



Incorporated 1927

Town of Lake Lure

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MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, MARCH 17, 1998, 7:30 P.M. AT THE LAKE LURE MUNICIPAL CENTER

PRESENT: Mayor Jack Powell
Commissioner Carolyn Cobb
Commissioner Beth Rose
Commissioner Gene Sheffield
Commissioner Jack Stanier

J. Christopher Callahan, Town Attorney
Sam Karr, Finance Director

ABSENT: John R. Strutner, Town Manager

CALL TO ORDER

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

INVOCATION

Commissioner Cobb gave the invocation.

PUBLIC FORUM

No one signed up to speak under public forum. However, Mayor Powell invited the audience to speak on any non-agenda item.

CONSENT AGENDA

Mayor Powell presented the consent agenda and asked if any item should be removed before calling for action.

Commissioner Sheffield moved, seconded by Commissioner Rose, to remove item b (Dixie Rodders Car Club request) off the consent agenda for further discussion before calling for action. The vote of approval was unanimous.

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Commissioner Rose moved, seconded by Commissioner Stanier, to approve the consent agenda items (a and c) as presented. Therefore, the consent agenda, incorporating items was unanimously approved:

- a. **Approved Minutes of February 17, 1998 (Regular Meeting and Closed Session Meeting) and February 13, 1998 (Special Meeting).**
- c. **Approved the Hickory Nut Gorge Dogwood Festival request as follows:**
 - 1. **Suspended sections 61.01 and 61.99 of the Town's Code of Ordinances prohibiting peddling during the festival hours on April 18-19, 1998;**
 - 2. **Approved the use of the Town-owned "islands" around the Arcade Building for festival activities, and tentative use of the grassy activities, and tentative use of the grassy area adjacent to the visitor center for a Boys Scout campout, contingent upon appropriate overnight adult supervision is provided by the Scout leader and/or parents of the Scouts;**
 - 3. **Approved the use of the Community Center for a health clinic to be sponsored by the Lion's Club, and waive rental fee for same;**
 - 4. **Authorized the Police Department participation for traffic control purposes during the parade on April 18, contingent upon the festival committee obtaining the required NCDOT permit for use of US 64/74-A;**
 - 5. **Approved the opening of public restrooms at the Town Marina and Beach on both days of the festival. The hours will be coordinated between the Town Public Works Department and festival representatives; and**
 - 6. **Required the festival committee to obtain appropriate liability insurance coverage for personal injury and property damage (\$1-million coverage minimum) during the festival and any of its events, activities, etc. The Town of Lake Lure, its officials, etc. should be listed as additional insureds on this policy.**

End of Consent Agenda

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After discussion, Commissioner Cobb moved, seconded by Commissioner Stanier, to approve the Dixie Rodders Car Club request as follows. The vote of approval was unanimous.

1. **Approved the use of the Community Center and adjacent grassy areas, on May 29-30, subject to the usual conditions and terms, and upon payment of the fee associated with renting same;**
2. **Suspended the Town's Peddling Ordinance (Code of Ordinances, Section 61.01 and 61.99) so that vendors may sell t-shirts and other items on-site during the event;**
3. **Suspended the Town's ordinance provisions prohibiting the consumption of malt beverage upon Town property as requested. The hours for this suspension shall be as requested from 12:00 noon until 12:00 midnight on May 29, 1998 and 8:00 a.m. until 4:00 p.m. on May 30, 1998. No person may sell or serve such beverages at this show during these hours and discretion by show participants during consumption of such beverages is required, as was suggested by the Dixie Rodders in their letter; and**
4. **Required the following recommendations by Sgt. Scott Harris: (1) consumption shall be restricted to the Community Center and the grassy area surrounding same where the cars are normally displayed; and (2) consumption shall not be permitted in/or around the playground areas, Town Marina, tennis courts, Municipal Center, or any paved parking areas (around the Marina, Community Center or Municipal Center).**

OLD BUSINESS

a. Other Old Business

There was no other old business for discussion.

NEW BUSINESS

a. Presentation Re: Upper Broad Watershed Protection Committee

Bob Washburn, Chairman of the Lake Lure Lake Advisory Committee, recommended that Town Council consider adopting the resolution recommending and supporting the concept

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of a multi-county, watershed-based, land treatment project. He emphasized that there is a need to address the sedimentation problems of runoff into the river and into the lake.

