

LAKE LURE TOWN COUNCIL REGULAR MEETING PACKET

Tuesday, August 12, 2014



Mayor Bob Keith

Commissioner John Moore

Commissioner Mary Ann Silvey

Commissioner Diane Barrett

Commissioner Bob Cameron



REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL

August 12, 2014

6:00 p.m.

Lake Lure Municipal Center

AGENDA

1. Call to Order Mayor
Bob Keith
2. Invocation (*Please rise and remain standing*) Attorney
Chris Callahan
3. Pledge of Allegiance
4. Approve the Agenda Council
5. Public Forum: *The public is invited to speak on any non-agenda and/or consent agenda topics. Comments should be limited to less than five minutes.*
6. Staff Reports
7. Council Liaison Reports & Comments
8. Consent Agenda:
 - a. Approve Minutes of the July 15, 2014 Regular Meeting and the July 8, 2014 Special Meeting
 - b. Adopt Resolution No. 14-08-12C Authorizing Execution of an Application for a Technical Assistance Grant for a Preliminary Engineering Report for a Wastewater Project to Assist with Planning for the Sewer Interconnect (Green Line) Project
 - c. Approve a Request Regarding the 5th Annual Dirty Dancing Festival at Lake Lure Being Held August 15-16, 2014 as Outlined in a Letter Submitted by Jo Beyersdorder Dated August 4, 2014 to: (1) Suspend the Town Peddling Ordinance During the Festival, (2) Use of Certain Town Property at the Non-profit Rate, (3) Use the Parking Lot for Dance Lessons, (4) Suspend the Town's Alcohol Ordinance in Order to Sell Beer and Wine in Morse Park Meadows, (5) Approve a Fabric Structure Permit for the Event

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- d. Adopt Resolution No. 13-08-12A and Approve Financing of Public Works Truck and a Police Vehicle
 - e. Approve a Budget Amendment to Transfer Funds from the Capital Reserve Fund to the Water/Sewer Fund for Waterline Replacement
 - f. Approve a Budget Adjustment for Projects Not Completed as of June 30, 2014
9. Unfinished Business
10. New Business:
- a. Consider Adoption of Ordinance No. 14-08-12 Directing the Code Enforcement Officer to Remove or Demolish the Structure at 159 Johnson Circle (Rutherford County Tax PIN: 1631235, File No. ASUD-2014001), Described as Unfit for Human Habitation and Directing that a Notice be Placed Thereon that the Same May Not be Occupied
 - b. Water Rate Presentation
 - c. Appoint Members to Serve on the Asset Management Task Force
 - d. Consider Filling a Vacant Firefighter Position
 - e. Consider Adoption of Resolution No. 14-08-12B Appointing the Lake Lure NC 9 Small Area Plan Steering Committee and Initiating the Small Area Plan Development Process
 - f. Consider Adoption of Resolution No. 14-08-12 Amending the Personnel Policy of the Town of Lake Lure
 - g. Consider Adoption of Resolution No. 14-08-12D Authorizing the Release and Closure of a Soil Road Crossing a 34.04 Acre Tract of Classical Academies CFA, Inc. to Other Town Property Known as the Lake Lure Golf Course
 - h. Discussion of IT Support Vendor Analysis
 - i. Discussion of Management Consultant Proposals
 - j. Discussion Concerning Potential Cost Related to Actuated Flasher at Crosswalks
11. Adjournment

Agenda Item: 8a



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD MONDAY, JULY 8, 2014, 6:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

PRESENT: Mayor Bob Keith
Commissioner John W. Moore
Commissioner Mary Ann Silvey
Commissioner Bob Cameron
Commissioner Diane Barrett

Christopher Braund, Town Manager
J. Christopher Callahan, Town Attorney

ABSENT: N/A

CALL TO ORDER

Mayor Bob Keith called the meeting to order at 6:00 p.m.

INVOCATION

Attorney Chris Callahan gave the invocation.

PLEDGE OF ALLEGIANCE

Council members led the pledge of allegiance.

APPROVE THE AGENDA

Commissioner Bob Cameron made a motion to approve the agenda as amended, adding an item as 10d to consider funding an administrative efficiency study and removing a request concerning the suspension of the peddling ordinance for the First Annual Mystic Waters Ski and Skeet Tournament and Community Festival from the consent agenda and adding it under new business for discussion. Commissioner John Moore seconded the motion and the vote of approval was unanimous.

PUBLIC FORUM

Mayor Bob Keith invited the audience to speak on any non-agenda items and/or consent agenda topics.

Francine Nordt of 156 Hilltop Court presented a petition with 99 signatures that outlined safety concerns on Boys Camp Road including a request to resurface the road, restripe the road and place guardrails. Ms. Nordt cited hazards such as cracking on the road edges, uneven patches and patched areas without striping.

Council members discussed the concern and Town Manager Chris Braund stated that striping of Boys Camp is on the maintenance plan and agreed to look into estimates and priorities in the road maintenance department.

Yvonne Anderson of 502 Garden Lane complimented town staff for beautification of the downtown area. Ms. Anderson asked if there is an ordinance that requires maintenance of properties while they are vacant by property owners or realtors.

Town Manager Chris Braund explained that the town does have a nuisance ordinance, but the ordinance is directed toward public safety rather than appearance. Mr. Braund stated that enforcement of the ordinance is complaint driven and informed Ms. Anderson that town staff would happy to compare any complaints submitted to the ordinance.

Ms. Anderson also mentioned that she is concerned about the increasing log truck traffic in town. Mr. Braund agreed to research permits and prohibitions of these large trucks travelling through town.

Pat Cooke of 163 Sea Wish Way expressed dissatisfaction with the noise of motorcycle traffic in town stating that she has had guests complain about the noise and she feels it is affecting her business and she feels the police department should enforce the noise ordinance more strictly.

Commissioner Bob Cameron explained that the police department does do checks and that most of the motorcycles in the area are found to be in compliance with the ordinance.

Stephen Webber of 266 Burnt Ridge Road reminded everyone that there will be a runoff election on July 15 and stated that he was asked to announce that Clerk of Court candidate Tammy Aldridge is holding a meet-the-candidate event on July 12th in the Community Hall.

STAFF REPORTS

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Town Manager Chris Braund presented the town manager's report dated July 8, 2014. (Copy of the town manager's report is attached.)

COUNCIL LIAISON REPORTS & COMMENTS

Commissioner Diane Barrett reported the activities of the Parks and Recreation Board.

Commissioner John Moore reported the activities of the Zoning and Planning Board.

