Commissioner Shichtel recommended that Council adopt the following proposed resolution:

A RESOLUTION REGARDING TERM LIMITS FOR PERSONS APPOINTED TO THE SEVERAL BOARDS AND COMMITTEES AND FOR THE OFFICES OF MAYOR AND COMMISSIONER OF THE TOWN OF LAKE LURE, NORTH CAROLINA; AND DISCONTINUING APPOINTMENTS TO MULTIPLE BOARDS OR COMMITTEES

WHEREAS, in the 1992 national elections term limits attracted more votes than both candidates for President, Bill Clinton and George Bush, every time this vital issue appeared on the ballot; and

WHEREAS, term limits are an affirmation of the political principles upon which our nation was founded; and

WHEREAS, voters understand that rotation in office gives voice to new ideas and restores the concept of citizen government; and

WHEREAS, term limitation is a good idea that should have the support of all publicly spirited political leaders; and

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WHEREAS, we have a large, under-utilized group of variously talented people in Lake Lure and quasi-judicial boards and committees made up of local citizens with very little member turnover;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Lake Lure, North Carolina meeting in regular session and with a majority of Councilmembers voting in the affirmative:

SECTION 1. That a limit of two (2) consecutive terms is hereby established for all members of the following boards and committees (the terms of each as indicated in parentheses), and for members of additional boards or committees which may be established by Town Council hereafter:

- a. Board of Adjustment/Lake Structures Committee (3 yrs.)
- b. Planning and Zoning Board (3 yrs.)
- c. Lake Advisory Committee (3 yrs.)
- d. Golf Committee (2 yrs.)

SECTION 2. That those persons currently serving on any of the aforesaid boards and committees are hereby deemed to be **eligible** for reappointment to a **maximum** of two (2) additional terms beyond the expiration of their current terms of appointment. This section shall not be construed as an assurance that any person currently serving on a board or committee shall be reappointed to any additional terms beyond the expiration of his or her current term; nor is there any assurance that any person appointed in the future to a board or committee in existence at the time this Resolution is adopted, or to a new board or committee established subsequent to the adoption of this Resolution, that he or she will serve two terms. Appointments and reappointments to any board or committee are at the sole discretion of the Town Council.

SECTION 3. That no person may be appointed to serve on more than one board or committee, excepting those persons appointed to the Board of Adjustment and Lake Structures Appeals Board which together operate as a

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single body to hear appeals regarding both the Town's Zoning Ordinance and the Lake Structures Ordinance.

SECTION 4. That the Town Attorney and Town Manager are hereby authorized and directed to seek the assistance of those several members of the North Carolina General Assembly who represent the Town of Lake Lure in introducing a local bill during the 1996 session of said General Assembly. Said local bill will amend the Charter of the Town of Lake Lure such that any person elected to the office of Mayor would be limited to serving four (4) consecutive two (2) year terms and any person elected as Commissioner would be limited to serving two (2) consecutive four (4) year terms.

SECTION 5. That this Resolution shall take effect and be in force immediately upon its adoption.

Adopted this _____ day of _____, 1995.

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

After discussion among Town Council, Commissioner Schichtel moved, seconded by Commissioner Church, to adopt the resolution regarding term limits for persons appointed to the several boards and committees and for the offices of Mayor and Commissioner of the Town of Lake Lure, North Carolina; and discontinuing appointments to multiple boards or committees as presented by Commissioner Schichtel with changes to Section 1 by inserting the following:

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Notwithstanding the foregoing, a person can be appointed to any board after an absence of one term.

The vote of approval was 3 to 1. Commissioner Schichtel, Commissioner Church, and Commissioner Donovan voted yes. Commissioner Bush voted no.

OTHER OLD BUSINESS

There was no other old business.

RECOMMENDATIONS FROM THE LAKE LURE ABC BOARD

Reuben A. Hutto, Manager of the Town of Lake Lure ABC Board presented the following memorandum of March 31, 1995 addressed to Council regarding the availability of the present Town Hall space after the move to the new administration complex:

In view of the ever increasing growth of the Lake Lure ABC Store due to population, expansion, economic growth and media advertising of our community, enlargement of our business is inevitable.

As you know, the building the Town Hall and the ABC store occupy at the present time was originally designed specifically for the ABC operation.

