

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL  
HELD TUESDAY, MARCH 12, 2002, 7:00 P.M. AT THE LAKE LURE MUNICIPAL  
CENTER**

**PRESENT:** Mayor Jim Proctor  
Commissioner Blaine Cox  
Commissioner Lea Hullender  
Commissioner Dick McCallum  
Commissioner George Pressley  
  
H. M. Place III, Town Manager  
J. Christopher Callahan, Town Attorney

**ABSENT:** N/A

**CALL TO ORDER**

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

**INVOCATION**

Attorney Callahan gave the invocation.

**APPROVE AGENDA**

A motion was made by Commissioner Cox to approve the agenda as presented. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

**PUBLIC FORUM**

Mayor Proctor invited the audience to speak on any non-agenda item. No one requested to speak during public forum.

**CONSENT AGENDA**

Mayor Proctor presented the consent agenda and asked if any item should be removed before calling for action. A motion was made by Commissioner McCallum to approve the following consent agenda item as presented and Commissioner Hullender seconded the motion. Therefore, the consent agenda, incorporating the following item was unanimously approved:

**Page 2 - Minutes of the March 12, 2002 Regular Council Meeting**

- a. approved minutes of February 12, 2002 (regular meeting and closed session meeting);
- b. approved request from Ed Ditmer to suspend the Town's Alcohol Ordinance in order to serve beer, and wine during a birthday party being held inside the Community Hall of the Lake Lure Municipal Center on March 23, 2002 between the hours of 6:00 p.m. until 12:00 midnight;
- c. approved request from the Dixie Rodder's to: (1) hold a 18th annual car show July 12-13 on town property; (2) rent the town Community Center along with the grassy area behind and adjacent to the building which extends toward the town marina; (3) suspend the town peddling ordinance to allow the club to sell t-shirts and other vendors to sell food and car parts; (4) use of P.A. system for playing music and making announcements and (5) suspend the town alcohol ordinance for participants to consume beer during this event (July 12-13, 2002) as stipulated with restrictions by the Lake Lure Police Department; and
- d. approved agreement between the Town of Lake Lure and TCB Materials, Inc. regarding lease of the town's dredge and removal of sand from the river.

**End of Consent Agenda**

**NEW BUSINESS**

**a. Request from Mike Harris to Restore Water Frontage**

Mike Harris requested permission to restore water frontage on his property back to it's original line at his expense. Mr. Harris said he and Joe A. Harris purchased this lake front lot in Laurel Landing Subdivision at Fairfield Mountains Resort. Mr. Harris explained that this 1.35 acres, 58,974 sq. ft. lot shows having 133.13 ft. of water front and as building has increased over time, the creek bed that follows the property has filled in the water frontage to only 55 ft. (Copy of property survey attached).

After discussion, Commissioner Pressley made a motion to approve Mike Harris's request to restore water frontage on his property located in Laurel Landing Subdivision at Fairfield Mountains Resort back to it's original line at Mr. Harris's expense and contingent upon Mr. Harris obtaining permits from the Town of Lake Lure and the Army Corp. of Engineers for silt removal. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

**NEW BUSINESS**

**b. Request from Edneyville Boy Scout Troop 605 to Waive Boat Permit Fees**

Don Henderson, Edneyville Boy Scoutmaster of Troop 605, asked Council members to waive permit fees for five canoes and four boats for the Edneyville Boy Scouts (non-profit organization). (Copy of letter dated February 24, 2002 from Don Henderson attached).

After discussion, Commissioner Hullender made a motion to waive boat permit fees for two

**Page 3 - Minutes of the March 12, 2002 Regular Council Meeting**

motorized and two non-motorized boats. Additional boat permits purchased by the Edneyville Boy Scouts will be charged at a resident rate. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

**NEW BUSINESS**

**c. Request from Richard Coley to Change Dates on Fabric Structure Permit for the Lake Lure Fun Center**

Richard Coley, President of Lake Lure Tours, requested that the dates be changed for the fabric structure permit for the Lake Lure Fun Center to April 15, 2002 until October 15, 2002. (Copy of memo dated February 15, 2002 from Richard Coley attached).

After discussion, Commissioner Cox made a motion to approve the request from Richard Coley to change the dates on the fabric structure permit for the Lake Lure Fun Center to April 15, 2002 until October 15, 2002. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

**NEW BUSINESS**

**d. Request from Richard Coley to Erect Signs at the Town Beach, Water Works, and Town Marina; Change Sign for Tour Boats**

Richard Coley, President of Lake Lure Tours, read his letter of February 18, 2002 into the record requesting to erect signs at the town beach, water works and town marina. He also asked to change the sign for tour boats. (Copy of letter dated February 18, 2002 attached).

After discussion, Commissioner McCallum made a motion to approve Richard Coley's request to erect a double-sided 60" x 36" highway sign at the east end of the town beach and a double-sided 60" x 36" highway sign at the west end of the town beach. Commissioner Cox seconded the motion. Commissioners McCallum, Cox, and Pressley voted in favor of the motion. Commissioner Hullender voted against the motion. The motion carried with a vote of 3 to 1. (Copy of signs attached).

Mr. Coley's request to erect a single-sided 48" x 29" sign at the entrance to the town beach house #2 (Beach Water Works) was not approved by Council members.

Council members agreed by consensus to table Richard Coley's request to erect a sign at the town marina for scenic boat tours and boat rentals. Mr. Coley was asked to put the sign up at the town marina temporarily for review prior to the next town council meeting scheduled on April 9, 2002 and this request will be reconsidered at the April 9<sup>th</sup> Town Council meeting.

