



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, AUGUST 27, 1996, 7:30 P.M. AT THE LAKE LURE MUNICIPAL CENTER

PRESENT: Mayor Max E. Lehner
Commissioner Bill Bush
Commissioner Beth Rose
Commissioner Bud Schichtel

John R. Strutner, Town Manager
J. Christopher Callahan, Town Attorney

ABSENT: Commissioner Carolyn Cobb

CALL TO ORDER

Mayor Lehner called the meeting to order at approximately 7:30 p.m. and asked that those present to remember Commissioner Cobb in their prayers.

INVOCATION

Attorney Chris Callahan gave the invocation.

AUDIENCE OF CITIZENS

No persons requested to speak under audience of citizens.

APPROVAL OF MINUTES

Commissioner Bush moved, seconded by Commissioner Schichtel, to approve the minutes of Tuesday, August 13, 1996 Regular Council meeting as written and presented by the Clerk. The vote of approval was unanimous.

**PRESENT AWARD TO CHARLES WATSON FOR YEARS OF SERVICE
TO THE LAKE LURE POLICE DEPARTMENT**

Mayor Lehner announced that Mr. Charles Watson could not be present to receive his award of appreciation to the Lake Lure Police Department from June 19, 1992 -- August 8, 1996. Mayor Lehner said that Mr. Watson is now currently working for the Rutherford County Sheriff's Department.

**PRESENT AWARD TO MARY LYNNE HAYES FOR YEARS OF SERVICE
TO THE TOWN OF LAKE LURE**

Town Manager Strutner presented an award to Zoning Administrator Mary Lynne Hayes in appreciation for service to the Town of Lake Lure for five-plus years.

Council members and several citizens expressed their appreciation to Ms. Hayes for her service to the Town of Lake Lure.

OLD BUSINESS

a. Other Old Business

There was no other old business for discussion.

NEW BUSINESS

**a. Resolution No: 96-08-27 -- Authorizing the Advertisement of an Offer to
Purchase Certain Town Property**

Town Manager Strutner presented the following proposed resolution authorizing the advertisement of an offer to purchase certain Town property:

RESOLUTION NO: 96-08-27

**Resolution Authorizing the Advertisement
of an Offer to Purchase Certain Property**

WHEREAS, the Town Council of the Town of Lake Lure, North Carolina desires to dispose of certain surplus property of the Town;

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NOW, THEREFORE, BE IT RESOLVED by the Town Council that:

1. The following described property is hereby declared to be surplus to the needs of the Town: Lot 3, Chalet Village North (map 528, block 11, lot 161), Parcel No. 0221725, located in Fairfield Mountains, Lake Lure, North Carolina.
2. The Town Council has received an offer to purchase for the sum of \$1,500.00 the property described above.
3. The Town Council proposes to accept the offer unless an upset bid shall be made.
4. The person making the offer must deposit with the Town Manager a sum equal to five percent (5%) of his or her offer.
5. The Town Clerk shall cause a notice of such offer to be published in accordance with G. S. 160A-269.
6. The Town Clerk is directed, should a qualifying upset bid and deposit be received within ten (10) days from the publication of said notice in accordance with G.S. 160A-269, to re-advertise the offer at the increased upset bid amount.

Adopted this 27th day of August, 1996.

Max E. Lehner, Mayor

ATTEST:

Mary A. Flack, Town Clerk

Council members mentioned various problems with the proposed resolution which came to light subsequent to preparation of the resolution, including unresolved matters of stipulation of approval from the Fairfield Mountains Property Owners Association (POA) in regards to combining lots 2 & 3, Chalet Village North, in order to avoid paying two Property Owners Association dues. It was also mentioned that the lot was considered an unbuildable lot and questioned whether the lot was in compliance with the Town's zoning requirements. In addition, several Council members stated the offer was below typical market value.

After discussion, Commissioner Rose moved, seconded by Commissioner Bush, to table a decision on the proposed Resolution No: 96-08-27 (authorizing the advertisement of an offer to purchase certain Town property) and refer the resolution back to the Town Manager and Town Attorney for revisions. The vote of approval was unanimous.

