



# Town of Lake Lure

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

Incorporated 1927

## MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, FEBRUARY 27, 1996, 7:30 P.M. AT THE LAKE LURE MUNICIPAL CENTER

**PRESENT:** Mayor Max E. Lehner  
Commissioner Bill Bush  
Commissioner Carolyn Cobb  
Commissioner Bethmyrl Rose  
Commissioner Bud Schichtel

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

**ABSENT:** N/A

### CALL TO ORDER

Mayor Lehner called the meeting to order at approximately 7:30 p.m.

### INVOCATION

Attorney Callahan gave the invocation.

### AUDIENCE OF CITIZENS

Nancy McNary, a resident of Lake Lure, requested to speak under audience of citizens about fee parity. Mrs. McNary stated that "I understand that the Mayor is on the Rutherford County TDA Board and Commissioner Cobb had stated that she is on the Hickory Nut Gorge Chamber of Commerce Board of Directors. Both organizations are doing fine things, and both individuals are to be commended for doing great things in the community. But I wondered in the rush to get the office space up and running, if the Town is not conferring a most favored status to these two select groups in the haste to accommodate the Chamber and the TDA. Will there be unintended consequences to signing a \$1.00 contract? Certainly other groups would welcome the same opportunity for a \$1.00 access. I understand that they will be making improvements which will adapt the facility to their mission. But this is a standard practice with all commercial leases. To be consistent and

fair, it seems to me that this option should be available to all groups who are as equally deserving. A damage cleaning deposit could be assessed, but if another group wants to use the facilities, why should they be treated differently? We have other civic organizations. There are residents who host family reunions and taxpayers who desire meeting places. Motorcycles are popular in Town and why couldn't it be a meeting place for motorcycles or for that matter any hobby group? With the \$20,000 to \$25,000 taxpayer funded renovations, it should be a well sought-after community meeting hall. So tonight when considering the lease agreement and the fees that will be charged for using the Town facilities, please establish a policy that will be fair to all groups and not one that just supports special interest. If one group pays \$1.00 than all groups should pay \$1.00."

**APPROVAL OF MINUTES**

Commissioner Cobb moved, seconded by Commissioner Bush, to approve the minutes of the Tuesday, February 13, 1996 Regular Council meeting as written. The vote of approval was unanimous.

**OLD BUSINESS:**

**A. REVIEW LEASE AGREEMENT BETWEEN THE TOWN AND  
THE HICKORY NUT GORGE CHAMBER OF COMMERCE  
REGARDING THE VISITOR CENTER**

Town Manager Strutner reviewed the proposed draft Lease Agreement regarding the Visitor Center with Council members. (Lease Agreement attached). Town Manager Strutner told Council members that the state law (Chapter 160A-272) requires approval of such multi-year leases via resolution. The resolution must be adopted at a public meeting upon ten (10) days public notice of Council's intent to authorize the lease.

Richard Coley, President of the Hickory Nut Gorge Chamber of Commerce, told Council that the Chamber was looking into the possibility of placing a free-standing ATM machine in the Visitor Center only to be accessed during hours that the Chamber would be open.

It was the consensus of Council members to request that Mr. Coley come back later to address the possibility of the ATM machine as a separate issue.

Commissioner Bush moved, seconded by Commissioner Cobb, to do the following:

1. Authorize the Town Manager and Town Attorney to amend the draft Lease Agreement between the Town and the Hickory Nut Gorge Chamber of Commerce regarding the Visitor Center with

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the changes recommended by Council and bring back for approval at the next Regular Council Meeting on March 12, 1996.

2. Publish a public notice in **The Daily Courier** regarding the lease agreement as recommended by Town Manager Strutner.

The vote of approval was unanimous.

**OLD BUSINESS:**

**B. REVIEW PROPOSED RENTAL/USAGE POLICY FOR THE LAKE LURE COMMUNITY CENTERS (NEW AND OLD) AND THE LAKE LURE PAVILION**

Commissioner Bush moved, seconded by Commissioner Schichtel, to accept the draft Town policies governing usage of and rental fees charged for the Pavilion, Community Center and the Municipal Center's Community Hall as amended. The vote of approval was unanimous. (Policy attached).

**OTHER OLD BUSINESS**

There was no other old business.

**NEW BUSINESS:**

**A. DISCUSS THE LAKE LEVEL**

Commissioner Cobb told Council members that she had received several calls from individuals who are doing various projects on the lake and who needed a few more days to complete their projects before the Town brought the lake back up as scheduled for March 1, 1996.

