

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, JANUARY 13, 2004, 7:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

PRESENT: Mayor Jim Proctor
Commissioner Blaine Cox
Commissioner Lea Hullender
Commissioner Dick McCallum
Commissioner Chuck Watkins

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

Town Attorney Callahan gave the invocation.

APPROVE AGENDA

Commissioner Watkins made a motion to approve the agenda as amended, adding an item under unfinished business as 6a. to hear a report from Russell Pitts on the maintenance program for the town's dredge. 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. Ken Jorden, a Lake Lure resident, said he was concerned about the appearance of the water storage tank to be placed on the property adjacent to the new Ingles store being built on N.C. Highway 9. Town Manager Place said the storage tank would be placed behind trees.

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 Hullender to approve the consent agenda

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items as presented and Commissioner Watkins seconded the motion. Therefore, the consent agenda, incorporating the following items was unanimously approved:

- a. minutes of December 9, 2003 (regular meeting);
- b. Town Council meeting schedule for year 2004; and

<u>DATE</u>	<u>LOCATION</u>	<u>TIME</u>	<u>TYPE</u>
January 13, 2004	Lake Lure Municipal Center	7:00 p.m.	Regular
February 10, 2004	Lake Lure Municipal Center	7:00 p.m.	Regular
March 9, 2004	Lake Lure Municipal Center	7:00 p.m.	Regular
April 13, 2004	Lake Lure Municipal Center	7:00 p.m.	Regular
May 11, 2004	Lake Lure Municipal Center	7:00 p.m.	Regular
June 8, 2004	Lake Lure Municipal Center	7:00 p.m.	Regular
July 13, 2004	Lake Lure Municipal Center	7:00 p.m.	Regular
August 10, 2004	Lake Lure Municipal Center	7:00 p.m.	Regular
September 14, 2004	Lake Lure Municipal Center	7:00 p.m.	Regular
October 12, 2004	Lake Lure Municipal Center	7:00 p.m.	Regular
November 9, 2004	Lake Lure Municipal Center	7:00 p.m.	Regular
December 14, 2004	Lake Lure Municipal Center	7:00 p.m.	Regular

** Regular Town Council meetings are held on the 2nd Tuesday of each month.*

- c. amend the budget for fiscal year 2003-2004 by increasing both the revenue projection and expenditures in the electric fund by \$25, 100; transferring \$25,100 from the electric fund to the police department - capital outlay line item 105100.5500 to pay for a police car as outlined in a memorandum of January 7, 2004 submitted by the finance director (copy of memorandum attached);

End of Consent Agenda

UNFINISHED BUSINESS:

a. Report from Russell Pitts Regarding the Maintenance Program for the Town’s Dredge

Russell Pitts, Lake Advisory Committee Member, gave a progress report on the maintenance program for the town’s dredge. Mr. Pitts also showed a video and answered questions pertaining to the operation of the dredge. Mr. Pitts recommended that the town contract to hire someone to run the dredge.

Mayor Proctor recessed the meeting at 8:00 p.m. for a break and reconvened the meeting at 8:12 p.m.

NEW BUSINESS

a. Auditor's Report

Town Auditor Robert C. Koone gave a brief report on the town's audit for fiscal year July 1, 2002 through June 30, 2003.

NEW BUSINESS:

b. Request from Jerry McCall to Change the Existing Lake Boundary at 117 Tryon Bay Circle