All credit for this fine building must go to Paul Wilson who was Mayor at the time, Floyd Weeks who was Chairman, Robert Washburn and Phil Sutton who were Board Members. Their long-range vision and foresight now reach fulfillment as we observe the growth in the community they envisioned 15 years ago.

It is true that 15 years ago the ABC store building was over-designed for what we needed at that time. However, this is not the case today.

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Through the able leadership of the present ABC Chairman Walter Rust and Board Members Robert Washburn and Paul Wilson, we have now grown into the building. It would be good for the present Town Council to lead the way to acquire full use of the ABC building again.

Here are a few reasons why additional space is needed:

1. The ABC store sales volume has grown steadily from \$95,176.90 in Fiscal Year 1980-1981 to \$334,772.30 in Fiscal Year 1993-1994.
2. Our present stockroom is not adequate for the volume of stock we must maintain to avoid running out of items or stock sale items when they are discounted.
3. We do not have adequate receiving area to off-load our shipments on load day. The load is stocked in the small storage area.
4. Due to lack of storage space we cannot sort out the cases, but we must handle and re-handle cases in order to stock the store.
5. The ABC store personnel have, for a very long time, been aware that many local users of alcoholic beverages will not patronize our store because they are sensitive to being observed entering or leaving the ABC store by other local residents or Town employees. To what degree this factor has affected the store's potential will only be known through the passage of time.
6. If we can acquire full use of all the room within the building we will once again have adequate space for liquor receiving, warehousing, mixed beverage order office, record storage space, ABC Manager's office, and increased store capacity.

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If we can obtain full use of the present building, a minimum amount of remodeling will be required. The conference room, kitchen, rest-rooms and Town Manager's office will remain as existing. Rest-rooms will be available for ABC customers.

If the Town Council determines that we should acquire the full use of the building there are a number of things to take into consideration:

- A. What amount of rent will be charged by the Town for the total space and what will be our monthly rent if someone else occupies part of the building?

Any increase in rent will merely reduce equivalently the amount of monies paid to the Town at the end of the fiscal year. Keep in mind that the ABC Board will be responsible for the cost to renovate.

- B. Who will have the responsibility to maintain the structure including the mechanical equipment?
- C. If part of the space is to be donated to someone else and they staff their office with volunteer help who will clean their area, clean the rest-rooms, secure the building, pay for maintenance, light bulbs, electric, telephone, and rest-room supplies?
- D. If someone else shares the building with the ABC store what affect will this have on our business? What additional responsibility will befall the ABC store employees when other tenants are here?

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- E. A current proposed revised lay-out of the remodeling is available to the Council if so desired.

This is a brief summary of the way we perceive the future needs of the ABC System in Lake Lure. Again, we hope the Town Council will lead the way in acquiring full use of the building for future growth.

Yours truly,

Walter B. Rust, Chairman
Lake Lure ABC Board

After much discussion, Commissioner Bush moved, seconded by Commissioner Donovan, to approve the request from the Lake Lure ABC Board to acquire full use of the current Town Hall once the town vacates the space and ask the Lake Lure ABC Board to work with Town Manager Strutner to draw up a proposed agreement to lease the building. The vote of approval was unanimous.

**ADOPTION OF RESOLUTION -- AUTHORIZING THE TOWN
MANAGER TO SIGN ALL DOCUMENTS AS PART OF HIS
REGULAR AND OFFICIAL DUTIES**

Town Manager Strutner recommended that Council adopt the following resolution authorizing the Town Manager of Lake Lure, North Carolina to sign all documents as part of his regular and official duties:

**A RESOLUTION AUTHORIZING THE TOWN MANAGER OF LAKE
LURE, NORTH CAROLINA TO SIGN ALL DOCUMENTS AS PART
OF HIS REGULAR AND OFFICIAL DUTIES**

WHEREAS, it is within the usual, customary and reasonable scope of the Town Manager's duties and responsibilities as the Town's chief administrator to sign all documents on behalf of the Town; and

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WHEREAS, the Town Manager's authority to sign documents is included in Section 160A-148(8) of the General Statutes of North Carolina;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Lake Lure, North Carolina, a majority of its members voting in the affirmative, that:

SECTION 1. The Town Manager is hereby authorized to sign all documents on behalf of the Town of Lake Lure, unless:

- a. There is a legal requirement that a document must be signed by the Mayor; or
- b. The Town Council in its discretion, when authorizing the execution of a document, decides that it is preferable to have the Mayor sign the document.

