



Town of Lake Lure

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Incorporated 1927

MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, DECEMBER 15, 1998, 7:00 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 A. Karr, Acting Town Manager

ABSENT: N/A

CALL TO ORDER

Mayor Powell called the meeting to order at 7:00 p.m.

INVOCATION

Commissioner Cobb gave the invocation.

AGENDA ITEM

Commissioner Cobb moved, seconded by Commissioner Stanier, to add an item to the agenda regarding a request from Mr. Andrew Okpych to connect a resident (located 808 Main Street, Chimney Rock), and the Esmeralda Inn/Restaurant (located 910 Main Street, Chimney Rock) to the Town's sewer system for discussion under new business. The vote of approval was unanimous.

PUBLIC FORUM

Mayor Powell invited the audience to speak on any non-agenda item. Mr. William R. Bush, a Lake Lure resident, asked Mayor Powell to give information pertaining to the consent order agreement entered in open Court on December 1, 1998 between the Town of Lake Lure and Martha Jane Powers, Alan Powers Moore, Dr. John Hayward Moore and wife; and Regina

Page 2 - Minutes of the December 15, 1998 Regular Council Meeting

Patterson Moore regarding the Town's water system. Mr. Bush said the report in the Forest City Daily Courier was confusing and he would like a clarification.

Mayor Powell stated that the consent order agreement will be considered at the January 1999 town meeting. He explained that Council members had just received this agreement for review just shortly before the meeting. The Mayor gave a brief summary of the consent order. Town Attorney Callahan said after the consent order has been approved by Town Council and other additional documents have been completed, these will be open documents available to the public.

CONSENT AGENDA

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

Commissioner Cobb moved, seconded by Commissioner Rose, to approve the consent agenda items as presented. Therefore, the consent agenda, incorporating the following items was unanimously approved:

- a. Approved Minutes of November 13, 1998 (Special Workshop Meeting), November 17, 1998 (Regular Meeting), November 18, 1998 (Special Closed Session Meeting), November 20, 1998 (Special Closed Session Meeting) November 30, 1998 (Special Closed Session Meeting), December 4, 1998 (Special Closed Session Meeting), and December 7, 1998 (Special Closed Session Meeting);
- b. Scheduled a Public Hearing on January 12, 1999 amending the zoning regulations (AM-98-4 fences in required yards);
- c. Adopted the following 1999 Town employee holiday schedule;

1999 TOWN EMPLOYEE HOLIDAY SCHEDULE

Friday	January 1, 1999	New Year's Day
Monday	January 18, 1999	Martin Luther King, Jr. Day
Friday	April 2, 1999	Good Friday
Monday	May 31, 1999	Memorial Day
Friday	July 2, 1999	Independence Day
Monday	September 6, 1999	Labor Day
Thursday	November 11, 1999	Veteran's Day
Thursday	November 25, 1999	Thanksgiving Day
Friday	November 26, 1999	Day after Thanksgiving Day
Friday	December 24, 1999	Christmas Day
Monday	December 27, 1999	Day after Christmas Day

Page 3 - Minutes of the December 15, 1998 Regular Council Meeting

- d. Approved the auditor's contract between the Town of Lake Lure and Robert C. Koone for fiscal year beginning 1998 and ending June 30, 1999; and
- e. Approved a request from Vicki Smith, President of the Hickory Nut Gorge Chamber of Commerce, to use Town property on the "Point" area to display fireworks gala for New Year's Eve (December 31, 1998) contingent upon proper permits and liability insurance are obtained.

End of Consent Agenda

Mayor Powell announced that there will be a Public Hearing held on January 12, 1999, amending the zoning regulations (AM-98-4 fences in required yards).

Commissioner Sheffield suggested that Council members consider amending ordinance no. 98-11-17A (amending section 85.100 of the Code of Ordinances for the Town of Lake Lure as recommended by Town Attorney Callahan. The following changes are recommended:

Section 85.100 PROHIBITED VEHICLES is hereby amended by adding the end of said section:

Exemption: A **firefighting** seaplane, ~~firefighting plane~~, or a firefighting watercraft, **either of which is** operated by the North Carolina Department of Environment and Natural Resources, Division of Forest Resources for the purposes of firefighting, is exempt from this prohibition.

Mayor Powell recommended that Council consider amending ordinance no. 98-11-17A at the January 1999 Town meeting.

OLD BUSINESS

- a. **Consider Service Agreement from Duke Power Company for Additional Lighting near the Lake Lure Arcade Building**

Acting Town Manager Sam Karr presented additional information about adding more lighting near the Lake Lure Arcade Building as previously requested by Town Council.

