



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL  
HELD TUESDAY, DECEMBER 13, 2016, 6:00 P.M. AT THE LAKE LURE MUNICIPAL  
CENTER**

**PRESENT:** Mayor Bob Keith  
Commissioner Mary Ann Silvey  
Commissioner Bob Cameron  
Commissioner John W. Moore  
Commissioner Stephen M. Webber

Ron Nalley, Town Manager  
J. Christopher Callahan, Town Attorney

**ABSENT:** N/A

<b>CALL TO ORDER</b>
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Mayor Bob Keith called the meeting to order at 6:15 p.m. Attorney Chris Callahan gave the invocation. Council members led the pledge of allegiance.

<b>APPROVE THE AGENDA</b>
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Commissioner Bob Cameron made a motion to approve the agenda as presented. Commissioner Stephen Webber seconded and the motion carried 4-0.

<b>MAYOR'S COMMUNICATIONS</b>
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Mayor Bob Keith read Resolution No. 16-12-13 expressing gratitude to firefighters, emergency personnel and those assisting during the Party Rock Fire. Fire Chief Ron Morgan gave a presentation overviewing the events of the fire.

Commissioner Stephen Webber made a motion to adopt Resolution No. 16-12-13 as amended. Commissioner Bob Cameron seconded and the motion carried 4-0. Commissioner Mary Ann Silvey suggested that someone create a publication outlining the events of the Party Rock Fire.

**RESOLUTION NO. 16-12-13**

**EXPRESSING GRATITUDE TO FIREFIGHTERS, EMERGENCY PERSONNEL AND  
THOSE ASSISTING DURING THE PARTY ROCK FIRE**

**WHEREAS**, on November 5, 2016 the Party Rock Fire began in the Town of Lake Lure; and

**WHEREAS**, this fire increased in size and intensity and eventually burned over 7,171 acres in Lake Lure, Rutherford County, Buncombe County, and Henderson County; and

**WHEREAS**, fighting this fire required the services of over 200 municipalities, counties, states and federal offices; and

**WHEREAS**, due to the bravery and expertise of these firefighters no structures were lost and no serious injuries nor deaths occurred; and

**WHEREAS**, an emergency of this nature commands the services of many other agencies including public safety, rescue workers, and volunteers who responded with courage, selfless compassion, and determination; and

**WHEREAS**, the Town of Lake Lure recognizes the Town departments which responded including Fire, Police, Public Works, Lake Management and Administration; and

**WHEREAS**, personnel from the Fire Services, Fire Departments, Incident Command, and many other agencies manned stations for many long and weary hours; and

**WHEREAS**, the community helped support those who were serving on the front lines by providing supplies, overnight accommodations, gas and other vital necessities.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Lake Lure does hereby recognize and express gratitude to the heroic efforts of the firefighters and emergency personnel and to those who offered the many unselfish acts of kindness and urges all citizens to join in recognizing these outstanding men and women.

Adopted this the day 13th of December, 2016.

**PRESENTATION:**

**A. WAYFINDING MASTER PLAN - CANDACE B HLADICK, J.M. TEAGUE  
ENGINEERING & PLANNING**

Community Development Director Shannon Baldwin explained that the Town has been working on a wayfinding system with the Rutherford County Tourism Development Authority (“TDA”) at various times over the last three to four years. The objective of the Lake Lure Wayfinding Master Plan is to implement a wayfinding signage system throughout the Town.

Don Cason, Rutherford County TDA Executive Director, discussed the plan for the Town and explained that the TDA will pay for the manufacturing and installation of the signage to promote travel and tourism in Rutherford County and the Town of Lake Lure will be responsible for the maintenance and future replacement of the signage.

Kristy Carter of JM Teague Engineering and Planning highlighted the process for installation of the signs and answered Council’s questions concerning the plan.

Commissioner Bob Cameron asked who will represent the Town to provide direction concerning placement of the signs. Mr. Baldwin stated that the public works department would be involved and Ms. Carter explained that usually North Carolina Department of Transportation (NCDOT) will only allow the signs to be placed in specific locations.

Commissioner Webber expressed concerns about omission of specific names on some of the proposed signs including the titles such as “Washburn Marina” and “Dittmer-Watts Nature Trail”. Ms. Carter responded that there are restrictions in place that restrict the size of signs and lettering and most of the signs are directional and list general information instead of specific location names. Ms. Carter further stated that she will continue to review options for the signs.