SECTION 2. That this Resolution shall take effect and be in force immediately upon its adoption.

Adopted this _____ day of _____, 1995.

ATTEST:

Town Clerk

Mayor

APPROVED AS TO FORM:

Town Attorney

After discussion among Town Council, Commissioner Schichtel moved, seconded by Commissioner Church, to adopt the resolution authorizing the Town Manager to sign all documents as part of his regular and official duties as presented. The vote of approval was unanimous.

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It was the consensus of Council to request the Town Manager to provide a memo in the Council distribution box briefing on legal documents being signed on an ongoing basis.

OTHER NEW BUSINESS

It was the consensus of Council to authorize Town Manager Strutner to contact David H. Harris of Piedmont Triad Council of Governments and Custom Communications, about reviewing the town's franchise agreement with Phoenix American, Inc. which expires in 1997.

Mr. Harris is willing to enter into a contract with the Town to provide cable television rate regulation and franchise renegotiation services to units of government.

STAFF REPORTS

Finance Director Sam Karr presented Council with the March financial report and stated that the Town's major expense for the month of March was \$7,429.53 to Municipal Insurance Trust for insurance. The Town's major revenue for the month was \$49,276.30 from Duke Power Company.

COUNCIL COMMENTS

Commissioner Donovan reported that the Town's sprinkler system at the Lake Lure Golf Course is now watering all nine greens and all but two tee boxes.


Mayor Lehner commended Golf Course Manager Charles Caldwell for a job well done at the Lake Lure Golf Course.

Council also discussed the possibility of setting aside space in the current community center building for the Hickory Nut Gorge Chamber of Commerce when the new government complex is completed.

ADJOURNMENT

Commissioner Bush moved, seconded by Commissioner Donovan, to adjourn the meeting. The vote of approval was unanimous.

ATTEST:



Mary A. Flack

Mary A. Flack, CMC/AAE
Town Clerk

Max E. Lehner

Mayor Max E. Lehner

RECEIVED

PHOENIX CABLE
INCORPORATED
Phoenix American Company



NOV 21 1994

November 17, 1994

Town of Lake Lure
ATTN: Mr. Tom Hard, Town Manager
P.O. Box 255, Highway 74
Lake Lure, NC 28746

10 South Franklin Turnpike
Ramsey, New Jersey 07446-2551
(201) 825-9090
(201) 825-8794 FAX

Dear Mr. Hard:

Our records indicate that our cable television franchise is up for renewal on August 24, 1997. We of course wish to continue providing service to Lake Lure Town, North Carolina for an additional renewal term.

The Federal Communications Act establishes formal cable television franchise renewal procedures which are to be followed in the event a franchising authority and cable operator are unable to agree informally upon franchise renewal. We understand that certain of these procedures are to be formally invoked by a cable operator, even if the operator expects to reach a satisfactory renewal through informal discussions with the Town. This letter is intended to satisfy that provision.

Accordingly, pursuant to Section 626(a) of the Communications Act of 1934, as amended, 47 U.S.C. S 546(a), Phoenix American Inc. hereby requests the Town of Lake Lure to commence proceedings which afford the public in Town of Lake Lure appropriate notice and participation for the purpose of:

- (1) identifying the future cable-related community needs and interests; and
- (2) reviewing the performance of Phoenix American, Inc. under the franchise during the current franchise term.

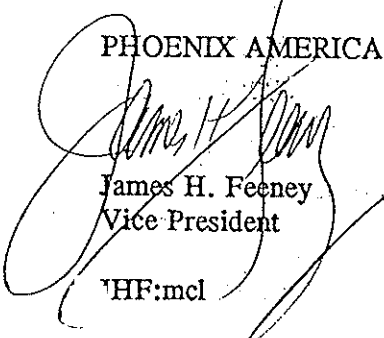
We also request that you take all steps necessary to promptly renew our franchise operations granted by the Town of Lake Lure pursuant to certain Franchise Agreement dated August 24, 1982.

The purpose of this letter is to invoke the federal process and standards for franchise renewal. We are most interested in renewing our franchise through less formal procedures, which we will be suggesting to you shortly.

We look forward to meeting with you at your convenience, and to answer any questions you may have concerning this process.

Sincerely,

PHOENIX AMERICAN INC.


James H. Feeney
Vice President

HF:mcl

cc: Mayor Max E. Lehner, Town Office, PO Box 255, Hwy 74, Lake Lure, NC 28746