Jerry McCall furnished a letter dated January 5, 2004 requesting permission to change the lake boundary to accommodate the building of his seawall. Mr. McCall explained that his existing stone seawall was built in the 1950s. This wall varied from 4 to 6 feet in height and serves as a retaining wall for a 6 to 12 plus foot long wall which leans toward the lake. He said one-third of this wall leans severely compared to other portions of the wall. Mr. McCall said he plans to remove the current buttresses and replace it with an attractive, permanent, new wall on the entire waterfront length. He plans to keep the construction as close to the current wall as possible. The space between the walls will be packed with stone which will establish a firm contact between the two walls, stabilizing the existing wall and reestablishing retaining wall integrity. Mr. McCall said he plans to start by pouring a reinforced foundation. Interlocking blocks will be used to build the wall and they will be locked to the foundation with rebar concreted into place. Each successive course of these blocks is set back toward the earth side. The interlocked block stack is then regularly tied into the bank with anchored rebar. The completed stack can then be filled with reinforced concrete making a solid wall the entire length. Mr. McCall ask Town Council members to consider adjusting the lake boundary to provide sufficient space for a new foundation and space to place stone between the two walls. The requested boundary change will range from 2 to 4 feet from the existing wall based on height and lean of current wall. Mr. McCall said the new seawall will provide a solid, attractive addition on the lake. In addition, Mr. McCall presented pictures and drawings detailing his request. (Copy of letter, drawings, and pictures attached).

After discussion, Commissioner McCallum made a motion to grant permission to Jerry McCall to change the existing lake boundary at 117 Tryon Bay Circle as outlined in his letter dated January 5, 2004 and plans submitted. Commissioner Watkins seconded the motion and the vote of approval was unanimous.

STAFF REPORTS

Town Manager Place reported on the following:

1. Status on the transition of town employees changing new positions and training has been going well with regards to the town administration department and the police department.
2. Mr. Place said that all of the first annual employee evaluations are now complete and that he had determined the amount of merit increases based on those reviews. Mr. Place explained that when the new merit pay policy was finalized, there were some assumptions made based on George Pressley's (former Lake Lure Commissioner) industrial model as to

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the estimated number of employees who would rank excellent, very good, good, needs improvement and unsatisfactory employees. That model was the basis for a budget commitment in the amount of \$10,000 to be earmarked for merit increases for the period of January 1, 2004 through June 30, 2004. The final cost estimate for salary and benefits will actually total just under \$13,000. The majority of employees ranked either good or very good and the average score based on a ranking of 0-4 was 2.34 (excellent = 4, very good = 3, good = 2, needs improvement = 1 and unsatisfactory = 0).

Mr. Place requested that town council amend the budget for an additional \$3,000 (totaling \$13,000) be allocated for merit pay increases retroactive effective January 1, 2004, transferring funds from the contingency fund to the general fund to various departmental salary accounts.

After discussion, Commissioner McCallum made a motion to amend the budget for an additional \$3,000 (totaling \$13,000) to be allocated retroactive effective January 1, 2004, from the contingency fund to the general fund for merit pay increases. Direct the town manager to provide the breakdown of figures to be transferred from the contingency fund to the general fund, water & sewer fund equity to water and sewer fund, and hydro-electric fund equity to the hydro-electric fund to cover merit pay increases, detailing the appropriate accounts to be ratified for approval at the next town council meeting and insert these figures into the town council minutes. Commissioner Cox seconded the motion and the vote of approval was unanimous.

3. Paradox Productions Company is planning to tape a Jeep commercial in Lake Lure tomorrow and Thursday. Mr. Place said they will rent part of Morse Park and three pieces of private property for the shoot, plus they will rent the town hall facility on Thursday to serve breakfast and lunch for their crew. Mr. Place asked Council member to approve the request to park at least two vehicles, including a large truck and a motor home, overnight in the town street behind the Lake Lure Inn. Mr. Place said the motor home will not be occupied.

A motion was made by Commissioner Cox to approve the request from Paradox Productions Company to park up to four vehicles on Arcade Blvd. Behind the Lake Lure Inn. Commissioner Hullender seconded the motion and the vote of approval was unanimous.