NEW BUSINESS

b. Request Council's Decision Regarding Designation of an Area of Town Property as "No Parking"

Town Manager Strutner explained that the Town had purchased property located on Tryon Bay along US Highway 64/74-A, near intersection with NC 9, which is adjacent to the property of Jimmy's Restaurant. Mr. Strutner said that offers were made to some parties about leasing Town property for a parking area, but no one expressed interest. Subsequent to the offers made, Mr. Strutner talked to the State of North Carolina Department of Transportation and he was advised not to use this property for parking area because it would create a safety hazard, reduce the sight distance to the west of the restaurant drive, and also cause conflict for vehicles entering and leaving both properties. The property is also very narrow and will not allow for the construction of proper entrances and parking.

Mayor Lehner read aloud the following statement made in a letter of July 23, 1996 received from Stephen A. (Tony) Moore, District Engineer, Department of Transportation. **"Because of the aforementioned problems our Department recommends that the Town not use this property for a parking area, and having serious reservations, would likely deny the issuance of a drive permit for the location."** (Letter attached).

Town Manager Strutner recommended that Council make a formal action designating the above mentioned property as a "no parking" area.

Commissioner Bush moved, seconded by Commissioner Rose, to designate the Town property located on Tryon Bay along US Highway 64/74-A (near intersection with NC 9 and adjacent to the property of Jimmy's Restaurant) as a "no parking" area as recommended by Town Manager Strutner and authorize the Town Manager to put up appropriate signage in accordance with the North Carolina Department of Transportation. The vote of approval was unanimous.

NEW BUSINESS

c. Tax Release and Refunds

Commissioner Rose moved, seconded by Commissioner Schichtel, to approve the following tax release totalling \$1.50 and tax refunds totalling \$104.00 as furnished by Tax Collector Betty Hinson. The vote of approval was unanimous.

TAX RELEASE AND REFUNDS

<u>Name</u>	<u>Date</u>	<u>Reason</u>	<u>Amount</u>
Gay t. Lyda	1996	Building Torn Down	\$1.50
		Total	\$1.50

<u>Name</u>	<u>Date</u>	<u>Reason</u>	<u>Amount</u>
Jack Powell	1995	Released by NCPTC	\$52.00
Jack Powell	1994	Released by NCPTC	<u>\$52.00</u>
		Total	\$104.00

NEW BUSINESS

d. Other New Business

There was no other new business for discussion.

STAFF REPORTS

Town Manager Strutner reported on the following:

1. Mr. Britt Bernhardt will be sworn in this Friday as Interim Zoning Administrator on a temporary, part-time basis under a contract with the Isothermal Planning Development Commission (IPDC). Mr. Britt Bernhardt will officially start work next Wednesday. A fair number of applications have been received for the Zoning Administrator position and the deadline for applications is not until September 13th.
2. Announced that the position of Hydro/Wastewater Plant Operator has been filled by Mr. Lewis McDade.
3. Met with Mr. Bob Johnson of the U.S. Army Corps. of Engineers to look at the various sites for silt disposal during the winter project and Mr. Johnson approved three sites tentatively and requested additional information.

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4. The dredge is in operation again at the entrance to the harbor.
5. The Town Beach will be closed after Labor Day (September 2, 1996).
6. The Town Marina had been doing a minimal amount of business during the week and unless an increase of business this week, the Town Marina will be open on weekends only after Labor Day.

COUNCIL COMMENTS

Commissioner Rose said that she would like to make a clarification in response to the Daily Courier newspaper article misquoting her. She had submitted her memo of August 8, 1996 in her absence, to Council members at the August 13th Regular Council meeting regarding suggested goals for the Lake Lure Golf Course. Mrs. Rose stated that the Daily Courier newspaper had quoted her saying that she had suggested that the golf course should produce an income of at least 20 percent of expenditures. Mrs. Rose said that the article should have stated that the Lake Lure Golf Course should produce an income of at least 80 percent of expenditures or a loss of only 20 percent.

