



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 21, 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

Reverend Larry Sanders 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. No one wished to speak.

CONSENT AGENDA

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

Commissioner Rose moved, seconded by Commissioner Sheffield, to remove items c (Approve Herald Music Request), d (Approve Auto for Hire Permit) and e (Approve Requests to Pave Court Drive Justice Subdivision) off the consent agenda for further discussion before calling for action. The vote of approval was unanimous.

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

- a. **Approved Minutes of March 17, 1998 (Regular Meeting), March 24, 1998 (Special Meeting), & April 7 (Special Closed Session Meeting).**
- b. **Approved the Tax Refunds as follows:**

| | | |
|--------------------|---------------------------|----------------|
| Laurence A. Maurer | Reduction by NCPTC (1996) | \$ 6.60 |
| Laurence A. Maurer | Reduction by NCPTC (1995) | \$ 5.72 |
| Laurence A. Maurer | Reduction by NCPTC (1996) | \$ 8.70 |
| Laurence A. Maurer | Reduction by NCPTC (1995) | \$ 8.70 |
| Laurence A. Maurer | Reduction by NCPTC (1996) | \$ 8.40 |
| Laurence A. Maurer | Reduction by NCPTC (1995) | \$ 8.40 |
| Laurence A. Maurer | Reduction by NCPTC (1996) | \$ 43.80 |
| Laurence A. Maurer | Reduction by NCPTC (1995) | \$ 37.96 |
| Laurence A. Maurer | Reduction by NCPTC (1996) | \$ 2.40 |
| Laurence A. Maurer | Reduction by NCPTC (1995) | \$ 2.08 |
| Laurence A. Maurer | Reduction by NCPTC (1996) | \$ 6.60 |
| Laurence A. Maurer | Reduction by NCPTC (1995) | <u>\$ 5.72</u> |
| | | \$145.08 |

This is a refund to Laurence A. Maurer on six parcels. This is the result of a reduction in assessment by the North Carolina Property Tax Commission.

- f. **Adopted Proclamation No: 98-01 (Designating April 17-30 1998 as Lake Lure "Litter Sweep")**

PROCLAMATION NO. 98-1

**PROCLAMATION DESIGNATING
APRIL 17-30, 1998
AS LAKE LURE "LITTER SWEEP"**

WHEREAS, the Lake Lure Town Council in accordance with Governor Hunt, has designated April 17 - April 30, 1998, as Lake Lure "LITTER SWEEP"; and

WHEREAS, the Town will be responsible for advertising and planning of the "LITTER SWEEP" with emphasis on Saturday, April 25, 1998 as CLEAN UP DAY; and

WHEREAS, the citizens of Lake Lure are encouraged to participate in this effort of cleaning up and beautifying our Town.

NOW, THEREFORE, BE IT PROCLAIMED, that the Town of Lake Lure recognizes the importance of "LITTER SWEEP" and supports its efforts to clean up and beautify the Town of Lake Lure.

Adopted this the 21st day of April, 1998.

ATTEST:

Mary A. Flack, CMC/AAE
Town Clerk

Jack Powell, Mayor

End of Consent Agenda

APPROVE HERALD MUSIC REQUEST

Council discussed the request from Butch Kelly, representative for Herald Music. The request is similar to one approved by Council in 1997. Mr. Kelly requests permission to

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organize and present a series of Gospel Sings at the Town's Pavilion on Shakespeare Point. There will be no concessions or admission fees. However, love offerings are accepted in order to defray the costs of the performing group's expenses. While this year's series will run for only seven Saturdays beginning July 4, 1998 and ending August 15, 1998 compared to fourteen sessions last year, each session will run longer: 5-9 p.m. this year versus 7-9 p.m. last year. Mr. Kelly is allowing two hours setup time. Commissioner Rose expressed concern about the lighting after dusk. Mr. Kelly explained that this was one of the reasons they decided to end the series on August 15, 1998 before the time change resulted.

Mr. Kelly also requested that the rental fee of \$25 be waived. Last year, the rental fee was paid. However, it was Council's opinion that the rental fee be paid since there are other organizations that would have to be considered when waiving rental fees. Also, Council stipulated that as part of the approval, if Town Council should need the use of the pavilion on a Saturday night, this would take precedence over the Gospel Sing event. The restrooms at the Town Marina will be made available for these events (after the Marina closes for the business day) if requested by Mr. Kelly and he agrees to assume the responsibility for cleaning of same immediately following the conclusion of each event. Mr. Kelly needs to notify the Town Manager in advance if he desires such use so that appropriate arrangements can be made.

Mr. Kelly questioned the parking area available and asked permission to be able to use the parking area in front of the beach after hours when there is a shortage. Mr. Strutner explained this would be permissible since this area is considered public parking. At this time there are no plans in effect to expand the parking area, but Town Manager Strutner suggested that perhaps this is an item that the Strategic Planning Committee could investigate.