Commissioner Mary Ann Silvey reported the activities of the Lake Advisory Board, the Lake Lure ABC Board and Lake Lure Classical Academy School Board.

Commissioner Bob Cameron reported the activities of the Lake Lure Board of Adjustment/Lake Structures Appeal Board and announced that the July Board of Adjustment meeting will be held on Wednesday, July 23rd instead of Tuesday, July 22nd as previously scheduled.

CONSENT AGENDA

Mayor Bob Keith presented the consent agenda and asked if any items should be removed before calling for action.

Commissioner Bob Cameron made a motion to approve the consent agenda as amended. Commissioner John Moore seconded the motion and the vote of approval was unanimous. Therefore, the consent agenda incorporating the following item was unanimously approved:

- a. minutes of the June 9, 2014 regular meeting and the June 24, 2014 special meeting.

End of Consent Agenda.

UNFINISHED BUSINESS:

- a. CONSIDER DIRECTING THE ZONING AND PLANNING BOARD TO STUDY THE IMPACTS OF DISTILLING ESTABLISHMENTS AND CONSIDER DRAFTING POTENTIAL AMENDMENTS TO THE ZONING REGULATIONS CONCERNING THESE ESTABLISHMENTS**

Commissioner Diane Barret stated that she contacted approximately 150 people and did a questionnaire asking if they would like to have a microbrewery in town. She reported that 97 people responded "yes" while only 11 people responded "no". Commissioner Barrett stated that she does not personally support the idea of having a microbrewery in town, but she would vote in

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favor of the Zoning and Planning Board studying the impacts it may have and represent of what she feels is the public's preference on the topic.

Commissioner Barrett expressed concerns about the amount wastewater created by the potential facilities and asked to eliminate the words "regional brewery", "distillery" and "winery" from the potential proposal since they are larger facilities that could produce a lot more waste.

Commissioner Bob Cameron made a motion to direct the Zoning and Planning Board to study the impacts of distilling establishments and consider drafting potential amendments to the Zoning Regulations concerning these establishments while taking into consideration Commissioner Barrett's previously stated concerns. Commissioner John Moore seconded the motion and the vote of approval was unanimous.

UNFINISHED BUSINESS:

b. OTHER UNFINISHED BUSINESS

There was no other unfinished business.

NEW BUSINESS:

a. CONSIDER APPROVAL OF REQUESTS SUBMITTED BY MICHELLE YELTON ON BEHALF OF THE MCCONNELL GROUP FOR THE CYCLE NORTH CAROLINA "MOUNTAIN RIDE" TO BE HELD ON AUGUST 1ST THROUGH AUGUST 3RD, 2014

Town Manager Chris Braund presented information relating to a request from the McConnell group concerning the Cycle North Carolina Mountain Ride outlined in a request from Michelle Yelton.

After discussion, Commissioner Bob Cameron made a motion to approve the following requests the Cycle North Carolina Mountain Ride to be held August 1st through August 3rd, 2014:

- suspend the peddling ordinance to allow selling of food, crafts, and beverages during the event
- allow a portion of the Morse Park Meadows parking lot to be used to park an 18-wheel tractor trailer housing a portable showers and bathrooms
- suspend the alcohol ordinance to allow selling of beer, spirits, and wine in an enclosed beer garden

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- allow use of the town owned dumpster for the event
- waive sign permit fees for the event

Commissioner Diane Barrett seconded the motion.

Commissioner Mary Ann Silvey expressed concerns about waiving the sign permit fees for the event.

After further discussion, council unanimously voted to approve the request as submitted.

Commissioner Mary Ann Silvey made a motion to direct the Zoning and Planning Board to study temporary sign permit types and fees especially relating to special events. Commissioner Bob Cameron seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

b. PRESENTATION OF THE TOWN'S ASSET MANAGEMENT PLAN

Town Manager Chris Braund introduced Crystal McNeely representing GHD and gave background concerning the project.

Crystal McNeely gave a presentation outlining the Town of Lake Lure Asset Management Plan.

NEW BUSINESS:

**c. CONSIDER APPROVAL OF A LEASE AGREEMENT WITH SKYRUNNER INC.
FOR USE OF TOWN FACILITIES**

Town Manager Chris Braund gave a brief overview of a request from Skyrunner Inc. concerning the placement of antennas in town to aid in growth of networks and internet access points in the community. Mr. Braund explained that the proposed agreement with Skyrunner is not complete at this time, but will be brought to council at a later date.

Board members discussed concerns about the towers' potential interference with cell phone service. Mr. Braund explained that the towers should not affect cell phone coverage.

NEW BUSINESS:

d. Administrative Efficiency Review

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Commissioner John Moore stated that during a budget session there was discussion of an efficiency review and Bill Ashman, Rumbling Bald Resort's Marketing Consultant, told council about a review that was done at Rumbling Bald Resort recently saving them over \$80,000.

Commissioner Moore explained that he and Commissioner Bob Cameron were introduced to Scott Karr, a representative for the firm (Greyrock) that did the Rumbling Bald Resort study by Mr. Ashman.

Commissioner Moore proposed that the town get the review done since the company has already done this type of work in the area and they could do an administrative review for less than \$6000.00.

Town Manager Chris Braund stated that, based on the discussion at the budget meetings, he has been researching proposals for the type of study described by Commissioner Moore and that the information from the company Commissioner Moore and Commissioner Cameron have been in contact with would be very helpful.

Commissioner John Moore made a motion to proceed with Greyrock.

Mr. Braund stated that he would like to review the company's proposal and questioned where the funds for the study would come from.

Commissioner Moore suggested that funds left over from last fiscal year be used for the proposed project.

Commissioner Mary Ann Silvey asked that the town manager to look into the proposed study and gather information, look into funding the project and report back to town council.

Barbara Marsh Searcy expressed concerns about council considering "spur of the moment" agreement stating that the League of Municipalities is a good source to research companies' qualifications to do work for local government entities.

NEW BUSINESS:

- d. CONSIDER SUSPENDING THE PEDDLING ORDINANCE FOR THE FIRST ANNUAL MYSTIC WATERS SKI AND SKEET TOURNAMENT AND COMMUNITY FESTIVAL BEING HELD ON AUGUST 23, 2014**

Commissioner John Moore asked if neighbors had been notified about the event since it is described as the "First Annual".

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Lynn Pitts explained that there are not any close neighbors to be directly affected by the event, but the closest neighbors are aware of the event. Ms. Pitts further explained that there will also be signs at the road to notify everyone of what is going on during the event.