Mayor Lehner invited citizens to speak in regards to the lake level. The following requested to speak:

1. Bob Washburn, Chairman of the Lake Advisory Committee, recommended that the lake level be brought up as soon as possible in March. Mr. Washburn said that most of the erosion problems were caused by high winds and storms that come in March.

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2. Gene Whitesides, a resident of Lake Lure, asked if the Town was going to be able to get boats down the beach area since the Town was unable to dredge while the lake was down?
3. John Kilby, a resident of Neighborly Drive, asked if there is a plan for dredging that's going to take place? Has there been a study done as to where the need is? Mr. Kilby also reported that in some areas the water was too shallow for boats to pass through and dredging should not wait until next year. Mr. Kilby also suggested that Council provide the patrolmen on duty patrolling the lake with some type of tool with a hook on the end of it in order to pull out floating debris in the lake and that the Town have a place to put the debris.
4. Richard Coley, a resident of Lake Lure, asked if there could be buoys/markers placed identifying the problem areas.
5. Ken West, board member of the POA at Fairfield Mountains, said that the University of Virginia has the right to cancel if the lake level has not been brought back up.
6. Jack Powell, a resident of Lake Lure, said that he had dragged trees out of the lake and expressed the need for a proper crew to get the debris after bringing the lake back up. Mr. Powell also stated that this problem could be a serious liability to the Town. Mr. Powell asked the Town to consider a drop point for debris and publish it in the newsletter.
7. Nancy Wait, a resident of Lake Lure, noted that trees that fell in previous storms, line the Rocky Broad River, and wouldn't it be easier to get the trees out now rather than wait until they get into the lake.
8. Jack Donovan, a resident of Lake Lure, stated that the Town needs a flat boat with a hydraulic lift to pull trees and debris out of the lake. Mr. Donovan said that the Town has already had two employees injured from pulling trees/debris out of the lake.

Town Manager Strutner said that the repairs to the dredge should start by March 5th and the Town will start dredging as soon as the lake is brought back up.

Town Manager Strutner said that the silt problem was due to years of accumulation and a study has been made to identify various areas with silt problems.

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Mayor Lehner said that the main channel area was the most serious problem area and would have to be dredged as soon as the lake was brought back up. Mayor Lehner also stated that the Town would have to go in next year with heavy equipment and spend a lot of time removing silt.

Mayor Lehner said that buoys were placed on the lake last year identifying problem areas and additional buoys will be placed this year.

Mayor Lehner stated that the Town had made several commitments to get the lake back up by March 9th.

Town Manager Strutner said that the Lake Advisory Committee goes out every year to check buoys once the lake comes back up and the Town staff checks the buoys with them. Buoys are placed in the lake as recommended by the Lake Advisory Committee.

Town Manager Strutner made a public announcement stating that anyone who sees floating debris out in the lake and can't get it should contact the Town Public Works Department and the Town will pick it up. Mr. Strutner also stated the drop-off point for debris out of the lake is on the Point Park east of the Gazebo and that such information will be published in the next issue of the Town newsletter.

Town Manager Strutner stated that the Town does not have jurisdiction in Bat Cave to remove trees out of the Rocky Broad River.

Commissioner Cobb moved that Council consider some relief, even if only a day or two, for those who have called and the owners who have requested to delay bringing the lake back up to its normal pond level. The motion did not pass due to a lack of second. Therefore, the lake level will be returned to its normal level beginning Friday, March 1, 1996 as earlier voted upon by Council at their July 25, 1995 regular Council meeting.

Mayor Lehner stated that advance notice was published in several issues of the Lake Lure Newsletter in regards to the lake being raised on March 1st., in addition to other announcements.

**NEW BUSINESS:**

**B. REQUEST FROM HICKORY NUT GORGE DOGWOOD FESTIVAL  
COMMITTEE**

Sharon Theiss, Dogwood Festival Chairperson, presented to Council the following letter of February 9th from the Dogwood Festival Committee:

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**We, the Committee of the Hickory Nut Gorge Dogwood Festival, request the Town of Lake Lure to suspend the appropriate ordinances during the time of the Dogwood Festival is in session (Saturday, April 20th through Sunday, April 21st).**

**We would further request the use of the former Community Center, the Town bathroom facilities by the Arcade Building, at the Marina and on the Beach.**

**We will also need Police participation for the 5K Run and the Parade on Saturday.**

**A tentative schedule is enclosed for your convenience. (Schedule attached)**

Mrs. Theiss said that the use of the restrooms at the Town Beach will not be required this year. The Festival Committee will be renting portable facilities which will be placed in the vicinity of the Red Barn Activity Park.