CLOSED SESSION

Attorney/Client Matters -- G.S. 143-318.11(a)(3)

Commissioner Rose moved, seconded by Commissioner Schichtel, to enter into closed session at approximately 7:55 p.m. for the purpose of discussing Attorney/Client matters (G.S. 143-318.11(a)(3)). The vote of approval was unanimous.

After discussion within closed session, Commissioner Bush moved, seconded by Commissioner Schichtel, to come out of the closed session at 9:27 p.m. and re-enter the regular session of the meeting. The vote of approval was unanimous.

Commissioner Schichtel moved, seconded by Commissioner Bush, to seal the minutes of the closed session meeting in order to avoid frustrating the purpose of the closed session. The vote of approval was unanimous.

Commissioner Schichtel moved, seconded by Commissioner Bush, to adopt the following resolution (authorizing condemnation to acquire certain property of Martha Jane Powers, life tenant, and Alan Powers Moore and John Hayward Moore, remaindermen) as presented by Town Attorney Callahan. The vote of approval was unanimous.

RESOLUTION NO: 96-08-27A

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY OF MARTHA JANE POWERS, life tenant, and ALAN POWERS MOORE AND JOHN HAYWARD MOORE, remaindermen.

WHEREAS, the governing body of the Town of Lake Lure hereby determines that it is necessary and in the public interest to acquire certain property owned by Martha Jane Powers as life tenant, and Alan Powers Moore and John Hayward Moore, remaindermen, for the following public purpose:

The purpose for which the easement is being condemned is to protect the public health, to provide the public with an adequate and sound public water supply and distribution system, and to improve such system to meet the need for expanded or upgraded services, the Town of Lake Lure is condemning the herein described interest for public water supply and distribution purposes, specifically, to install a water and electric line from an existing well leased to the Town of Lake Lure on other property to a reservoir located at the terminus of the following description, along with a small chlorination unit to be affixed to the existing reservoir.

The property and interest being condemned is described as follows:

Situate, lying and being in Chimney Rock Township, and being an easement ten feet in width for the purpose of installing an underground water line and underground electrical line, the center line of said easement being more particularly described by courses and distances according to a plat of survey by Nathan Odom, Registered Land Surveyor, dated January 31, 1996, as follows:

Beginning at an iron pin in the center of an existing dirt road locally known as Pool Creek Road, which point of beginning is located North 87 42 35 West 15.26 feet from an existing iron pin on the east side of Pool Creek Road, said iron pin is the point of beginning in that particular deed recorded in Deed Book 662 at Page 289, Rutherford County Registry, thence the center line of said ten foot easement proceeding from said beginning point and with the center line of Pool Creek Road the following courses and distances: North 08 37 54 East 14.04 feet; North 28 49 12 East 168.11 feet; North 16 35 47 East 102.19 feet; N 29 29 49 East 195.70 feet; North 16 45 33 East 49.93 feet; North 02 44 34 West 50.17 feet; North 30 48 50 West 105.19 feet; North 20 29 42 West 66.95 feet; and North 08 15 52 West 19.29 feet to a point of intersection of Pool Creek Road and an old road bed; thence with the center line of said old road bed the following courses and distances: North 23 25 29 West 124.15 feet; North 28 07 08 West 90.50 feet; North. 13 37 31 West 57.79 feet; North 03 34 58 East 60.95 feet; North 26 48 23 East 45.53 feet; and North 01 11 58 West 69.01 feet back to a point in the center of the old road bed; thence South 88 17 32 West 31.78 to the center of the existing reservoir.

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The Town of Lake Lure has estimated the sum of \$7,240.00 to be just compensation for the described easement based upon a paid professional appraisal.