After discussion, Commissioner Mary Ann Silvey made a motion to approve the request to suspend the peddling ordinance for the First Annual Mystic Waters Ski and Skeet Tournament being held at 109 Camp Hill Road, Mill Spring (a portion of the property is in town limits) on August 23, 2014. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

ADJOURN THE MEETING

With no further items of discussion, Commissioner Bob Cameron made a motion to adjourn the meeting at 7:35 p.m. Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

ATTEST:

Andrea H. Calvert
Town Clerk

Mayor Bob Keith

MINUTES OF THE SPECIAL JOINT MEETING OF THE LAKE LURE TOWN COUNCIL AND THE LAKE LURE ZONING AND PLANNING BOARD HELD ON TUESDAY, JULY 15, 2014, 9:30 A.M. AT THE LAKE LURE MUNICIPAL CENTER

PRESENT: Mayor Bob Keith
Commissioner John W. Moore
Commissioner Mary Ann Silvey
Commissioner Bob Cameron
Commissioner Diane Barrett

Christopher Braund, Town Manager

Zoning & Planning Board Members Present:

Thomas M McKay, Chair
Ric Thurlby, Vice-Chairman
Charlie Ellis, Planning Board member
David Goins, Planning Board member
Bruce Barrett, Planning Board member

LLCA Representatives:

Melanie Brethauer, Engineer, WNC Professional Engineering & Surveying
Vic Knight, Landscape Architect, Knight Strategies
Mike Merrell, Hickory Construction
Russell Pitts, LLCA Board Member
Jim Proctor, President, LLCA Board of Directors
Tim Tuner, Surveyor, WNC Professional Engineering & Surveying
Ken Kalsch, Mspace

DRC:

Shannon Baldwin, Community Development Director
Chris Braund, Town Manager
Harlow Brown, Brown Engineering
Sean Humphries, Police Chief
Ron Morgan, Fire Chief
Clint Calhoun, Environmental Management Officer

CALL TO ORDER

Chairman McKay and Mayor Keith called the meeting to order at 9:32 a.m.

JOINT MEETING WITH THE ZONING AND PLANNING BOARD

Mayor Bob Keith stated that the Zoning and Planning Board feels there is a need for an upgraded façade in the proposed plans for the Lake Lure Classical Academy school building.

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Mayor Keith recommended keeping the façade in the plans with an unspecified timeframe for completion.

Lake Lure Classical Academy School Board member Jim Proctor pointed out that the school board is using guidelines that were adopted by Town Council and that the proposed plans already include spending a substantial amount of extra money to improve the appearance of the proposed building. Mr. Proctor mentioned that in the past commercial standards only applied to commercial sites visible from a state road and stated that he would rather have contributions go towards teachers as a bonus instead of constructing something that is not necessary. He feels the LLCA School Board would accept the condition that no new certificates of zoning compliance be issued until the upgraded façade is constructed, but asked to have that particular paragraph removed from Town Council Order ZP-2014039.

Zoning and Planning Board Chairman Tom McKay pointed out that the Zoning and Planning Board is tasked with giving Town Council recommendations to help them make decisions and explained that he wants the school to be the best and finest it can be. Mr. Thurlby added that a Town standard could be established for future projects by applying a specific style or standard for the school.

Charlie Ellis mentioned that there is a estimated the costs for the upgraded façade to be about 1% or less of the entire cost for the school and that he feels the upgrade would be beneficial to the function and appearance of the building. He suggested sending this proposal to Town Council for approval with a recommendation made at a previous meeting by Mr. Pitt's that the school commit to upgrading the front façade of the educational building prior to the Town of Lake Lure donating any further property for future phases of the school.

Mr. Pitts pointed out that the design for the façade does not add much for safety, unless it is continued out vertically because the students would still have to ingress and egress outside. He reported in the original design the school has about \$200,000 in the design and landscaping of the school, excluding the façade which has been estimated at an additional \$100,000.

Chairman McKay asked for clarification on how the School Board arrived at a design cost of \$7 million. Mr. Braund explained the financing and how the School Board arrived at the \$7 million cost and discussion followed.

Mr. Pitts mentioned there are no solid set of plans until the school gets an approval from the Town, County, and State. He stated they have come up with a preliminary dollar per square foot as a baseline to fit into \$7 million. He pointed out the school has prioritized and found areas they can cut back on without jeopardizing the design, if need be.

Mr. Goins questioned the upgraded portico stating he thinks it should be constructed in two stages. He also believes the covered walkway wings could be redesigned to allow a canopy type structure to project over to the buses. He pointed out the costs would be more but the end

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product would be better. However, he stated the school would save around 60-70% upfront by dividing the project into two stages. Lengthy discussion ensued regarding school design.

Mr. Baldwin referred to Exhibit A, page 54 of 108, stating this is what was proposed by Fisher Architects in response to the DRC meeting. He then pointed out page 53 of 108 shows the original Fisher design and there are substantial differences in the façade/portico in the two Fisher designs. Discussion held on the portico design.

Mr. Merrell pointed out that John Fisher and Eugene Britton with Fisher Architects discussed the portico and came up with a cost of an additional \$100,000. He reported he is expecting to receive all the construction drawings today from multiple designers involved in the school project and is hoping to deliver PDF versions of all the design drawings for the entire project soon. Then, he stated, it will take approximately three weeks to come up with a guaranteed maximum price to see where the school stands on their budget. Mr. Braund mentioned the bond financing is 80% done. He stated all that is lacking is a set of construction plans, guaranteed maximum price, and an approved set of plans and permits from the Town. He pointed out the school is on schedule to have purchasers lined up at the end of August and close around the first of September. He recommended ZPB place any requirements or restrictions from an aesthetics standpoint, send their recommendations to Town Council, and let the School Board make determinations on function of different components of the school. He stated this project will set standards for future projects.

Mr. Pitts mentioned he spoke with Mr. Ruff, Director of Rutherford County Inspections, who stated they would need a Certificate of Occupancy for the educational structure and also one for the gymnasium.

Chairman McKay recommended using ideas from the Draper plans for the school facilities. When asked, Mr. Baldwin pointed out that Draper's work definitely used Mediterranean architectural themes for Lake Lure. Brief discussion followed.

Mayor Keith asked if the education foundation is still in place and Mr. Braund stated yes, awaiting a tangible wish list of items for the school. Mr. Knight suggested allowing the School Board to come back before Council with new plans for the final approval of the façade, if needed.

Commissioner Moore asked how much of the \$7 million goes towards costs for books, furniture, fixtures, equipment, etc. Mr. Pitts stated none of the \$7 million covers those items; it only covers the structure. Mr. Braund stated the school has a budget from student growth to help cover the costs for computers, furniture, etc. Mr. Pitts pointed out that the Town will incur cleanup costs of the lead at the firing range in the future. He stated the school can secure about \$300,000 for lead cleanup and asked the Town to keep this in mind.