Mayor Powell read aloud the following proposed Resolution No. 98-03-17 to be considered for adoption:

RESOLUTION NO. 98-03-17

**RECOMMENDING AND SUPPORTING
THE CONCEPT OF A MULTI-COUNTY, WATERSHED-BASED,
LAND TREATMENT PROJECT**

WHEREAS, environmental protection and maintenance of the scenic beauty is important for the health and welfare of citizens and visitors of the area; and

WHEREAS, water quality improvement of our streams and rivers leads to improved wildlife habitat and recreational uses; and

WHEREAS, the Upper Broad River Watershed encompasses a majority of the Town of Lake Lure; and

WHEREAS, the need exists to address the sediment load and non-point pollution problems associated with land use issues in the Upper Broad River Watershed.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Lake Lure as follows:

1. That this Council recommends and supports the concept of a multi-county, watershed-based, land treatment project to address the Upper Broad River Watershed.
2. That this Council recommends the effort involving all units of government including Buncombe, Henderson, and Rutherford Counties, the Town of Lake Lure and the Village of Chimney Rock, as well as the Mountain Valleys Resource Conservation and Development Council, and the Soil and Water Conservation Districts in all counties.
3. That this resolution is effective upon its adoption.

ADOPTED this 17th day of March, 1998.

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ATTEST:

Mary A. Flack, CMC/AAE
Town Clerk

Jack Powell, Mayor

APPROVED AS TO FORM:

J. Christopher Callahan
Town Attorney

After discussion, Commissioner Rose moved, seconded by Commissioner Sheffield, to adopt Resolution No. 98-03-17 (recommending and supporting the concept of a multi-county, watershed-based, land treatment project) as presented. The vote of approval was unanimous.

NEW BUSINESS

b. Presentation of Annual Reports from Town Boards and Committees

Presentations of annual reports were given by the Town Boards/Committees Chairpersons. Each speaker was introduced by Mayor Powell.

Lake Lure Zoning/Planning Board Annual Report

Dick Washburn, Chairman of the Lake Lure Zoning/Planning Board reported that they met on the first Tuesday of each month during 1997 and additional meetings when necessary. The members of the Zoning/Planning Board during 1997 were Joe Doti, Jack Stanier, Tom Hough, Jim Proctor, Russell Meade, and Dick Washburn. Bill Bush was the Town Council Liaison and Woody Harton attended the meetings representing the North Carolina Division of Community Assistance.

Britt Bernhardt was the Interim Zoning Administrator until Dave Weatherman became Zoning Administrator in July 1997. After Dave Weatherman resigned later in the year, Britt Bernhardt again became the Interim Zoning Administrator.

The Lake Lure Zoning/Planning Board meetings start at 9:30 a.m. and last about three hours. The activities for 1997 included the following:

1. Recommending amendment for telecommunication tower (adopted January 28, 1997);
2. Recommending rezoning entrance to Chimney Rock Park (adopted February 1997);

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3. Land Use Plan revisions completed and recommended for adoption;
4. Amendment was recommended concerning lot width at building sites of existing lots of record;
5. Study of setbacks from street right-of-ways;
6. Highland Shores Subdivision;
7. Shumont Estates Subdivision Phase IVB;
8. Eagle Creek Subdivision; and
9. Continuing study of control of timbers cutting and associated sediment control.

Mr. Washburn said that they appreciate the help that was received from the Mayor, Commissioners, Town Manager, David Armard and Craig Lawing of the North Carolina Forest Service, and Britt Bernhardt and Scott Geyer of the Isothermal Planning and Development Commission.

**Lake Lure Board of Adjustment/
Lake Structures Appeals Board Annual Report**

Eugene Whitesides, Chairman of the Lake Lure Board of Adjustment/Lake Structures Appeals Board, reported on the following actions for 1997:

Actions of the Board of Adjustment - 1997:

1. Meetings held - 10
2. Variances approved - 5
3. Variances denied - 5
4. Conditional use permits approved - 3
5. Conditional use permits denied - 0
6. Administrative reviews requested - 0

Actions of the Lake Structure Appeals Board - 1997:

1. Meetings held - 7
2. Variances approved - 2
3. Variances denied - 0
4. Seawall exemptions approved - 1

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5. Seawall exemptions denied - 0
6. Cluster mooring facilities requested - 0

Lake Lure Lake Advisory Committee Annual Report

Bob Washburn, Chairman of the Lake Lure Lake Advisory Committee, reported that the committee met all twelve months with a quorum present at all meetings. Memorandums regarding the lake issues were submitted to the Council and Town Manager on the following issues:

1. Permit fees;
2. Boat length(s) allowed;
3. Marina slip fees;
4. Applying for grants;
5. Acquisition of new patrol boat;
6. Placement of "Slow - No Wake" buoys;
7. Dredging plans;
8. Commercial operations;
9. Lake Structure certification; and
10. Sediment Control Ordinances.