Commissioner Cobb made a motion to accept the Duke Power agreement for a monthly charge of \$91.00 for additional lighting near the Lake Lure Arcade Building as presented by Acting Town Manager Karr. There was no second to the motion, therefore the motion did not carry.

Mayor Powell suggested asking Acting Town Manager Karr to go back to Duke Power Company; discuss Council's recommendations; and then report back at the January 1999 Town meeting.

OLD BUSINESS

b. Other Old Business

There was no other old business for discussion.

NEW BUSINESS

a. Strategic Planning Committee Report on Activities

Jack Mowat, Chairman of the Strategic Planning Committee gave a brief report on his Committee's activities. Mr. Mowat said the Strategic Planning Committee plans to have a preliminary report available sometime the end of February 1999.

NEW BUSINESS

b. Report from Michael Helm of the North Carolina Justice Academy

Police Chief Mike Bustle introduced Mr. Michael Helm of the North Carolina Justice Academy. Mr. Helm said that in 1997, the Lake Lure Town Council requested the North Carolina Justice Academy conduct a study including recommendations about the future direction of the Lake Lure Police Department. He stated that this report is a product of interviews with citizens, public officials, current and former police officers, and business owners. Mr. Helm said the main issue asked of them was to decide the staffing level for the police department. Mr. Helm briefly discussed the recommendations mentioned in this study.

Mayor Powell thanked Mr. Helm for his presentation and work in this study. He said this report (analysis of policing needs in the Town of Lake Lure) is available for the public to read. The Mayor also thanked the Justice Academy and those who put this study together.

NEW BUSINESS

c. Consider Concession Agreement for the Operation of the Town Marina and the Town Beach

Mayor Powell said the Town had received two proposals to run the operations of the Town's beach/marina. There were no advertisements made soliciting these proposals. The Mayor stated the Town was not required to advertise as long as the term of the concession agreement was only for one year. After consulting with Town Attorney Callahan for legal

Page 5 - Minutes of the December 15, 1998 Regular Council Meeting

counsel, Town Council agreed to negotiate a one-year concession agreement with Lake Lure Tours, Inc. for the operation of the Town marina and beach. Mayor Powell read aloud the following excerpts from the draft concession agreement:

WHEREAS, the Town owns and operates a municipal marina facility and a public beach on Lake Lure, and

WHEREAS, the Town is desirous of entering into a concession agreement to manage, operate and maintain the marina and beach facilities; and

WHEREAS, LLT represents that it is qualified and competent to manage, operate and maintain the marina and beach facilities; and

WHEREAS, the mission of the Town of Lake Lure is to offer Lake Lure residents and others both covered and uncovered boat slips for the permanent mooring of boats and other normal services of a marina; and

WHEREAS, the mission of the Town of Lake Lure is to offer Lake Lure residents and others of all ages and abilities the opportunity to enjoy a beach facility that is as safe, sanitary, and attractive as reasonably possible; and

WHEREAS, the Town has previous experience with LLT as concessionaire for the operation of tour boats on Lake Lure that has been satisfactory and believes that certain economies of the joint operation of the marina, beach and tour boats will be beneficial to the Town and LLT;

Mayor Powell said the Town would continue dictating the fee rates for the town marina and beach. The concessionaire would provide the town with a fee schedule before the beginning of each year and Town Council will then approve these rates. The Mayor said the beach would no longer be free for the Lake Lure residents. He said there will be annual beach passes available at a reasonable cost.

Rick Coley, president of the Lake Lure Tours reviewed the proposed fees for the beach. In addition, Mr. Coley said he plans to keep the beach open longer hours and include various programs.

After discussion, Commissioner Cobb moved, seconded by Commissioner Stanier, to authorize Mayor Powell to finalize the draft concession agreement of December 8, 1998 for the operation of the town marina and the town beach with Lake Lure Tours, Inc. contingent upon prior approval by the concessionaire's Attorney and that no substantive changes would be made to this agreement affecting income to the town or any other major duties/responsibilities of these parties. The vote of approval was unanimous.

Commissioner Cobb mentioned she would like to see a charge card machine be provided at the town marina.

NEW BUSINESS

- d. Request to Rescind Resolutions No. 95-4-11 and No. 95-5-9 (Term Limits for Boards, Mayor Committees, and Town Council; and Discontinuing Appointments to Multiple Boards/Committees)**

After discussion, Commissioner Sheffield moved, seconded by Commissioner Cobb, to approve resolution no. 98-12-15A as presented by Town Attorney Callahan with amendment to include a 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 single body to hear appeals regarding both the Town's Zoning Ordinance and the Lake Structures Ordinance). The vote of approval was unanimous.