Mr. Kalsch stressed that quality assurance is top priority with MSspace. He pointed out MSspace deals mainly with charter schools and stated they supplied the modulars for the current school

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site in Lake Lure. He read from a letter that the President of MSpace wrote relaying to the Boards that their goal is for total satisfaction and to exceed all expectations. He also extended invitation for the Board members to visit the home office located in Georgia.

Mr. Goins recommended and stressed the importance of having a qualified third party inspection agency come in to oversee the construction process of the school to make sure everything complies with all building codes and other NC requirements and to meet quality standards. He stated this adds a layer of protection and could potentially cut future costs. Discussion followed.

Commissioner Barrett asked Mr. Kalsch what kind of quality assurance MSpace has and Mr. Kalsch responded they have an office 15 minutes from the plant and therefore they always have someone on site to oversee construction. Mr. Pitts agreed with Mr. Goins' suggestions and stated he would take back to the School Board for consideration.

Commissioner Moore asked that staff create a letter regarding Mr. Goins' comments and send to the LLCA School Board. He asked Mr. Goins what the costs would be for a third party inspection agency and Mr. Goins stated \$38,400 for everything.

Chairman McKay made a motion to recommend Resolution No. 14-07-15A as amended, adding the following to XI and XV:

XI. LLCA shall place all power lines and all other utilities underground at no cost to the Town of Lake Lure.

XV. The Town will not issue any new certificates of zoning compliance until the façade is constructed to substantially comply with the revised plans (Sheet 3D-2R) drawn by Fisher Architects or a new plan approved by Town Council.

Mr. Ellis seconded the motion and the vote of approval was unanimous.

After further discussion, Commissioner Barrett made a motion to adopt Resolution No. 14-07-15A as amended, adding the following to XI and XV:

XI. LLCA shall place all power lines and all other utilities underground at no cost to the Town of Lake Lure.

XV. The Town will not issue any new certificates of zoning compliance until the façade is constructed to substantially comply with the revised plans (Sheet 3D-2R) drawn by Fisher Architects or a new plan approved by Town Council.

Commissioner Moore seconded the motion and the vote of approval was unanimous.

RESOLUTION NO. 14-07-15A

**RESOLUTION ESTABLISHING DEVELOPMENT CRITERIA
FOR THE LAKE LURE CLASSICAL ACADEMY**

WHEREAS, the Lake Lure Classical Academy (LLCA) has applied for issuance of a certificate of zoning compliance permit to construct a public (charter) school in the GU Government - Institutional Use District on the property identified by Tax PIN 1649621 and located at 1058 Island Creek Road, Lake Lure, North Carolina; and

WHEREAS, pursuant to §92.039(B)(3) of the Zoning Regulations of the Town of Lake Lure, public schools are a permitted use within the GU Governmental - Institutional Use District; and

WHEREAS, §92.039(C) of said Zoning Regulations authorizes Town Council to determine development criteria for proposed development within the GU Governmental - Institutional Use District; and

WHEREAS, an official Town survey sent April 2006 to all Lake Lure property owners indicated over half of the respondents believed education facilities should be pursued for the Town of Lake Lure; and

WHEREAS, the Town of Lake Lure 2007-2027 Comprehensive Plan, adopted May 2007, recommends a new school as an overall development strategy (ED Goal 1), as a way to improve community welfare (SF Goal 2), and as a means to realize a long-term vision (LU Goal 1) and further recommends the NC 9 corridor as the target area for such new school; and

WHEREAS, the adopted NC 9 General Development Plan, dated March 2012, depicts a public school and accessory uses on Town property in the NC 9 Corridor; and

WHEREAS, the property which is the subject of this application, consisting of 34.04 acres, was gifted to Lake Lure Classical Academy by the Town of Lake Lure in August of 2012 in compliance with the NC 9 General Development Plan dated March 2012 for the construction of a new public school; and

WHEREAS, plans and specifications have been submitted regarding automotive and bus ingress and egress, traffic flow, traffic control, pedestrian ways, and fire suppression; and

WHEREAS, plans and specifications have been submitted regarding water supply, water distribution, sewer collection, and sewer treatment; and

WHEREAS, plans and specifications have been submitted to address site aspects, relationship of buildings to site, relationship of project to adjoining area, streetscape, landscaping, parking lots, sidewalks, open space, lighting, building design, architectural style, mass and scale, exterior

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material, roof form and material, fenestration, entryway, accessory buildings and features, signage, and color; and

WHEREAS, on the 8th of July and the 15th of July, 2014, Town Council held joint meetings with the Zoning and Planning Board and the Development Review Committee for the purpose of determining development criteria for the subject project; and

WHEREAS, the application and plans and other matters pertaining to the application are contained in Exhibit A, attached hereto.

NOW, THEREFORE, THE FOLLOWING IS HEREBY RESOLVED by the Town Council of the Town of Lake Lure:

SECTION ONE. The following development criteria are hereby established for the Lake Lure Classical Academy project described above:

- I. Water distribution system plans shall be approved by NC DENR and final permits provided to the Town of Lake Lure.
- II. Sewer collection system shall be approved by NC DENR and final permits provided to the Town of Lake Lure.
- III. LLCA shall secure an easement from the Town of Lake Lure for sewer line installation across Donald Ross Trails property.
- IV. LLCA shall grant easement(s) to the Town of Lake Lure for access to all relevant sections of the water and/or sewer system.
- V. LLCA shall secure an easement (if applicable) from the Town of Lake Lure for the public access road construction across Town property.
- VI. LLCA shall sign a maintenance agreement with the Town of Lake Lure for maintenance of the public access road.
- VII. LLCA shall provide sedimentation and erosion and control plans approved by NC DENR
- VIII. LLCA fire suppression systems shall be approved by NC Department of Insurance.
- IX. LLCA shall secure all applicable permits from Rutherford County.
- X. A driveway permit shall be secured from NCDOT for the access road to connect to Island Creek Road.
- XI. LLCA shall place all power lines and all other utilities underground at no cost to the Town of Lake Lure.
- XII. LLCA shall, at no cost to the Town of Lake Lure, cause all fiber optic cable to be installed and sized to accommodate future uses (designated on the NC 9 General Development Plan adopted by Town Council) in addition to the school.
- XIII. LLCA shall secure any necessary approvals for any work now or in the future on the old landfill property under the jurisdiction of NC DENR.
- XIV. LLCA shall complete State and Federal applications relative to a brownfield grant to permit redevelopment of the Town firing range for future school uses.