**TOWN MANAGER COMMUNICATIONS**

Ron Nalley provided a brief staff report including the following:

- Mr. Nalley informed the Board that the Town was unsuccessful in its attempt to purchase the American Legion property and that the property was sold to a private individual.
- Dam Operator Donnie McCraw provided an update on the repair at the dam.
- Environmental Management Officer Clint Calhoun explained that the Buffalo Creek Trail Park was damaged during the Party Rock Fire and gave details concerning the significant trail repair work that will be required.

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- Town Manager Ron Nalley introduced the Town's new Public Works Director David Arrowood and the Town's new Coded Enforcement Coordinator Brad Burton.

#### **COUNCIL LIAISON REPORTS & COMMENTS**

Commissioner Bob Cameron reported the activities of the Utility Advisory Board.

Commissioner Mary Ann Silvey reported the activities of the Lake Lure ABC Board and the Lake Advisory Board.

Commissioner John Moore reported the activities of the Zoning and Planning Board and explained that they had recommended that Council have the trees on the island in front of the arcade be inspected by an arborist. Commissioner Moore made a motion to have an arborist along with Zoning and Planning Board member Norman McGlohon, Environmental Management Officer Clint Calhoun and the Parks and Recreation Board study the trees on the island in front of the arcade. Commissioner Bob Cameron seconded and the motion carried 4-0.

Commissioner Stephen Webber reported the activities of the Board of Adjustment and Lake Structure Appeals Board, the Asset Management Advisory Board, and the Parks and Recreation Board.

#### **PUBLIC FORUM**

Fran Nordt of 156 Hilltop Court suggested that Council revisit discussion of extending Carson Way for the safety of citizens in Rumbling Bald Resort as well as on Boys Camp Road. Mayor Bob Keith explained that Town officials are working on the project.

#### **PRESENTATION:**

- A. Strip Center and ABC Store Proposal – Charlie Ellis, Asset Management Advisory Board Chairman

Charlie Ellis, Chairman of the Asset Management Advisory Board, gave a brief history of Town Council's decision to acquire the strip center. Mr. Ellis explained this project offers a unique opportunity to redevelop an underutilized piece of town owned property. The project is seen as an economic driver for the Town Center Plan and may prove to be the catalyst to making the Plan a reality. The relocation and redevelopment of this property will help encourage private investment, create jobs, expand the property tax base, and improve access, increase tourism, and leverage additional funding in the Town Center.

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Tony Brodfuhrer, Chairman of the ABC Board, stated that the ABC Board members would like for the store to stay where it is currently located due to their heavy dependency on tourist traffic and easy visibility. Mr. Brodfuhrer further explained that the ABC Board believes that the office that was formerly Dr. Burch's office is a much better location and may be less expensive to renovate.

Linda Turner of 211 Hawks Nest Trails inquired as to whether the ABC Board was involved in the decision to purchase the property. Ms. Turner explained that she believes if someone is looking for an ABC store they will find it even if it is relocated.

Patricia Maringer of Memorial Highway inquired as to what will happen to the chapel located in the ABC store area if the property is repurposed and asked if anyone has done a study to see if the ABC store will make it in the new location.

Council discussed the concerns and Town Manager Ron Nalley agreed to continue to move forward with the Strip Center Project as planned.

<b>CONSENT AGENDA</b>
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Mayor Bob Keith presented the Consent Agenda and asked if any items should be removed before calling for action.

Commissioner Stephen Webber made a motion to approve the Consent Agenda as presented. Commissioner Bob Cameron seconded and the motion carried 4-0. Therefore, the Consent Agenda incorporating the following items was unanimously approved and adopted:

- A. Approved the October 11, 2016 Regular Meeting minutes
- B. Adopted the 2017 Town Council Meeting Schedule

### **TOWN COUNCIL MEETING SCHEDULE FOR 2017**

<u>DATE</u>	<u>LOCATION</u>	<u>TIME</u>	<u>TYPE</u>
January 10, 2017	Lake Lure Municipal Center	6:00 p.m.	Regular
February 14, 2017	Lake Lure Municipal Center	6:00 p.m.	Regular
March 14, 2017	Lake Lure Municipal Center	6:00 p.m.	Regular
April 11, 2017	Lake Lure Municipal Center	6:00 p.m.	Regular
May 9, 2017	Lake Lure Municipal Center	6:00 p.m.	Regular
June 13, 2017	Lake Lure Municipal Center	6:00 p.m.	Regular