98-12-15A

**A RESOLUTION ABOLISHING TERM LIMITS AND REPEALING
RESOLUTIONS NO. 95-4-11 and NO. 95-5-9**

WHEREAS, the Town Council of the Town of Lake Lure, North Carolina, in 1995 passed two resolutions regarding term limits for four boards and committees of the Town of Lake Lure; and

WHEREAS, the current Town Council sees little benefit in forcing volunteers off these appointive positions when it might be in the best interest of the town to keep the most experienced and faithful volunteers on these boards and committees for more than two terms;

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 Council members voting in the affirmative:

Section 1. That Resolution No. 95-4-11 and Resolution No. 95-5-9 are hereby repealed and rescinded.

Section 2. This Resolution, rescinding prior Resolutions, is effective immediately.

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

Adopted this 15th day of December, 1998.

Mayor

Attest:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

NEW BUSINESS

- e. **Adopt Resolution No. 98-12-15 (Amending Resolution No. 93-12-14 which created a Golf Course Advisory Committee)**

Mayor Powell reviewed the changes incorporated into Resolution No. 98-12-15 being proposed for adoption.

After review, Commissioner Rose moved, seconded by Commissioner Sheffield, to approve Resolution No. 98-12-15. The vote of approval was unanimous.

RESOLUTION NO. 98-12-15

A RESOLUTION TO AMEND RESOLUTION NO. 93-12-14 WHICH CREATED A GOLF COURSE ADVISORY COMMITTEE TO ADVISE COUNCIL OF MATTERS RELATING TO THE SAFE AND ENJOYABLE USE OF THE LAKE LURE MUNICIPAL GOLF COURSE

WHEREAS, the aforesaid Resolution No. 93-12-14 was duly adopted on December 14, 1993 and Resolution No. 96-07-23 was adopted on July 23, 1996 by the Town Council of Lake Lure, North Carolina in order to establish a Golf Course Advisory Committee and set forth its duties and responsibilities; and

WHEREAS, Town Council has reviewed and considered the number of members to be appointed to this committee under the provisions of Resolution No. 93-12-14 and Resolution No. 96-07-23 and found it desirable to modify the membership of this Golf Course Advisory Committee from its current structure;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA:

Section 1. That there is hereby and herewith created a Golf Course Advisory Committee to provide recommendations and advice to the Town Council on matters relating to the safe and enjoyable use of Lake Lure Municipal Golf Course. (Res., passed 12-14-93)

Section 2. That Section 2 of Resolution No. 93-12-14 is hereby deleted and replaced with the following text:

That the Golf Course Advisory Committee develop and recommend to Town Council for their adoption, a mission statement and business plan for the operation of the golf course. The business plan is to be updated periodically as necessary.

Section 3. That this new section is hereby inserted with the following text:

That the Golf Course Advisory Committee assist the Golf Course Manager in the preparation of the annual budget for presentation to the Town's Budget Officer.

Section 4. That Sections 2 of Resolution No. 93-12-14 is hereby renumbered Section 4 and hereby deleted and replaced with the following text:

That the Golf Course Advisory Committee advise and make recommendations to Town Council on the following in addition to other matters referred to it by Town

Page 8 - Minutes of the December 15, 1998 Regular Council Meeting

Council:

- (A) Revisions to policy regulating the safe and enjoyable use of Lake Lure Golf Course;
- (B) The various ways of improving the play and beauty of the Lake Lure Golf Course;
- (C) Planning for the future use and expansion of the Golf Course;
and
- (D) Other similar matters as determined by Council.

Section 5. That Section 3 of Resolution No. 96-07-23 is hereby deleted and replaced; and renumbered Section 5 with the following text:

That the Committee shall consist of six members each appointed by a majority vote of Town Council.

Section 6. That Section 4 of Resolution No. 93-12-14 is hereby deleted and replaced; and renumbered Section 6 with the following text:

That the term of appointment of each member shall be for two years. Each year three members will be appointed for a two-year appointment.

Section 7. That Section 5 of Resolution No. 93-12-14 is hereby renumbered Section 7.

That vacancies on the Lake Lure Golf Course Committee shall be filled by vote of Town Council to fill the unexpired term.

Section 8. That Section 6 of Resolution No. 93-12-14 is hereby renumbered Section 8.

That members of the Lake Lure Golf Course Committee annually shall elect from their membership a Chairman, Vice-Chairman, and Secretary to fulfill the normal responsibilities of such offices.

Section 9. That Section 7 of Resolution No. 93-12-14 is hereby renumbered Section 9.

That meetings of the Lake Lure Golf Course Committee be held in a public meeting room, be opened to the public and held as often as reasonably needed to accomplish the business of said Committee.