Mrs. Theiss also stated that the Festival Committee is seeking a temporary power service drop from Duke which will be located in the Red Barn Activity Park during the Festival. The Festival Committee has made application the NCDOT for the road closing permits which will be required to conduct the 5K Run and Parade on US 64/74-A.

Following Town Manager Strutner's memorandum of recommendations, Commissioner Schichtel moved, seconded by Commissioner Rose to approve the following:

1. Suspend sections 61.01 (Peddling Prohibited) and 61.99 (associated penalties) of the Town Code of Ordinances on April 20 and vendors associated with the Dogwood Festival.
2. Approve the use of the various grass "islands" owned by the Town in front of the Arcade building for Festival activities.
3. Approve the opening and use of the Community Center on Saturday, April 20, for the health clinic during the Festival; and the opening of the Town Marina restroom facilities on both April 20 and 21.
4. Require the Festival Committee to obtain appropriate liability insurance covering personal injury and property damage (\$1-million coverage) during the Festival. The Town, its officials and employees, should be listed as additional insured on this special event policy.

The vote of approval was unanimous.

**NEW BUSINESS:**

**C. TAX RELEASES**

Commissioner Cobb moved, seconded by Commissioner Bush, to approve the following list of tax releases totalling the amount of \$409.94 as furnished by Tax Collector Betty Hinson:

**TAX RELEASES**

<u>Name</u>	<u>Date</u>	<u>Reason</u>	<u>Amount</u>
Edward Foshie	1995	Released by County	\$11.70
Van Simpson	1988	Released by County	\$58.24
Van Simpson	1989	Released by County	\$58.24
Van Simpson	1990	Released by County	\$58.24
Van Simpson	1991	Released by County	\$62.72
Van Simpson	1992	Released by County	\$62.72
Van Simpson	1993	Released by County	\$62.72
Van Simpson	1994	Released by County	\$12.48
Van Simpson	1995	Released by County	\$12.48
Donald Wildman	1995	Released by County	<u>\$10.40</u>
		Total	\$409.94

**OTHER NEW BUSINESS**

There was no other new business.

**STAFF REPORTS**

Town Manager Strutner announced that the Town will bring on-line the automated attendant component of the new telephone system in the future. Information regarding the selection menus and telephone extensions for the Town Hall will be published in the Lake Lure newsletter.

**COUNCIL COMMENTS**

Mayor Lehner announced that the "Open House" for the Municipal Center will be held on March 4th at 10:00 a.m. until 6:00 p.m. There will be light refreshments all day long and everyone is invited to come. The Rutherford County Board of Commissioners will be hold there regular Council meeting that same day at 10:00 a.m. in our new Council Chambers.

Mayor Lehner mentioned that the Town Council retreat is scheduled for March 19, 1996 at the Spindale House in Spindale. At that time, Council will be working on the budget and planning processes.

Commissioner Schichtel stated that he was pleased with the patching up and repairs made to the Municipal Center building.

**CLOSED SESSION -- ATTORNEY/CLIENT MATTERS**

Commissioner Cobb moved, seconded by Commissioner Rose, to enter into closed session for the purpose of discussing legal matters with the Town Attorney Callahan.

After discussion within the closed session, Commissioner Cobb moved, seconded by Commissioner Schichtel, to come out of the closed session and re-enter the regular session of the meeting. The vote of approval was unanimous.

**ADJOURNMENT**

With no further items of discussion, Commissioner Schichtel moved, seconded by Commissioner Rose, to adjourn the meeting. The vote of approval was unanimous.



*Mary A. Flack*  
Mary A. Flack, CMC/AEE  
Town Clerk

*Max E. Lehner*  
Mayor Max E. Lehner



TOWN POLICIES GOVERNING USAGE OF AND RENTAL FEES  
CHARGED FOR THE PAVILION, COMMUNITY CENTER AND  
THE MUNICIPAL CENTER'S COMMUNITY HALL

The Pavilion and Community Center were designed and intended for use as public places by both residents and non-residents of the Town of Lake Lure. The Community Center contains limited kitchen facilities (to be used for warming and serving food, and not for actual food preparation), a supply of 57 stackable chairs, not to be removed from the Community Center, 10 folding tables (each accommodating 8 persons), and access to restroom facilities. The Pavilion is an open air facility which has electrical service, but no chairs or tables. Restrooms for users of the Pavilion are available at both the Town Marina and the Hickory Nut Gorge Visitor Center (adjacent to the Community Center) during the normal, seasonal operating hours of these facilities. The tables are owned by the VFW and may not be removed from the Community Center. The Town has no authority to loan or lease these tables.