WHEREAS, the proper officials or representatives of the Town of Lake Lure have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWN OF LAKE LURE, THAT:

1. The Town of Lake Lure shall acquire by condemnation, for the purposes stated above, the property and interest described as follows:

Situate, lying and being in Chimney Rock Township, and being an easement ten feet in width for the purpose of installing an underground water line and underground electrical line, the center line of said easement being more particularly described by courses and distances according to a plat of survey by Nathan Odom, Registered Land Surveyor, dated January 31, 1996, as follows:

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2. The attorneys representing the Town of Lake Lure, which could include Chris Callahan and John Cloninger, are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

Adopted: This 27th day of August, 1996.

Mayor

ATTEST:

Town Clerk

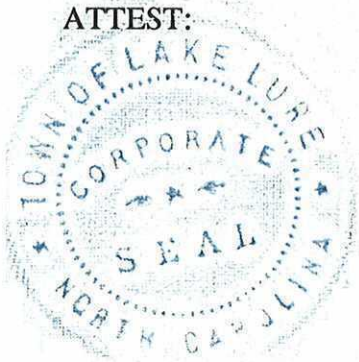
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Commissioner Bush moved, seconded by Commissioner Schichtel, to reconsider the previous motion tabling a decision on the proposed Resolution No: 96-08-27 (authorizing the advertisement of an offer to purchase certain Town property) and to reject Resolution No: 96-08-27 in its entirety. The vote of approval was unanimous.

ADJOURNMENT

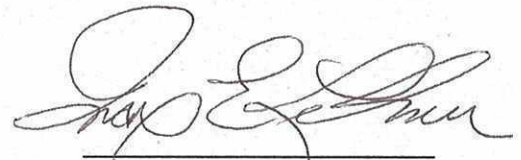
With no further items of discussion, Commissioner Bush moved, seconded by Commissioner Schichtel, to adjourn the meeting at 9:30 p.m. The vote of approval was unanimous.

ATTEST:





Mary A. Flack, CMC/AAE
Town Clerk



Mayor Max E. Lehner



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

JAMES B. HUNT JR.
GOVERNOR

DIVISION OF HIGHWAYS

GARLAND B. GARRETT JR.
SECRETARY

Rt. 1, Box 169C
Marion, NC 28752
July 23, 1996

Rutherford County

Mr. John Strutner - Manager
Town of Lake Lure
P. O. Box 255
Lake Lure, NC 28746

Subject: Proposed parking areas on Town owned property, at two locations along US 64/74-A, near its intersection with NC 9.

Dear Mr. Strutner:

This is a follow-up to your meeting with Gene Morgan of my office concerning, the subject matter. The following recommendations are the result of our Departments review of the site and proposal.

PROPOSED PARKING AREA AT US 64/74-A AND NC 9 INTERSECTION

The creation of a parking area on the property at the intersection of NC 9, that adjoins the drive for Jimmy's Restaurant would create an safety hazard. The use of this property as an established parking area would greatly reduce the sight distance to the west of the restaurant drive and also cause conflict for vehicles entering and leaving both properties.

The property is also very narrow and will not allow for the construction of proper entrances and parking; therefore, a safe traffic pattern for entering and leaving the property would be very difficult to maintain.

Because of the aforementioned problems our Department recommends that the Town not use this property for a parking area, and having serious reservations, would likely deny the issuance of a drive permit for the location.

PROPOSED PARKING AREA APPROXIMATELY 350 FEET WEST OF THE US 64/74-A INTERSECTION

A parking area at this location for the scenic viewing area nearby although not ideal, could be constructed to accommodate a very limited number of vehicles, and not have an adverse affect on the traffic flow. However, the following recommendations should be made a part of the project.