Section 10. That Section 8 of Resolution No. 93-12-14 is hereby renumbered Section 10.

That the Lake Lure Golf Course Committee make its recommendations to Town Council in written form in a timely manner and may be requested to make oral reports at Council meetings.

Section 11. That Section 9 of Resolution No. 93-12-14 is hereby renumbered Section 11.

That all orders and resolutions in conflict herewith be and the same hereby are

Page 9 - Minutes of the December 15, 1998 Regular Council Meeting

repealed insofar as such conflict exists and this resolution shall become effective immediately upon its passage.

Adopted this the 15th day of December 1998.

ATTEST:

Mary A. Flack, CMC/AAE
Town Clerk

Mayor Jack Powell

APPROVED AS TO FORM:

J. Christopher Callahan
Town Attorney

NEW BUSINESS

f. Consider Changing the Expiration Dates of Terms for the Zoning/Planning Board and the Golf Course Advisory Committee

After discussion, Commissioner Cobb moved, seconded by Commissioner Rose, to adopt the following changes as recommended by Mayor Powell. The vote of approval was unanimous.

1. Change two terms (expiring December 1998) to expire December 2001 and one term (expiring December 1998) to expire December 2000 for the Zoning/Planning Board; and
2. Change the alternate member to a regular member and change one term (expiring December 1998) to expire December 1999 for the Golf Course Advisory Committee.

NEW BUSINESS

g. Board Appointments -- Lake Advisory Committee, Board of Adjustment/Lake Structures Appeals Board, Lake Lure Zoning/Planning Board, Golf Course Advisory Committee, and Lake Lure ABC Board

Lake Advisory Committee Appointments

Mayor Powell presented a ballot to Council members listing nominees available for appointments to fill three positions for the Lake Advisory Committee currently held by Gordon Nix, Robert (Bob) Washburn, and Ross Worden whose terms expire December 31, 1998.

Page 10 - Minutes of the December 15, 1998 Regular Council Meeting

Town Council voted by ballots on the following nominees to the Lake Advisory Committee:

- | | |
|--|----------------------|
| 1. Robert (Bob) Washburn (reappointment) | 5. Robert Formet |
| 2. Ross Worden (reappointment) | 6. Richard P. Conrad |
| 3. Edward R. Dittmer | 7. Robert Turner |
| 4. Richard Grow | |

The Town Clerk announced the following results after counting the ballots:

- | | | |
|--------------------------|---------|--|
| 1. Robert (Bob) Washburn | 4 votes | (Commissioner Cobb, Commissioner Sheffield, Commissioner Rose, and Commissioner Stanier) |
| 2. Ross Worden | 0 votes | |
| 3. Edward R. Dittmer | 0 votes | |
| 4. Richard Grow | 0 votes | |
| 5. Robert Formet | 1 vote | (Commissioner Jack Stanier) |
| 6. Richard P. Conrad | 4 votes | (Commissioner Cobb, Commissioner Sheffield, Commissioner Rose, and Commissioner Stanier) |
| 7. Robert Turner | 3 votes | (Commissioner Cobb, Commissioner Sheffield, and Commissioner Rose) |

Mr. Robert Washburn was reappointed to the Lake Advisory Committee with a term expiring December 31, 2000. Mr. Richard P. Conrad, and Mr. Robert Turner were appointed to serve on the Lake Advisory Committee with terms expiring December 31, 2000.

Board of Adjustment/Lake Structures Appeals Board Appointments

Mayor Powell presented a ballot to Council members listing nominees available for appointments to fill one regular position and one alternate position for the Board of Adjustment/Lake Structures Appeals Board currently held by Mary Ann Dotson (Alt. member) and Eugene Whitesides whose terms expire December 31, 1998.

Town Council voted by ballots on the following nominees to the Board of Adjustment/Lake Structures Appeals Board:

- | | |
|--------------------------------------|----------------------|
| 1. Mary Ann Dotson (reappointment) | 4. Richard Grow |
| 2. Eugene Whitesides (reappointment) | 5. Stephen M. Webber |
| 3. Jeanine J. Noble | |

Page 14 - Minutes of the December 15, 1998 Regular Council Meeting

- | | | |
|-------------------------|----------------|---------------------------------------|
| 1. Walter Rust | 0 votes | |
| 2. William Keller | 0 votes | |
| 3. Frederick D. Watson | 0 votes | |
| 4. Stuart W. Richardson | 4 votes | (Commissioner Cobb, Commissioner Rose |
| | (term expiring | Commissioner Sheffield, and |
| | 12/31/2001) | Commissioner Stanier) |

Mr. Stuart W. Richardson was appointed to the Lake Lure ABC Board with a term expiring December 31, 2001.