The Community Center is available for rent by individuals, groups and organizations intending to hold meetings, family reunions, exhibits or displays (e.g. truck and car shows which will require use of the parking area and grounds adjacent to the Community Center for such displays/exhibits), and similar functions or events, especially those which will run for more than 4 hours per day, or are multi-day events.

The Pavilion is available for rent by the individuals, groups and organizations for meetings, reunions, etc. No charcoal or gas grilling is permitted in or around the Pavilion, nor along the peninsula leading to the Pavilion. Charcoal grills are available for public use at the picnic shelters located behind the Community Center.

The Municipal Center's Community Hall and two small meeting rooms which are part of the Community Hall (opened in December 1995) were designed and intended for use as a public place primarily by groups of Town residents. Regularly scheduled Town governmental functions and meetings have priority when scheduling the use of the Community Hall and the two small meeting rooms. The Community Hall is equipped with 18 folding tables (each capable of seating 6 persons), 115 stackable chairs, and limited kitchen facilities (again, this is for warming and serving food, not food preparation). The two meeting rooms are each equipped with a table and chairs, and can accommodate 6-10 persons in a small meeting setting.

#### I. PROCEDURE FOR RESERVING THE COMMUNITY CENTER OR PAVILION

These two facilities must be reserved no less than three weekdays in advance of the anticipated event or use. Applications for a Use Permit shall be filed on the forms available at the reception counter in the Municipal Center. These application forms must be presented in person and signed by the person willing to accept responsibility, either as an individual or as an authorized representative of the group or organization, for the Community Center/Pavilion and any Town equipment used. Reservations will not be valid and recorded until this form has been submitted and all fees/deposits have been paid.

The fee paid for use of the Community Center includes a pre-function check/cleaning fee and a post-function check/cleaning fee which will be paid by the Town to its contractual custodian. (This is a flat fee of \$20 per use.)

#### II. LIMITATION ON USE OF THE COMMUNITY CENTER OR PAVILION

The same individual, group or organization may not reserve either facility in excess of two times per month. However, this rule may be waived, IF no earlier than ten (10) weekdays prior to the date which an individual, group, or organization wishes to exceed the limit, he/she/they contacts the Customer Services Director to determine if the facility is available. If so, that individual, group or organization may reserve it at that time by submitting the application form as set forth above.

#### III. REQUIREMENTS

1. The Responsible Party, i.e. the individual, group or organization signing and submitting the application for a Use Permit, will be solely and wholly responsible for any and all damage sustained to the premises rented during or as a result of the event. (An authorized representative of the group or organization must sign on behalf of any group or organization.)
2. In signing the application, the Responsible Party shall agree to indemnify and hold harmless the Town of Lake Lure, its officials, employees and agents, successors and assignees, from and against any and all liability for personal injuries, property damage, or loss of life or property resulting from, or in any manner connected with, the condition or use of the premises covered by the Use Permit, or any means of ingress to and egress from these premises.
3. It is understood that the Use Permit is issued only to the Responsible Party whose name appears on the application for said Permit, and the Permit may not be transferred or

assigned, and shall not inure to the benefit of any successor or assignee of the Responsible Party.

4. The consumption of alcoholic beverages of all types, the use of tobacco products of any kind, and the carrying of any concealed weapons upon the premises are all specifically prohibited.

5. The Responsible Party shall ensure that the premises are cleaned of trash and debris after the event, and that same is properly deposited in the receptacles provided.

6. If the Use Permit requires the issuance of a key to the Responsible Party, the Responsible Party shall understand that if the key is lost or stolen, the Responsible Party shall be liable for a \$50.00 lost key fee.

7. A refundable, security deposit of \$50.00 for the Community Center and \$25.00 for the Pavilion must be tendered at the time the application for a Use Permit is filed. It is the direct responsibility of the Responsible Party to immediately note and report any apparent damage to the premises which the Responsible Party observes prior to its use of the facility in order to avoid being held responsible for such damage later and resultant forfeiture of the security deposit.