4. Mr. Place said he met with a representative of the NCDOT enhancement program, the Federal Highway Administration and McGill Associates to discuss the scope of the town's pedestrian walkway project. A grant contract was signed back in August, 2003 but the town was told to hold off until a response was made from them. Mr. Place said the project is on track and he expects the town will get approval to begin by March, 2004.
5. The new computer file server is now in place, although there have been some problems which is to be expected during installations. Several of the new computers that have been sitting around town hall are finally being set up.
6. Mr. Place said he spoke with a representative of the Rutherford Electric Membership Cooperative about reconnecting the street lights on Buffalo Creek road which have not been connected for several years. Mr. Place is waiting to hear back from them on the amount it will cost the town.
7. Mr. Place said at the last meeting, town council authorized the Golf Course Manager Chris Shute and himself to negotiate with James and Janda Carter about a food service operation

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at the Lake Lure golf course clubhouse. Mr. Place said he and Mr. Shute spent time considering the impact of this activity and determined that the town's loss in concession revenues would be more than the town would get in rental income. Mr. Shute informed the Carter's that the town would not be able to rent the facility to them. Mr. Shute's intention was to explore means to expand the current concessions to better serve golfers at the course.

8. As part of the dredging project, Mr. Place looked for potential dump sites for the residual materials to be removed from the impoundment areas as well as material that the town cannot market. Mr. Place said this is more than a one-time need. After consultation with town staff, the Mayor and town engineers, it was decided to fill the town owned corner of Island Creek road. Mr. Place said there is a considerable depression at this point that will hold a lot of material. The town has already begun transferring material from the north side berm to this site, but will need to add a drainage pipe before it can be fully utilized. Mr. Place stated that he plans to include those costs in next year's budget. Mr. Place said the town will need to find another site in the near future to deposit residual materials. He is currently exploring town owned property on the other side of Island Creek road. He said this property will need to be surveyed to determine it's size.
9. Mr. Place expressed his appreciation to commissioners and staff members who participated in the tour of the town facilities.
10. Mr. Place stated that he had a verbal request from a citizen on Tryon Bay Circle to change the traffic flow on that road from a one-way street to a two-way street.

After discussion, Commissioner Cox made a motion to schedule a public hearing to be held at the next regular town council meeting on February 10, 2004 to receive public comments regarding a request to change the Tryon Bay Circle road from a one-way street to a two-way street. Also, direct the town manager to notify the adjacent property owners of this public hearing by letter. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

COUNCIL COMMENTS

Commissioner Cox asked about the status of Duke Power connecting the Christmas lights in Lake Lure that were not working. Mr. Place informed Council members that Duke Power had replaced some of the power poles and they were not planning to reconnect the power to these poles for the Christmas lights at this time. He said the town would have to pay for a meter to be installed before these lights could be turned back on.

Commissioner Hullender questioned when the Christmas decorations were going to be taken down. Town Manager Place said the town had contacted Dale Shields to use his equipment to take them down. He said the town maintenance employees did not have the proper equipment according to OSHA rules to remove the Christmas decorations from the power poles.

Commissioner Cox requested that a resolution supporting the "Realize Rutherford" program be drafted for the next town council meeting to be considered for adoption.

Mayor Proctor said that he and others including Commissioner Cox, Town Manager Place, and Bill Frykberg met on January 8, 2004 at the Cool Springs Administration building with the Superintendent of Schools to discuss the possibility of getting a closer school to Lake Lure.

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The Mayor mentioned that he was waiting for the Village of Chimney Rock to make final revisions to their proposed noise ordinance in order to draft a similar noise ordinance for the Town of Lake Lure.

CLOSED SESSION

A motion was made by Commissioner Cox to enter into closed session to: (1) discuss attorney client privilege and legal matters pursuant to G.S.143-318.11(a)(1) and G.S.143-318.11(a)(3) regarding ongoing litigation between Patricia Hyatt and the Town of Lake Lure; and (2) discuss personnel matters pursuant to G.S.143-318.11(a)(6). Commissioner Hullender seconded the motion and the vote of approval was unanimous.

With no further discussion in closed session, Commissioner Hullender moved, seconded by Commissioner Cox, to come out of the closed session meeting at 9:27 p.m. and re-enter the regular session of the meeting. The vote of approval was unanimous.

While in closed session, Council members voted to seal the minutes of the closed session meeting in order to avoid frustrating the purpose of the closed session.

ADJOURNMENT

With no further items of discussion, Commissioner Hullender made a motion to adjourn the meeting at 9:30 p.m. Commissioner McCallum seconded the motion and the vote of approval was unanimous.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Mayor Jim Proctor