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July 11, 2017	Lake Lure Municipal Center	6:00 p.m.	Regular
August 8, 2017	Lake Lure Municipal Center	6:00 p.m.	Regular
September 12, 2017	Lake Lure Municipal Center	6:00 p.m.	Regular
October 10, 2017	Lake Lure Municipal Center	6:00 p.m.	Regular
November 14, 2017	Lake Lure Municipal Center	6:00 p.m.	Regular
December 12, 2017	Lake Lure Municipal Center	6:00 p.m.	Regular

\* Regular Town Council meetings are held on the 2<sup>nd</sup> Tuesday of each month.

C. Adopted the 2017-2018 CIP and Budget Preparation Calendar (attached)

### **NEW BUSINESS:**

#### **A. WAYFINDING MASTER PLAN AND INTERLOCAL AGREEMENT**

Commissioner Stephen Webber made a motion to find that the Wayfinding Master Plan is consistent with the Arnett Muldrow Study, the 2007-2027 Comprehensive Plan and is also in keeping with Section 92.154(B) of the Lake Lure Zoning Regulations; Commissioner Bob Cameron seconded and the motion carried 4-0.

Commissioner Stephen Webber made a motion to approve the Wayfinding Master Plan and request that the Town Brand Manager, Community Development Director and Town Manager coordinate final color, content, location and height of each sign with the Rutherford County Tourism Development Authority before signs are ordered and installed. Commissioner Bob Cameron seconded and the motion carried 4-0.

Commissioner Stephen Webber made a motion to approve the Interlocal Agreement with the Rutherford County TDA after final review by the Town Attorney for legal sufficiency and to authorize the Town Manager to execute the necessary documents. Commissioner Bob Cameron seconded and the motion carried 4-0.

### **NEW BUSINESS:**

#### **B. HEARING: APPEAL OF LAKE STRUCTURE APPEALS BOARD DECISION – CALDWELL CALAME**

Commissioner Bob Cameron asked that he be recused from the hearing since he has done work for the property owners. Commissioner John Moore made a motion to honor Commissioner

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Cameron's request to be recused. Commissioner Stephen Webber seconded and the motion carried 3-0.

Commissioner Stephen Webber disclosed that he was contacted by Mr. Calhoun prior to his decision on the property in question and he told Mr. Calhoun that he would have to make his own determination concerning the property. Commissioner Webber further stated that he was also asked his opinion during the meeting of the Lake Structure Appeals Board, as noted in the minutes of that Board. Commissioner Webber also stated after the Lake Structure Appeals Board meeting he told the applicant if they appealed he would likely support the approval of the appeal. Commissioner Webber stated that Jonathan Hinkle has also been contracted to do work on his property.

Ms. Calame stated that she has no concern with any of the Commissioners serving on the appeal.

Mary Ann Silvey disclosed that she has discussed the decision with Mr. Calhoun and as a former member of the LSAB is familiar with the ordinance and that she is aware that Mr. Calhoun actually wrote and revised the ordinance in questions.

After discussion of the purpose of the hearing, Attorney Chris Callahan read from the Lake Structure Regulation and agreed that Lake Structure Appeals Board Chairman John Kilby or Mr. Calhoun should make a presentation. Ms. Calame stated that Jonathan Hinkle and Kim Warner will speak on her behalf.

Kim Warner, Jonathan Hinkle, Caldwell Calame, Clint Calhoun, and John Kilby were sworn in.

Mr. Calhoun explained that he denied a Lake Structure Permit application for 308 Snug Harbor Circle on the grounds that the proposed structure projected beyond the allowed thirty feet as required by Section 94.05 of the Lake Structure Regulations. The applicant appealed the Administrator's decision to the Lake Structures Appeals Board and following the hearing the Board upheld the decision of the Lake Structure Administrator. He stated that the regulation doesn't explain how the allowed thirty feet projection should be drawn and all he has to measure from is the length of the structure and how far it projects. The arch drawn in the proposed plans include an arch that isn't always available.

Kim Warner explained the process used when designing a boathouse and stated that the only way to measure the distance from the shoreline is perpendicular to the shoreline. Based on the location of the structure it is his opinion that extreme shoreline stabilization is needed. Mr. Warner explained that the proposed plan includes four feet of riprap installation.