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- XV. The Town will not issue any new certificates of zoning compliance until the façade is constructed to substantially comply with the revised plans (Sheet 3D-2R) drawn by Fisher Architects or a new plan approved by town council.
- XVI. Entrance lighting will be subject to the review and approval of the Town Chief of Police relative to any safety concerns such officer may have.
- XVII. LLCA shall work with the Town to relocate town water supply wells to a place satisfactory to both, if required by the Town.

SECTION TWO. Development plans and activities shall also comply with all applicable Town regulations.

SECTION THREE. Final plans and specification shall be revised by LLCA to incorporate mandates by any of the entities above and resubmitted to the Community Development Department for review and approval.

SECTION FOUR. Any construction and / or use undertaken pursuant to such certificate of zoning compliance shall be strictly consistent with its terms, conditions, and with all applicable regulations of the Town of Lake Lure. Failure to do so may result in revocation of the permit.

Adopted this 15th day of July, 2014.

Mayor Keith recessed the town council meeting to reconvene in the conference room in town hall.

NEW BUSINESS:

**CONSIDER ADOPTION OF THE ASSET MANAGEMENT PLAN AS PREPARED BY
GHD**

After discussion, Commissioner Bob Cameron made a motion to adopt Resolution No. 14--07-15B adopting the Town of Lake Lure Asset Management Plan. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

RESOLUTION NO. 14-07-15B

ADOPTING THE TOWN OF LAKE LURE ASSET MANAGEMENT PLAN

WHEREAS, the Town of Lake Lure owns and maintains numerous assets, equipment and infrastructure employed in the delivery of service to citizens; and

WHEREAS, the Town was interested in developing an Asset Management Plan for all of its infrastructure; and

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WHEREAS, said plan would contain an inventory and condition assessment of all assets and an analysis of each asset's service value to the town, the risks and consequences of asset failures, the estimated replacement/refurbishment date of each asset and the estimated costs of replacement; and

WHEREAS, said plan will provide a view of future costs to maintain these assets, in both magnitude and timing; and

WHEREAS, the NC Rural Center provided a 50% matching grant to assist the Town in the preparation of an Asset Management Plan with the assistance of the firm GHD, a global specialist in asset and facilities management; and

WHEREAS, GHD and the Town of Lake Lure worked together to complete the first town-wide municipal asset management plan in North Carolina, as traditionally most towns focus only on water and sewer infrastructure; and

WHEREAS, the completed Asset Management Plan for the town covers Buildings, Roads, Water System, Wastewater System, Dam/Hydro Plant, Parks & Recreation Facilities, Street Lights and Signs, Vehicles, Boats and Heavy Equipment; and

WHEREAS, said plan should be used to identify upcoming capital asset projects and expenditures in the Town's multi-year Capital Improvement Plan and annual capital budgeting; and

WHEREAS, said plan should be refreshed annually through an asset inventory, condition assessment and replacement/refurbishment analysis in each department.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA adopts the Asset Management Plan as presented

Adopted this 15th day of July, 2014.

NEW BUSINESS: CONSIDER APPROVAL OF A LEASE AGREEMENT WITH SKY RUNNER

Town Manager Chris Braund gave a brief overview of a proposed lease agreement with Sky Runner, Inc.

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After discussion, Commissioner Bob Cameron made a motion to approve the proposed agreement and to authorize the town manager to execute the document on behalf of the town. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

CONSIDER ADOPTION OF RESOLUTION NO. 14-07-14 PETITIONING NCDOT AND THE NORTH CAROLINA GENERAL ASSEMBLY TO AMEND EXISTING LAWS TO FACILITATE STRATEGIC INVESTMENT OF FUNDS IN SUPPORT OF TRANSPORTATION PROJECTS THAT ACHIEVE ECONOMIC DEVELOPMENT GOALS IN ADDITION TO TRANSPORTATION GOALS SPECIFICALLY IN SUPPORT OF TOURISM

Commissioner Diane Barrett made a motion to adopt Resolution No. 14-07-14 as presented. Commissioner Bob Cameron seconded the motion and the vote of approval was unanimous.

RESOLUTION NO. 14-07-15

RESOLUTION PETITIONING NCDOT AND THE NORTH CAROLINA GENERAL ASSEMBLY TO AMEND EXISTING LAWS TO FACILITATE STRATEGIC INVESTMENT OF FUNDS IN SUPPORT OF TRANSPORTATION PROJECTS THAT ACHIEVE ECONOMIC DEVELOPMENT GOALS IN ADDITION TO TRANSPORTATION GOALS SPECIFICALLY IN SUPPORT OF TOURISM

WHEREAS, the Lake Lure Parkway (a relocation of 64/74A to accommodate a new entrance for Chimney Rock State Park) was recently identified as a transportation project in the Lake Lure – Chimney Rock Village Comprehensive Transportation Plan developed by NCDOT; and

WHEREAS, said plan has been adopted by Chimney Rock Village, Town of Lake Lure, Rutherford County, Isothermal RPO, and NCDOT; and

WHEREAS, this project will allow the Chimney Rock State Park Master Plan to be implemented as adopted to safely accommodate more visitors and alleviate traffic congestion in our area; and

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WHEREAS, an increase in visitors to said Park will facilitate commercial investment, business growth, and new jobs in our area; and

WHEREAS, the impact of an increase in Park visitors (194,073 visitors in 2013) on the economy of Lake Lure, Chimney Rock, Rutherford County as well as the surrounding region, will be significant; and

WHEREAS, based on the current RPO evaluation process, the Lake Lure Parkway would be highly UNLIKELY to receive funding given the current method of compiling scores and ranking projects at the NCDOT Division Level; and

WHEREAS, economic competitiveness is not a criteria considered at the Regional or Division Level as the law is currently written, but only at the Statewide Tier; and

WHEREAS, at present the Statewide Tier represents only 10% of the overall score; and

WHEREAS, both NCDOT and the RPO must follow the law as it is currently written; and

WHEREAS, the law does not allow consideration of economic competitiveness, only attributes related to congestion, safety and costs, when projects are considered and evaluated at the Division Level.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA petitions the NCDOT and the General Assembly for changes in the process (the laws that govern the transportation project evaluation process) so that consideration is given to the economic benefits of transportation projects at the Division and Regional Level, and the Statewide Tier be allowed to increase above 10% of the overall score.

Adopted this 15th day of July, 2014.