8. Prior to departure after the conclusion of an event, the Responsible Party shall secure the Community Center, turn off all lights and ceiling fans, and return the temperature setting of the heating/cooling system to the setting posted near the thermostat for non-use hours.

#### IV. CHARGES

1. The use of the Community Center and Pavilion will entail the charge of flat fees as follows:

PAVILION: \$25.00 per day or fraction thereof \*\*

COMMUNITY CENTER: \$30.00+ per half day (4 hrs. or less)  
\$50.00+ per day (in excess of 4 hrs.)

\* This does not include the fee to provide chairs. This fee will be \$15.00 during the week and \$25.00 on weekends and holidays.

+ Plus security deposit as set forth above

#### V. PROCEDURE FOR RESERVING THE COMMUNITY HALL/ROOMS

These facilities must be reserved no less than three (3) weekdays in advance of the anticipated event or use. Applications for a Use Permit are available at the reception counter in the Municipal Center. These application forms must be presented in person and signed by the person willing to accept responsibility, either as an individual or as an authorized representative of the group or organization, for the Community Hall/meeting room and equipment. Reservations

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will not be valid and recorded until this form has been submitted and all fees/deposits have been paid.

#### VI. LIMITATION ON USE OF THE COMMUNITY HALL/ROOMS

These limitations are the same as in II. above.

#### VII. REQUIREMENTS \*

1. through 5. are the same as in III. above.

6. The Community Hall and the two, small meeting rooms in the Municipal Center are all available for use, subject to previous engagements including meetings of the Town Council and Town governmental boards and committees, from 9:00 a.m. through 4:00 p.m. Monday through Friday, excepting holidays observed by the Town. There will be a rental fee charged during these hours for use of the Community Hall which includes a fee to cover the custodian's time in cleaning the hall, restrooms, kitchen area and foyer following the use. There is no fee charged for use of the meeting rooms during these hours.

7. The Community Hall and meeting rooms may also be used on weekdays (holidays excepted) from 5:00 p.m. until 9:00 p.m. and on weekends from 9:30 a.m. until 9:00 p.m., IF proper arrangements can be made to engage the Town's custodian, or IF a Town official or employee will be in attendance throughout the course of the event or meeting. There will be a fee charged for use of the hall or meeting rooms during these hours, and that fee will be greater than that charged for use as set forth in 6 above.

8. No decorations, displays, or other items may be attached to any wall.

9. Use of the Community Hall will entail a refundable security deposit of \$75.00 which shall be filed at the time of application for a Use Permit. (The same requirements are in effect as set forth in III. 7. above.)

#### VIII. CHARGES

##### A. COMMUNITY HALL

1. Monday - Friday (holidays excepted), 9:00 a.m. - 4:00 p.m.

a. 4 hrs. or less/day = \$40.00+

b. in excess of 4 hrs./day = \$65.00+

2. Monday - Friday (holidays excepted), 5:00 p.m. - 9:00 p.m.

a. \$60.00+ for the evening or any fraction thereof

[5]

3. Weekends, 9:30 a.m - 9:00 p.m.
  - a. 4 hrs. or less/day = \$60.00-
  - b. in excess of 4 hrs./day = \$85.00+

+ Plus security deposit

B. SMALL MEETING ROOM

1. For days and hours as in 1. above = NO CHARGE
2. For days and hours as in 2. above = \$30.00
3. For days and hours as in 3. above:
  - a. \$30.00
  - b. \$40.00

\* NOTE: The fee to be charged for use of the Community Hall or a Meeting Room for time overlapping the above time periods (e.g. on a weekday from 3 - 7 p.m.) shall be considered as a special circumstance and shall be established on a case-by-case basis by the Town Manager.

**\* ADDENDUM RE: USE OF THE COUNCIL CHAMBER IN CONJUNCTION WITH COMMUNITY HALL IN THE MUNICIPAL CENTER**

The Council Chamber, which is directly adjacent to the Community Hall, is not considered to be part of the Community Hall and as such it is not typically rented for use. The primary use of the Council Chamber shall be for regular and special meetings of Town Council, various Town boards and committees, and other Town government related meetings and functions.

Special permission to use the Council Chamber may be arranged, provided both these conditions are met:

1. The party desiring to use the Council Chamber in conjunction with its rental of the Community Hall shall make the desire known on the Application for a Use Permit at the time said application is completed and filed at the Municipal Center.
2. Town Council approves of the request to use its Council Chamber. (Said permission will be determined by polling the Mayor and Commissioners individually, and by telephone if necessary.)