In addition, the committee continued to monitor:

1. Regulatory and Law enforcement issues;
2. Dredging operation and watershed stabilization efforts;
3. Water Quality/VWIN report;
4. Fishery issues;
5. Emergency preparedness and possible fire boat;
6. Lake structure issues;
7. Annual permit sales;
8. Dam and sewer concerns;
9. Recreation activities on the water;
10. Cleanup operations -- both normal and post flood; and
11. Administrative concerns regarding present regulations, permits, etc.

In March, the Lake Advisory Committee and the Town of Lake Lure sent the Lake Advisory Committee Chairman as a representative to the 1997 NALMS Southeastern Lakes Conference in Chattanooga where he submitted a report on Partnerships in Lake Management.

A NCDWQ Workshop was held at the Lake Lure Municipal Center on June 2nd to look at the key issues of this region of the Broad River basin. Data from this workshop was used in developing the DWQ's Basin-wide Plan for the Broad River which gained interest in helping with addressing the sedimentation issues.

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Mr. Washburn said that the efforts of stabilizing a watershed came to an important juncture on October 2nd when a workshop was held at the Lake Lure Municipal Center involving all of the state and federal agencies addressing sedimentation issues. As a result, the Upper Broad River Watershed Protection Committee was formed to further examine the problems and look for solutions.

Mr. Washburn publicly acknowledged Marsha Hardy for her contribution as secretary for this board.

Lake Lure Golf Course Advisory Committee Annual Report

Russ Maze, Chairman of the Lake Lure Golf Course Advisory Committee, reported that the Committee still believes that the Golf Course is a significant asset to the town. Mr. Maze said that the Golf Course's continued operation is very important to the town's recreational program for town residents, both permanent and seasonal. He told that the main goal is to make the golf course look and be an asset (functionally, financially and in beauty).

Some of the projects which were completed in 1997 include:

1. Installed fairway irrigation system (spring 1997);
2. Purchased seven reconditioned Golf Carts and placed them in service (July 1997);
3. Installed a permanent electrical fan on #3 green in order to improve air circulation (July 1997);
4. Created and distributed brochures for the Golf Course (September 1997);
5. Added a display board for golf fees; and
6. Cleaned up the area around the clubhouse.

Other projects identified needing attention are:

1. Creek beds need to be cleaned out; and
2. The area between fairways #4 and #7 needs to be cleaned up.

Mr. Maze also reported that the Golf Committee is currently working with the Hickory Nut Gorge Chamber of Commerce's Golf Committee on ways to promote the Lake Lure Golf

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Course. The primary objectives will be to improve the greens/fairways and also make a profit. Presently, the fairways are being reseeded.

Maze said that during the first eight (8) months of this fiscal year (July 1, 1997 through February 28, 1998), the Lake Lure Golf Course had made a profit of \$2,411.38. These results were from the hard work and the cooperation of many people including the Town Manager, Mayor, Commissioners, Lake Lure Golf Course Advisory Committee, and the golf course employees.

Lake Lure ABC Board Annual Report

Walter Rust, Chairman of the Lake Lure ABC Board, reported that the board members meet at least once a month on the 3rd Friday, 1:30 p.m., at the Lake Lure ABC Store meeting room. Rust said that this board is made up of three board members.

Mr. Rust gave a brief history about how the Lake Lure ABC board was created. He also explained that this board operates differently then other boards in that this board has a legal responsibility of reporting to the North Carolina ABC Commission in Raleigh.

NEW BUSINESS

**c. Board Appointments -- Board of Adjustment/
Lake Structures Appeals Board**

Commissioner Cobb moved, seconded by Commissioner Rose, to appoint Robert (Bob) Beach to replace Frederick Boehmer's position (term expires December 1999) as a board member of the Board of Adjustment/Lake Structures Appeals Board.

Commissioner Cobb moved, seconded by Commissioner Sheffield, to appoint Michael C. Williams to fill Robert (Bob) Beach's position (term expires December 2000) as an alternate member of the Board of Adjustment/Lake Structures Appeals Board.

NEW BUSINESS

d. Renewal of Auditor's Contract

Mayor Powell recommended that the proposed contract between the Town of Lake Lure and Auditor Robert C. Koone to audit accounts (for the period beginning July 1, 1997 and ending on June 30, 1998) be amended on page three (3) to read as follows:

FEE FOR THE YEAR ENDED JUNE 30, 1998 NOT TO EXCEED \$9,750.00 PLUS OUT OF POCKET EXPENSES. ANY BOOKKEEPING SERVICES REQUIRED, BEYOND THOSE NORMALLY RENDERED TO THE TOWN IN CONNECTION WITH THE YEAR END AUDIT TO BE BILLED SEPARATELY.

Commissioner Sheffield moved, seconded by Commissioner Stanier, to approve the auditor's contract to audit accounts (for the period beginning July 1, 1997 and ending on June 30, 1998) as amended. The vote of approval was unanimous. (Copy of contract attached).