**CLOSED SESSION – TO DISCUSS PERSONNEL MATTERS IN ACCORDANCE WITH
G.S. 143-318.11(a) (6)**

Commissioner John Moore made a motion to enter into closed session in accordance with G.S. 143-318.11(a) (6) to discuss personnel matters. Commissioner Diane Barrett seconded the motion and the vote of approval was unanimous.

ADJOURN THE MEETING

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With no further items of discussion, the meeting was adjourned at 1:15 p.m.

ATTEST:

Andrea H. Calvert
Town Clerk

Mayor Bob Keith

Agenda Item: 8b

RESOLUTION NO 14-08-12C

OF THE TOWN COUNCIL OF THE TOWN OF LAKE LURE

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of wastewater projects, and

WHEREAS, The Town of Lake Lure has need for and intends to apply for a Technical Assistance Grant for a Preliminary Engineering Report for a wastewater project described as the abandonment of the Town's WWTP and connection of the Town's sewer system to a third party for treatment and disposal, and

WHEREAS, The Town of Lake Lure intends to request state grant assistance for the project,

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

That Town of Lake Lure, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Chris Braund, Town Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the _____ at the Town of Lake Lure, North Carolina.

(Signature)

(Name & Title)

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Town Clerk of the Town of Lake Lure does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Lake Lure Town Council duly held on the _____ day of _____, 20____; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 20____.

(Signature)

(Name & Title)

Agenda Item: 8c

August 4th, 2014

Town of Lake Lure
Andi Calvert, Town Clerk
2984 Memorial Highway
Lake Lure, NC 28746



Dear Andi,,

We are so excited to be holding the **5th ANNUAL DIRTY DANCING FESTIVAL AT LAKE LURE** on August 15-16, 2014! Complete details about the event can be found on our website at www.dirtydancingfestival.com, but the general event schedule is as follows, with both events occurring at Morse Park Meadows:

FESTIVAL SCHEDULE @ MORSE PARK MEADOWS

Lakeside Film Screening, Friday, August 15, 7PM-10PM

Remember the magic of Dirty Dancing while watching the movie against the waterfront site of "the lift" on the original location of Johnny's cabin. Bring your own blankets and chairs; food and drinks will be available for purchase.

The Dirty Dancing Festival, Saturday, August 16, 9AM-5PM:

This outdoor dance festival will showcase the bank Lakeside Drive, the Asheville Ballet Company, a shag dance competition, other live music, family-friendly games, a 'Lake Lift Competition,' dance lessons, food, drinks, shopping & more!

Also, this year we will be adding a "Locals Ticket" for only \$10.00 at the door with a Lake Lure or Chimney Rock ID. Hopefully the community will come out and enjoy themselves!!

OUR BENFICIARY: THE PANCREATIC CANCER ACTION NETWORK

We are also excited to announce that the festival is again an official event of the Pancreatic Cancer Action Network, with a portion of ticket sales and other funds raised onsite going being donated.

Not only did Patrick Swayze pass away from pancreatic cancer, but we also lost Billy Scott, a North Carolina Music Hall of Fame inductee, and a staple performer at first three Dirty Dancing Festivals.

Because of the importance of this event to the businesses of the area, and the Pancreatic Cancer Action Network, we would like to respectfully ask for the **peddling ordinance** be waived for the festival, as is has been in previous years, for the dates of August 15-16, 2014.

Thank you in advance for your consideration of this request and for your previous waivers for the **Dirty Dancing Festival at Lake Lure**. Please feel free to contact me should you have questions.

Sincerely,

Jo Beyersdorfer, Festival Director
jo@jnbevents.com / p. 310.372.4600
Cc: Michelle Yelton, Rutherford County Tourism
Cc: Valerie Hoffman, Event Partner, Town of Lake Lure

Aug. 4th, 2014

Town of Lake Lure
City Council & Chris Braund, Town Manager
2984 Memorial Highway
Lake Lure, NC 28746



Dear City Council and Chris,

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Not only did Patrick Swayze pass away from pancreatic cancer, but we also lost Billy Scott, a North Carolina Music Hall of Fame inductee, and a staple performer at the first three Dirty Dancing Festivals.

PERMIT REQUESTS

Because of the importance of this event to the businesses of the area, and the Pancreatic Cancer Action Network, we would like to respectfully ask for the following permits to be granted. The necessary permit application forms are also attached to this letter.

We would also appreciate any fees you could waive, or any non-profit discounts you could extend our way.

Morse Park Meadows Permits

1. Permit for Use of Town Rental Facilities

- a. Friday Night Lakeside Screening
- b. Saturday Dirty Dancing Festival rental fee of \$100)

2. Entertainment Permits

- a. Friday Night Lakeside Screening
- b. Saturday Dirty Dancing Festival

3. Fabric Structure Permits

- a. Festival Main Stage
- b. Dance Lessons Tent
- c. Food and craft vendors tents

4. Parking Lot Use

- a. Permission to use the portion of the Morse Park parking lot for the dance lessons tent (see floor plan for reference)

5. Wine & Beer Sales

- a. Permission to sell beer and wine on Morse Park Meadows both Friday evening at the Lakeside screening and Saturday during the Dirty Dancing Festival.
- b. Note: We will require anyone who wants to purchase alcohol to show ID. No alcohol will be allowed outside of the festival parameter. All alcohol vendors will be licensed and permitted by the ABC.

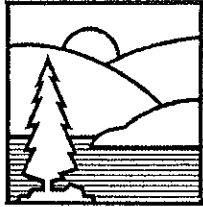
Thank you in advance for your consideration of these requests and for your previous waivers and approvals for the inaugural **Dirty Dancing Festival at Lake Lure**. Please feel free to contact me should you have questions about any of these requests and we are REALLY excited to be hosting for our FIFTH year! See you soon.

Sincerely,



Jo Beyersdorfer, Festival Director
Dirty Dancing Festival at Lake Lure

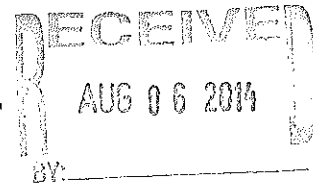
Cc: Michelle Yelton, Rutherford County Tourism
Cc: Valerie Hoffman, Event Partner, Town of Lake Lure



Structure: Main Tent

TOWN OF LAKE LURE
Lake Lure, North Carolina

APPLICATION FOR PERMIT
FABRIC STRUCTURE



Section 96.01 states that a permit is required "for all structures constructed of fabric, including tents, erected within the Town of Lake Lure which exceed 500 square feet in area. The Town Manager may issue permits for such structures erected for 30 days or less in any one calendar year and having an area of less than 2,000 square feet. Fabric structures erected for longer than 30 days in any one calendar year and having an area of 2,000 square feet or more must be approved by the Town Council." In order to assist the manager and council in their decision as to whether a permit should be granted or denied, the following information is required.