**STAFF REPORTS**

Town Manager Place reported on the following:

#### **Page 4 - Minutes of the March 12, 2002 Regular Council Meeting**

1. Pumps Parts and Service, the pump sub-contractor for the lift station project, has agreed to pay the cost to replace the Crown pumps with new Gorman-Rupp models. They want the town to agree that they will not be responsible for any other costs. Mr. Place read into the record a letter of March 6, 2002 received from Mike Dysart of Pumps, Parts & Service, Inc. (Copy of letter attached). Mr. Place said that McGill Associates has drafted a response to Tom Brown, the contractor, informing him that there are about \$24,000 in additional costs to date for their services beyond the contract completion date and they expect Brown Utilities to cover that amount. It will be up to Brown to decide if Pumps, Parts & Service, Inc. is liable for any or all of those costs. Mr. Place said he was not in favor of the town corresponding with Pumps, Parts & Service, Inc. and that he was dealing exclusively with the town's engineer John A. Orsillo, McGill Associates and the prime contractor. Mr. Place said that he had informed John A. Orsillo to proceed with his letter of March 12, 2002 to Tom Brown, President Brown Utility Company, contingent upon approval by Town Council.

Council members agreed by consensus to approve a draft letter of March 12, 2002 prepared by John A. Orsillo, McGill Associates, P. A. on behalf of the town to be sent to Tom Brown, President of Brown Utility Company regarding wastewater pump station relocation project pump deficiencies. (Copy of letter attached).

2. Mr. Place said he had received a request from Dennis Key of Southern Soil Builders for financial assistance. The town's contract with Mr. Key specifies that he will remove solids from the wastewater plant four times each year. Mr. Place explained that Mr. Key's expenses are calculated on a quarterly schedule and Mr. Key's contract bid was made taking this into account. Due to problems at the plant and the ongoing pump station construction, Mr. Key's was only able to make one run during the entire past year. Because of this, Mr. Key's expenses for testing and permitting came out of that one run, rather than being paid for by the income from four runs. Mr. Key's estimates that he lost \$1,875 on town's contract last year. Mr. Place said this shortfall was of the town's making and not Mr. Key's fault. Mr. Key's is asking that the town help him break even. Mr. Place told Council members that the funds are available since the town budgeted for the four runs at \$9,300 each and only paid for one run. The town's contract is up for renewal in November. Mr. Place said that he has asked Mr. Key's for a new budget proposal.

A motion was made by Commissioner Pressley to approve the request from Dennis Key, Southern Soil Builders, Inc. for \$1,875.00 (Cost of TCLP test \$850.00; Analysis \$350.00; NC annual administering and Compliance Fee \$675.00). (Copy of letter dated March 12, 2002 attached). Commissioner McCallum seconded the motion and the vote of approval was unanimous.

3. Mr. Place presented a final version of the "Memorandum of Understanding" creating the new Rural Transportation Planning Organization for consideration. Mr. Place asked Council members to authorize the mayor's signature and appoint a member of the governing body to serve on the Transportation Advisory Board. Mr. Place asked that he be appointed to serve on the Transportation Technical Committee.

A motion was made by Commissioner Pressley to: (1) approve the memorandum of understanding made by and between the Counties of McDowell, Polk, and Rutherford regarding a cooperative, comprehensive and continuing transportation planning and the establishment of a rural transportation planning organization; (2) authorize the mayor to sign this memorandum of understanding on behalf of the Town of Lake Lure; (3) appointed the town manager to serve on the

**Page 5 - Minutes of the March 12, 2002 Regular Council Meeting**

Transportation Technical Committee (TTC); and (4) appointed the mayor to serve on the Transportation Advisory Committee (TAC) described in the memorandum of understanding. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

4. Mr. Place was informed by Hydro Plant Operator William Grimes that the hydro plant has been running during the peak period just about every day for the past several weeks. Mr. Place said he anticipates the next Duke Power check to the town to be like the previous month's check.
5. Isothermal Planning Development Commission is preparing to submit applications for the EPA STAG grant application. Mr. Place said the town is asking for a total of \$450,700 and the town's share will be \$202,815.
6. Mr. Place said John Pace of TCB Materials in Hendersonville has placed the town dredge in the river and the dredge has been running for a couple of days. Everything is working ok at present, however no sand has been harvested yet. Mr. Place stated that TCB Materials are beginning to see that they cannot just pump from the river into their trucks. Mr. Place said there will be a significant time before the sand is sufficiently drained to be transportable.
7. Mr. Place stated according to Golf Course Manager Chris Shute, the golf course play has really slowed down recently due to the cold and wet weather. They are taking advantage of the slowdown to perform course maintenance.
8. The draft of the regulations for the construction of new streets was submitted to the Zoning and Planning Board last week for their review. There were some areas that needed expansion or clarification and the revisions will be reviewed at their regular March meeting. The final version should be on the agenda for next month.
9. Mr. Place reported that the new waterline and hydrants from the Post Office to Harris Road are in place, but not yet operational. They should be on line before long.
10. The budget calendar has been published and will be distributed in town council's boxes.
11. Mr. Place said the beautiful painting, "Reverie," hanging in the reception area, was painted by Joselyn Watkins who had it framed and generously donated it to the town.

**COUNCIL COMMENTS**

Commissioner Pressley thanked Bob Washburn, LAC Chairman and the Lake Advisory Committee for their work on the dredging maintenance program.

Commissioner Cox gave a brief update on the progress of the Lake Lure Municipal Golf Course.

**ADJOURNMENT**

With no further items of discussion, Commissioner Cox made a motion to adjourn the meeting at 8:40 p.m. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

**Page 6 - Minutes of the March 12, 2002 Regular Council Meeting**

ATTEST:

---

Mary A. Flack, MMC  
Town Clerk

---

Mayor Jim Proctor