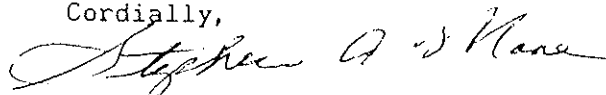
Mr. John Strutner
July 22, 1996
Page 2

1. A traffic control island should be constructed with designated ingress and egress point or points to eliminate parking along the roadway.
2. The island should be located 6' from the edge of the pavement of US 64/74-A and should be a minimum of 4' wide.
3. A limited number of parking spaces will be available and should be clearly marked. Angle parking will likely improve the use of the property, and should be considered in the design.
4. Preventative measures should be taken to prevent vehicles backing into the roadway.
5. A designated walkway to give access to the scenic viewing area should be established beyond the normal roadway shoulder of approximately 6' to provide a buffer between the vehicular and pedestrian traffic.

These recommendations are not to be considered as a complete design criteria for this location, but should be incorporated as much as possible into the development of a plan for the proposed site. A plan for the site should be submitted to DOT for review and the issuing of a drive permit.

If you have questions in this matter, please contact
Gene Morgan at (704) 652-3344.

Cordially,



Stephen A. (Tony) Moore, P. E.
District Engineer
Dist. 1, Div. 13

SAM/RGM

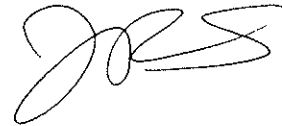
cc: Mr. W. D. Smart, P. E.
Mr. G. R. Spangler

RE: Attached letter from Tony Moore of NCDOT

This letter was provided by Mr. Moore at my request following Chief Gamble's and my meeting with Gene Morgan of NCDOT at the subject site.

Given these recommendations from NCDOT, I would suggest the following:

1. Either do nothing with the parking area at US 64/74-A and NC 9 intersection, or actually proceed to make it a NO PARKING AREA which will require passage of an ordinance and posting with proper signs.
2. As far as the second parking area west of the one above, I think we might want to defer developing this into a formal parking area (IF Council is still interested in same) until next fiscal year and include it as a capital improvement item.

A handwritten signature in black ink, appearing to be the initials 'JRS' with a stylized flourish.

Mayor Max Lehner
Town of Lake Lure
PO Box 255
Lake Lure, NC 28746-0255

5/12/96

Dear Mayor Lehner,
In Response to your inquiry that
we purchase lot 3 Chateau Village North.
This is the lot next to our property
at 3131 Buffalo Brook Rd, Lake Lure
(in Fairfield Mountain)

On 6/12/96 you informed me that the
lot is unbuildable. I have yet to receive
a note of confirmation from the P.O.A.
that they will combine lots to avoid me
paying two POA Dues.

Given this I will offer to buy
lot 3 Chateau Village North, an unbuildable
lot, for \$1500⁰⁰ cash.

I await your response.
I Remain

Yours truly
Jerry Pollino
Jerry Pollino

How does
Town dispose
of this P.E.?

5/16/96 - 269 -
Upset bid

Lake Lure 704-625-2838
Matthews 704-846-5677
Office 704-588-8011

LIST PARCEL SHORT.ID SHORT.DESC SHORT.ALT PCT.OF.BASE TAX.CODES GROSS.MKT SUM.DEFER.VALUE EXEMPTION.AMOUNT NET.VALUE SHORT.NAME CURR
 .OWNER.ACCT.NBR ID.SUP LPTR 11:05:07 03-19-96 PAGE 264

Pct of Tax Exempt.... Curr Own
 PARCEL: PROP.DESC. MAP/BL/LDT..... Base. Code GROSS MKT SUM.DEFER.VALUE Amount... NET..... Current Owner..... Acct Nbr

PARCEL	PROP.DESC.	MAP/BL/LDT	Base. Code	GROSS MKT	SUM.DEFER.VALUE	Amount	NET	Current Owner	Acct Nbr
	ET VILLAGE								
				100.00	C05				
0221725	3, CHALET	528 11 161	100.00	G01	5,500	0	5,500	LAKE LURE TOWN OF	15002793
	VILLAGE N.								
				100.00	C05				
0221353	LOT 2 CHAL	528 11 162	100.00	G01	85,000	0	85,000	POLLINO, HOWARD J	15022430
	ET VILLAGE								
	NORTH								
								POLLINO, CYNTHIA G	