Commissioner Cobb moved, seconded by Commissioner Rose, to approve the Herald Music request to use the Pavilion for a period of seven Saturday evenings beginning July 4 and ending August 15, 1998 from 5:00 p.m. until approximately 9:00 p.m., subject to the changes and modifications specified and upon payment of the fee associated with renting. The vote of approval was unanimous.

APPROVE AUTO FOR HIRE PERMIT

Council discussed the request for an Auto for Hire Permit which was submitted by Ken Nelon. Mr. Nelon would like the permit in order to operate a taxi service in and around the Lake Lure area. The vehicle for hire would be operated by an employee or himself, and would carry the appropriate amount of liability and other insurance.

The Town of Lake Lure has not enacted ordinance provisions to license and regulate vehicles operated for hire within the corporate limits. It was the consensus of Council that such an ordinance be prepared. Therefore, Commissioner Cobb moved, seconded by Commissioner Rose, to table Mr. Nelon's request pending development of an ordinance and Council adoption of same. The vote of approval was unanimous.

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Mr. Nelon's request will be considered under the newly enacted provisions. The Town Attorney will prepare an ordinance for consideration in May. The approach and items set forth in 160A-304 will be used as well as sample ordinances from the NC League of Municipalities and other sources.

APPROVE REQUESTS TO PAVE COURT DRIVE JUSTICE SUBDIVISION

Council discussed the request to pave Court Drive in the Justice Subdivision which has been renamed Silver Tree Drive. Mayor Powell suggested that Council consider adopting an assessment policy in regard to paving roads which results in the increase in the value of the adjoining properties. Commissioner Cobb moved, seconded by Commissioner Stanier, to approve the paving request. Commissioner Rose and Sheffield voted no. Mayor Powell broke the tie by voting no. Therefore, the request was denied until further review. Mayor Powell informed the audience that the Town will not lose the Powell Bill funds if not used this fiscal year.

OLD BUSINESS

a. Other Old Business

There was no other old business for discussion.

NEW BUSINESS

a. Present Award to Police Chief Jake Gamble for Years of Service to the Town of Lake Lure

Mayor Powell, on behalf of the Town Council, presented a plaque to Police Chief Jake Gamble for his years of service to the Town. Chief Gamble retired his position April 17, 1998.

Town Manager Strutner presented Chief Gamble with his service weapon.

NEW BUSINESS

b. Quarterly Report on Strategic Steering Planning Committee

Jack Mowat, acting Chairman to the Strategic Steering Planning Committee, gave an update on the Committee's progress.

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Mr. Mowat thanked Council, the Town Manager, and office staff for their assistance. Thus far, the Committee has had ten meetings since early February. The Committee is in Phase I and is gaining insight and knowledge. They have had two meetings with facilitators and the turnout of Committee Members has been excellent.

Mayor Powell, on behalf of Council, thanked Mr. Mowat for the Committee's hard work. Mr. Mowat announced that these meetings are open to the public and are held every Wednesday from 3:00 until 5:00 p.m. This is a great opportunity to learn how the Town operates.

NEW BUSINESS

c. Request to Amend the Ordinance Regulating the Construction and Use of Structures on Lake Lure

Captain Edward R. Dittmer and his wife Kay requested that Council review the Ordinance Regulating the Construction and Use of Structures on Lake Lure. Captain Dittmer requested a variance for a gazebo/pavilion on top of his newly built boathouse deck which was completed in January, 1998. The Lake Structures Appeal's Board denied the request.

Council unanimously agreed that this item be referred to a joint committee of the Zoning and Planning Board, Lake Structures Appeals Board, Lake Advisory Committee and the Town Attorney. Chuck Place, Zoning Administrator, will coordinate this review of the ordinance.

NEW BUSINESS

d. Presentation regarding the Sale of Electrical Output from Hydroelectric Power Plant

Andrew C. Givens, President, Cardinal Energy Service, Inc., Raleigh, NC has been assisting the Town for approximately twenty two (22) months in reaching a new power sales agreement. This service agreement was initiated in 1996. Under the scope of services set forth in this contract, Mr. Givens is to perform these services:

- Phase I. Preliminary Review and Market Survey
 - Review existing contract with Duke Power
 - Gather data re: our plant's capacity, operating characteristics, historical output, etc.
 - Perform a market survey
- Phase II. Marketing Plan (conditional)
 - To be undertaken only if the market survey does not find a favorable purchaser for output
- Phase III. Negotiations and Contract Development

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Mr. Givens completed and presented Phase I. in September, 1996. Since Phase I. was completed, a number of things have changed. The Town had signed a fifteen year contract with Duke Power dated April 21, 1983, expiring April 20, 1998. However, this contract has been extended by Duke Power until February, 1999.