LOCATION

Location of proposed structure Morse Park Meadows Basketball Court

Name and address of property owner Town of lake Lure

2926 Memorial Hwy, Lake Lure, NC 28746 Phone 877.625.2725

If applicant is not owner, type of approval from owner (lease, contract, letter, etc.) contract

Size of property (acres) 1/2 - 1 Acre

DESCRIPTION OF STRUCTURE

Type of structure Tent

Structure will be used for Music and Performances

Length 60ft Width 40ft Height Area (square feet) 2400 sq ft

Date to be erected 08/14/14 Date to be removed 08/16/14

If previously permitted, date removed n/a

Maximum occupancy of structure

Please submit a site plan showing the proposed footprint of the structure and its relationship to the property lines, adjacent roads, existing structures, and natural features to demonstrate compliance with Town regulations.

APPLICANT

Name JNB Marketing LLC

Date 08.04.2014

Address 929 Colorado Ave Suite 114

Phone 310.372.4600

Santa Monica CA 90401

Fax 310.372.4600

Applicant agrees to comply with all applicable state, county and town regulations.

Signature _____

ZONING REGULATIONS REVIEW

I certify that this structure (complies) (does not comply) with all requirements of the zoning regulations of the Town of Lake Lure.



Date 8/8/14

Sheila Spicer, Zoning Administrator

FIRE CODE REVIEW

I certify that this structure (complies) (does not comply) with all requirements of the fire code.



Date 8/11/14

Ron Morgan, Fire Coordinator

For fabric structures between 500 and 2,000 square feet in area to be erected for 30 days or less in any one calendar year.

This request is (APPROVED) (DENIED)

Date _____

Chris Braund, Town Manager

For fabric structures either having an area of 2,000 square feet or more or erected for longer than 30 days in any one calendar year or both.

This request is (APPROVED) (DENIED) by action of the Lake Lure Town Council.

Date _____

Bob Keith, Mayor

NOTE: This structure may require a building permit from Rutherford County. Call 828-287-6035

**TOWN OF LAKE LURE FIRE COORDINATOR OFFICE
APPLICATION FOR FABRIC STRUCTURE PERMIT**

PLEASE FILL IN OR ATTACH NEEDED COPIES OF ALL THAT APPLY

List name, address and phone number of tent owner:

Professional Party Rentals, Jeff Fann

647 Congaree Road, Greenville NC 29607

What is the estimated number of occupants you are planning to have: approx. 150/time

Provide copy of Certification of Flame Resistance with application.

Provide site sketch and floor plan of tent with location of exits and description of exit enclosures with application.

Every permitted tent must:

Have at least one fire extinguisher

Have no smoking signs posted

Not have any exposed flame or cooking in or within 20 ft of the tent

Not have any hay, straw, shavings or similar materials in or around the tent

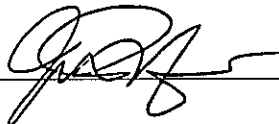
Not have generators or other power sources in or within 20 ft of tent

If tent is enclosed you must:

Provide exit signs at all exits and illuminate with battery back up

Provide emergency lighting with battery back up at all exits

Signature of applicant



Date 08.04.2014

Signature of Fire Official

Date

WORKSHEET - FIRE OFFICIAL USE ONLY

Yes	No	N/A	
			Listed name, address and phone number of tent owner
			What is the estimated number of occupants you are planning to have
			Provided copy of Certification of Flame Resistance with application
			Provided site sketch and floor plan of tent with location and description of exits with application.
			Number of exits
			Have at least one fire extinguisher
			Have no smoking signs posted
			Not have any exposed flame or cooking in or within 20 ft of the tent
			Not have any hay, straw, shavings or similar materials in or around the tent
			Not have generators or other power sources in or within 20 ft of tent
			Provide exit signs at all exits and illuminate with battery back up
			Provide emergency lighting with battery back up at all exits

4th Annual Dirty Dancing Festival at Lake Lure

Lakeside Screening Site Plan

Friday, August 16th 2013, 7-10pm

Text in RED CAPS relates only to the Lakeside Screening event

Text in BLACK refers to the existing setup of the festival

Restrooms & hand
washing stations



Main stage tent
(closed during
Screening)