NEW BUSINESS
g. Other New Business

There was no other new business for discussion.

STAFF REPORTS

Finance Director Sam Karr announced that the boat permits for the 1998 Season are now available at the Lake Lure Municipal Center and the Lake Lure Marina. He said that the Lake Lure Marina will be selling boat permits on weekends only until further notice beginning Saturday, March 21, 1998 (hours of operation 9:00 a.m. until 5:00 p.m.). Also, the Marina will be selling gas, oil and renting paddle boats/canoes.

COUNCIL COMMENTS

Commissioner Cobb announced that a dedication for the new town playground has been tentatively scheduled for May 9, 1998. She also mentioned that there are still problems of providing restrooms for visitors.

Commissioner Cobb reported that the town owned lot located on 64/74-A near highway #9 is currently being landscaped by the Kiwanis Club and this project has been funded by private donations.

Mayor Powell announced that a special meeting of the Lake Lure Town Council and the Chimney Rock Council would be held on Tuesday, March 24, 1998, 7:30 p.m. at the Lake Lure Municipal Center for the purpose of discussing joint matters of interest.

Mayor Powell announced that he had received a notice regarding a workshop on tourism sponsored by the TDA which will be held on Thursday, March 19, 8:30 a.m. until 12:30 p.m., at the Lake View Restaurant (Colony Lake Lure Golf Resort).

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Powell said that at next regular meeting on April 21, Jake Gamble will be recognized for his years of service and dedication to the Town of Lake Lure.

Mayor Powell mentioned that there was an open letter to the Mayor and Commissioners in the Lake Lure Breeze newspaper (spring issue) dealing with the timbering of trees within the town limits.

TOWN MEETING FORUM (AT THE PLEASURE OF THE MAYOR)

Mayor Powell held a public forum for an informal discussion regarding whether or not the lake should be lowered next year. Those present at the meeting were given an opportunity to voice their opinions.

Mayor Powell identified four primary areas of concern:

1. Financial (How it affects the town's revenue from generating electricity);
2. Environmental (Lake Advisory Committee is concerned about and has requested to leave the lake up for environmental purposes);
3. The ability to repair seawalls and docks; and
4. The removal of silt (Next year, there is a prospect of a builder who is willing to remove silt in the Fairfield Mountains area).

Some of the opinions and concerns voiced by the audience included:

1. Concern about environmental issues of allowing the fish to spawn and the affect of fluctuating the lake up/down;
2. Concern about aquatic plant life for the fish;
3. Questioned what kind of lake does the town want;
4. Would like to see the lake left up next year;
5. How much more money would the town make if the lake was left up to full pond level;
6. Reported that the generators at the dam work more efficiently when the lake is at full pond level;

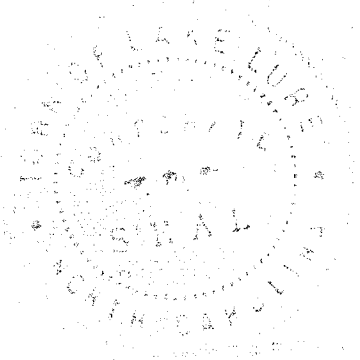
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7. By lowering the lake level, the town is eliminating approximately three months of enjoyment on the lake;
8. Lake Lure is becoming more and more a year round recreational resort area;
9. Concern about damage to seawalls when lowering the lake level;
10. Schedule the lowering of the lake level to drop fast in order to eliminate damage to seawalls;
11. There is a need to educate people about how to secure their boats properly in order to avoid damage when the lake fluctuates up/down;
12. Questioned whether the lake would have to be lowered next year in order for silt to be removed from the Fairfield area;
13. Reported that this will be the last year at the present rate to generate power revenue for the town (contract expires February 1999);
14. A builder at Fairfield Mountains needs sand next year and is willing to remove it at no cost to the town, but will need the lake lowered in order to remove the silt;
15. Questioned whether the gates at the dam are working properly;
16. Questioned the notification process to those who live down below the dam;
17. Reported that the town has contracted for inundation map which will help the town identify the areas which need notification;
18. Questioned if the dredge operator can remove silt while the lake level is up;
19. Concern about serious silt problems in Tryon Cove; and
20. Increasing the use of the dredge in the lake may increase cost to the town which in-turn could require an increase in ad valorem taxes.

ADJOURNMENT

With no further items of discussion, Commissioner Rose moved, seconded by Commissioner Cobb, to adjourn the Town meeting at 9:55 p.m. The vote of approval was unanimous.

ATTEST:



A handwritten signature in cursive script, reading "Mary A. Black".

Mary A. Black, CMC/AAE
Town Clerk

A handwritten signature in cursive script, reading "Jack Powell".

Mayor Jack Powell