OTHER NEW BUSINESS

h. Request to Connect into the Town's Sewer System

Mr. Andrew Okpych requested to connect a resident (located at 808 Main Street, Chimney Rock), and the Esmeralda Inn/Restaurant (located at 910 Main Street, Chimney Rock) to the Town's sewer system.

Mayor Powell read aloud the following letter of December 15, 1998 from William R. Grimes, Wastewater/Collection System Supervisor regarding Mr. Andrew Okpych's request to connect into the Town's sewer system.

TO WHOM IT MAY CONCERN:

The Town of Lake Lure has the capacity at the Wastewater Treatment Plant to handle and the ability to treat the estimated approximate 8,500 gallons per day of waste flow from the properties at Esmeralda Inn and Restaurant located in the City Limits of Chimney Rock, North Carolina.

At this time, the Town of Lake Lure is not operating under any type of moratorium and as long as the request is made, paperwork completed, connections fees paid and all approvals granted, the Town of Lake Lure has no problem accepting this flow under these conditions.

This letter, pending Council approval, is for acceptance onto the collection system only. The Town is not responsible for the actual connections. If connection is not completed within six months of the approval date, then the connection application must be updated. In this situation, approval will be considered at the time of Council approval.

After discussion, Commissioner Stanier moved, seconded by Commissioner Cobb, to approve the request from Mr. Andrew Okpych to connect a resident (located at 808 Main Street, Chimney Rock), and the Esmeralda Inn/Restaurant (located at 910 Main Street, Chimney Rock) to the Town's sewer system contingent upon the stipulations outlined above in Mr. Grimes's letter. The vote of approval was unanimous. (Copies of sewer connection applications attached).

STAFF REPORTS

Acting Town Manager Sam Karr, reported approximately two years ago, Town of Lake Lure deeded the old police boat to the Fire Department for their use. As part of the agreement, the Fire Department agreed if at sometime later the boat no longer met their needs, it would be returned back to the town only if in good running condition. Mr. Karr said someone had donated a pontoon boat (includes a 40 HP motor) to the Fire Department and they ask permission from the Town to trade the old police boat along with a 40 HP motor (removed from a donated pontoon boat) for a new 90 HP motor to be used as a replacement in the donated pontoon boat. Mr. Karr recommended that the town approve this request.

Commissioner Sheffield said the Town had previously been offered \$2,500.00 for the old police boat before it had been donated to the Fire Department. He requests that another opportunity be made for an offer on the old police boat (stipulating condition as is) before making a decision on the Fire Department's request.

At the recommendation of Acting Town Manager Karr, Commissioner Rose moved, seconded by Commissioner Cobb, to approve the request from the Fire Department to trade the old town police boat in for a new 90 HP motor. Commissioners Cobb, Rose, and Stanier voted in favor of the motion. Commissioner Sheffield voted against the motion. Therefore, the motion carried with a vote of 3 to 1.

COUNCIL COMMENTS

Mayor Powell gave an update status of the search for the town manager position. He said Town Council is currently in the process of second visits with those selected which will be completed by this next monday.

Commissioner Cobb expressed her appreciation to the Lake Lure Police Department for the work they did during the diversion of traffic and assisting people. She also thanked the Public Works Department for all their work putting up Christmas decorations and taking care of the town roads.

An announcement was made by Mr. Bob Washburn about a new website at www.gorgenews.org is available to the Hickory Nut Gorge residents to be used as a vehicle for communication. Mr. Washburn asked permission from Town Council to publish the town's newsletter on this website. He said the Washburn family produced this website as a Christmas gift to everyone in the community.

Council members agreed by consensus to allow Mr. Washburn to publish the town's newsletter on the website.

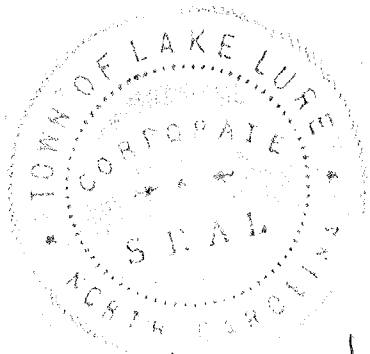
Page 16 - Minutes of the December 15, 1998 Regular Council Meeting

Commissioner Rose announced the next regular Town Council meeting will be held on January 12, 1999 (second tuesday of the month), 7:00 p.m., at the Lake Lure Municipal Center.

ADJOURNMENT

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

ATTEST:



Mary A. Black, CMC/AAE
Town Clerk

Mayor Jack Powell