Open seating
areas

Food, beer and
wine vendors

Merchandise
Sales

Main Entrance

Dance lessons
tent

OPEN SEATING
AREA

INFLATABLE
MOVIE
SCREEN

5th Annual Dirty Dancing Festival at Lake Lure

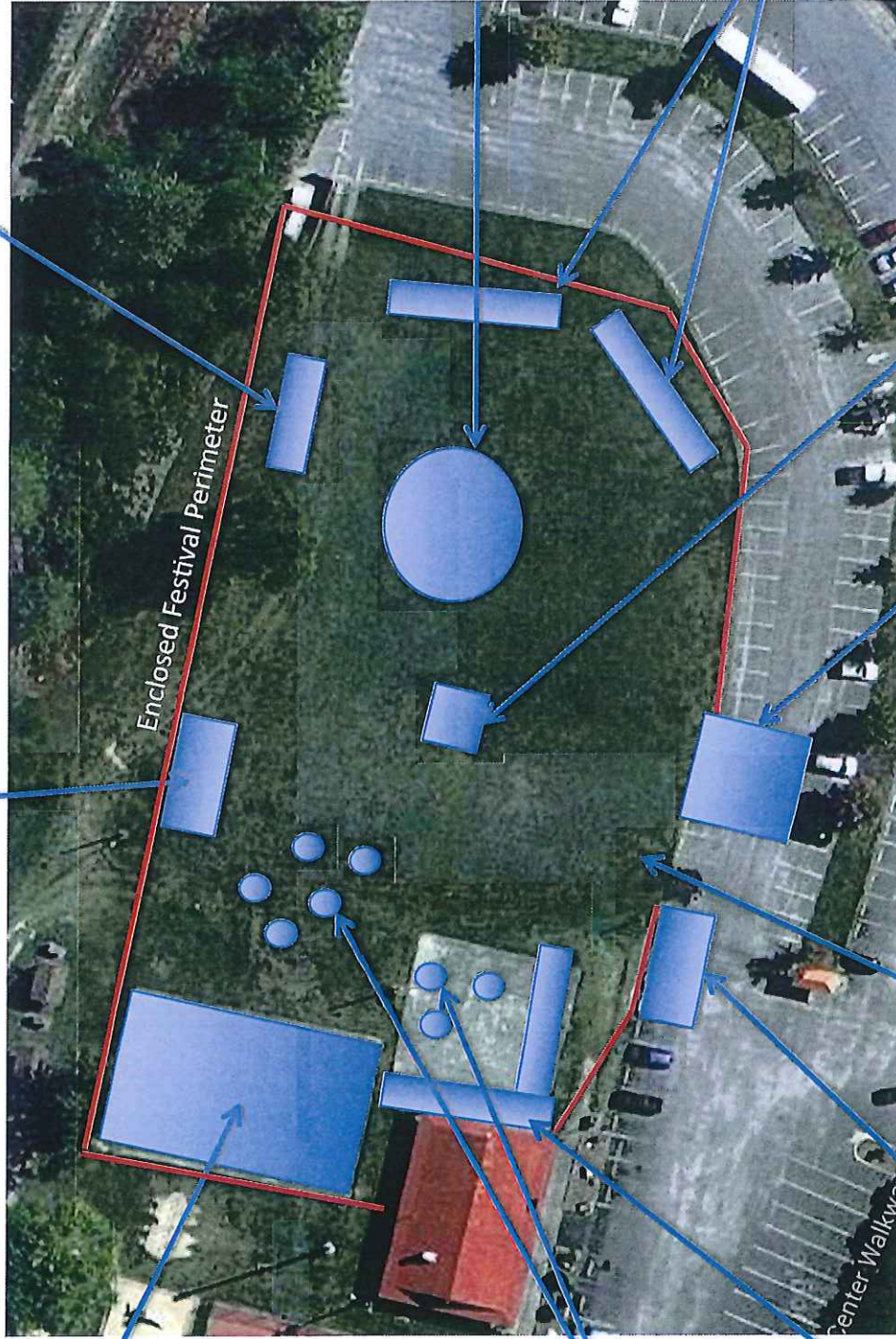
Festival Site Plan

Saturday, August 16th 2014, 9am-5pm

Town of Lake Lure Zoning
Approved ✓ Denied _____
By SS Date 8/8/14

Beer/wine vendors

Restrooms & hand
washing stations



Main stage tent

Open seating
areas

Games
area

Craft etc.
vendors

Ticket sales/
Main Entrance
registration

Food, beer and
wine vendors

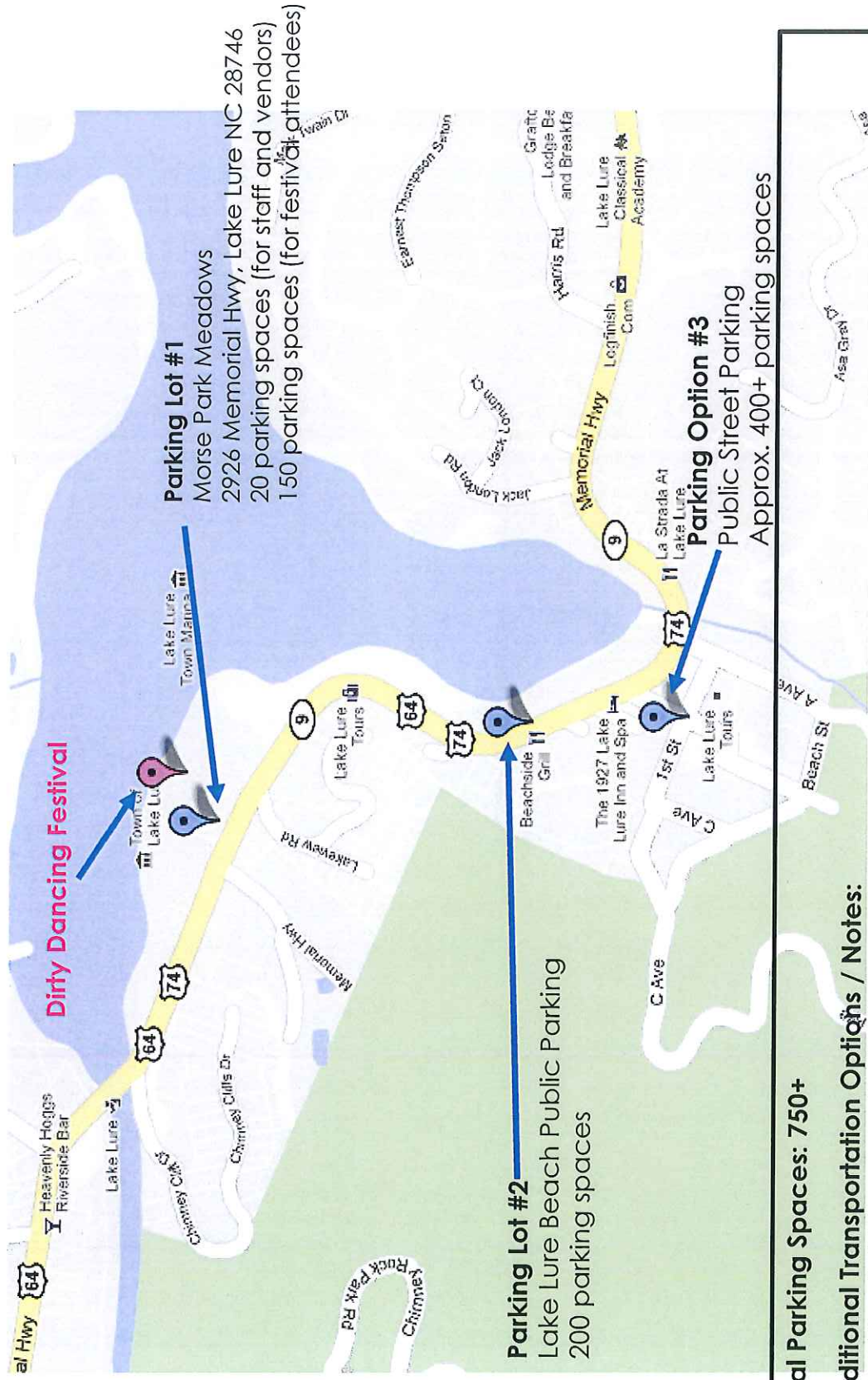
Dance lessons tent

Merch/info booth

5th Annual Dirty Dancing Festival at Lake Lure – Parking Plan

Parking Map for Lakeside Screening (Fri. August 15th 7-10p) and Dirty Dancing Festival (Sat. August 16th 9a-5p)

Location of both events: Morse Park Meadows



***Based on the past four years' experience we don't need more parking than what is available within walking distance of the park. We also compared our event to the 4th of July Fireworks events of Lake Lure and believe this is the best solution. Parking attendants will be manning the main parking lot adjacent to the park.