Mr. Givens is currently working to negotiate a new contract for the sale of our electric output after next February. However, at this time he is suggesting that the Town look at a short term variable, perhaps two to five years or shorter, until the transaction period occurs.

NEW BUSINESS

e. Appoint Representative to the Isothermal Planning & Development Commission

Since Max Lehner is no longer a member of Town Council, it was necessary to appoint a new representative to the Isothermal Planning and Development Commission. This Commission meets four times a year on the second Tuesday in February, May, August and November. Most of the meetings are held in the evening. The Executive Committee, which is elected from the membership, usually meets an additional two or three times a year.

With no further discussion, Commissioner Cobb moved, seconded by Commissioner Stanier, to appoint Commissioner Rose as the Representative to the Isothermal Planning and Development Commission. The vote of approval was unanimous.

NEW BUSINESS

f. Adopt Resolution No: 98-04-21 to Designate Official ABC Respondent for the Town of Lake Lure

Since Bud Schichtel no longer serves on Town Council, it is necessary to appoint a new official ABC Respondent for the Town.

Commissioner Cobb moved, seconded by Commissioner Rose, to adopt Resolution No: 98-04-21 designating Jack Stanier as the official ABC Respondent for the Town of Lake Lure. The vote of approval was unanimous.

RESOLUTION NO: 98-04-21

Resolution of the Town of Lake Lure, County of Rutherford, regarding designation of an official to make recommendations to the North Carolina Alcoholic Beverage Control Commission on ABC permit applications.

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WHEREAS G.S. 18B-904(f) authorizes a governing body to designate an official, by name or by position, to make recommendations concerning the suitability of persons or locations for ABC permits; and

WHEREAS the Town of Lake Lure, County of Rutherford, wishes to notify the North Carolina ABC Commission of its designation as required by G.S. 18B-904(f);

BE IT THEREFORE RESOLVED that Jack Stanier, Commissioner, is hereby designated to notify the North Carolina Alcoholic Beverage Control Commission of the recommendations for ABC permits within its jurisdiction.

BE IT FURTHER RESOLVED THAT notices to the Town of Lake Lure, County of Rutherford, should be mailed or delivered to the official designated above at the following address:

Mailing address: Town of Lake Lure
 P. O. Box 255
 Lake Lure, NC 28746-0255

Office location: 2948 Memorial Highway 64/74-A

Adopted this the 21st day of April, 1998.

Sworn to and subscribed before me this the 21st day of April, 1998.

ATTEST:

Jack Powell, Mayor

Mary A. Flack, CMC/AE
Town Clerk

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| <p>NEW BUSINESS g. Other New Business</p> |
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Commissioner Cobb presented a request on behalf of the Lake Lure Republicans (PAC). They would like permission to hold a Community Fair titled "Gaslight to GoGo" on June 6,

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1998, 10:00 a.m. until 4:00 p.m., at the Commons area in front of the Arcade Building. There will be no alcohol involved. The entire community will be officially invited by way of the newsletter and newspaper. This event should provide a fun and wholesome time for the community as well as bring business to the restaurants and shops in the area. Commissioner Cobb will be chairing this event and guarantees total cleanup.

With no further discussion, Commissioner Cobb moved, seconded by Commissioner Rose, to approve the request submitted by the Lake Lure Republicans (PAC). The vote of approval was unanimous.

STAFF REPORTS

Due to the late hour, Town Manager Strutner did not give a staff report.

COUNCIL COMMENTS

Mayor Powell announced the resignation of Tom Hough from the Planning and Zoning Board effective May 31, 1998. Council will be filling this vacancy at the May regular meeting. Anyone wishing to serve should come into the Municipal Center prior to Thursday, May 14, 1998, and submit an application.

The Potluck Committee has invited all remaining Police Officers to attend the Thursday, May 14, 1998, potluck. Public attendance is encouraged.

Lake Lure Golf Course operations through March is doing quite well. If things continue to go well, we may have a break even year.

Mayor Powell announced that he is planning to begin a Community Affairs Council. Hopefully, the Community Affairs Council will be in place within the next couple of months.

TOWN MEETING FORUM (AT THE PLEASURE OF THE MAYOR)

There was no discussion under the Town Meeting Forum.

CLOSED SESSION

Commissioner Rose moved, seconded by Commissioner Sheffield, to enter into closed

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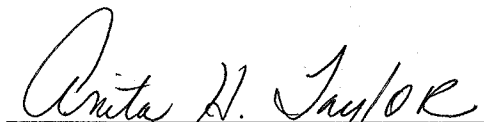
session in order to discuss personnel matters and legal litigation, particularly the Pamer/Breen case.


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

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:


Anita H. Taylor, CMC/AAE
Deputy Town Clerk


Mayor Jack Powell