Mr. Calhoun stated that riprap is not required unless someone is building a new seawall.

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Commissioner Webber asked Mr. Warner if he believes the proposed riprap is necessary based on the condition of the seawall. Mr. Warner stated that the wall is not in good condition and riprap would be helpful.

Council members discussed the need for the proposed riprap. Commissioner Webber asked if the structure could still be built as proposed without the riprap. Mr. Warner replied that the proposed structure would have to be moved back if the riprap was not installed.

After lengthy discussion, Commissioner Stephen Webber made a motion to grant Caldwell Calame and Jonathan Hinkle's appeal of the decision by the Lake Structure Appeals Board rendered at their October 25, 2016 meeting regarding the appeal of a decision of the Lake Structure Administrator to deny a Lake Structure Permit application at 308 Snug Harbor Circle. Commissioner John Moore seconded. Commissioner Silvey stated that she agrees with the 30 foot construction boundary drawn on the plans within the inclusion of the riprap. Commissioners John Moore and Stephen Webber voted in favor of the motion. Commissioner Mary Ann opposed. The motion carried 2-1.

### **NEW BUSINESS:**

#### **C. ENGINEERING SERVICES AGREEMENT AMENDMENT NO. 1 – BROWN CONSULTANTS**

Commissioner Bob Cameron explained that the original contract for the Greenline Project, signed March of 2016, was based on the new force main discharging into the Town of Spindale's sewer trunk line. During the summer, the Town of Spindale requested that the force main be extended to the headworks of their waste water treatment plant. The Town of Lake Lure agreed and a revised project was submitted to the State prior to the award of the loan to fund the project. The additional force main amounts to 1.7 miles and has resulted in additional surveying and engineering services. An amendment to the engineering services agreement in the amount of \$70,000 is proposed to cover additional surveying, engineering design, environmental work, encroachment permits and revisions to the State engineering report.

Commissioner Bob Cameron made a motion to approve Amendment Number 1 to the Engineering Services Agreement with Brown Consultants in the amount of \$70,000 and to authorize the Town Manager to execute the necessary documents. Commissioner John Moore seconded and the motion carried 4-0.



**NEW BUSINESS:**

**D. PROPOSAL FOR PROFESSIONAL SERVICES – 2017 DAM SAFETY EVALUATION AND STRUCTURAL ANALYSIS REPORT**

Town Manager Ron Nalley stated that Dr. Dan Marks has submitted a proposal for professional services to conduct an evaluation of the current structural integrity, stability and overall safety of the Lake Lure Dam. Originally, a proposal for only a safety inspection was submitted to the Town, however due to observed evidence of accelerated deterioration of the dam, a significantly expanded scope of work has been proposed. The proposal is broken up into two phases – the dam safety analysis (phase one) and the structural analysis (phase two). The estimated cost of \$50,000 for the services is proposed to be broken up into two fiscal years.

Commissioner John Moore made a motion to approve the Scope of Work for the 2017 Dam Safety Evaluation and Structural Analysis Report dated October 14, 2016 with Dr. Dan Marks of Marks Enterprises of NC in an amount not to exceed \$50,000 and to authorize the Town Manager to execute the necessary contract documents. Commissioner Stephen Webber seconded and the motion carried 4-0.

**NEW BUSINESS:**

**E. WATER RESOURCES DEVELOPMENT PROJECT GRANT APPLICATION**

Commissioner Stephen Webber suggested that a title relating to general navigation be applied to the project language in the Resolution. After discussion, Commissioner Bob Cameron made a motion to adopt Resolution No. 16-11-08 sponsoring the Town of Lake Lure Dredging Project and supporting the application to the NC Water Resources Development Project Grant Program as amended. Commissioner Stephen Webber seconded and the motion carried 4-0.

**Resolution No. 16-12-13A**  
**Town of Lake Lure General Navigation Dredging Project**

**WHEREAS**, the Town of Lake Lure Board of Commissioners desires to sponsor the Town of Lake Lure General Navigation Dredging Project. This project is projected to remove approximately 60,000 cubic yards of sediment via dredging from the Broad River and Lake Lure, improving general navigation and boater safety in an area of the lake that experiences significant impact from upstream sedimentation, impeding access to the Town marina and public launch ramp.

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**NOW, THEREFORE, BE IT RESOLVED THAT:**

- 1) The Board requests the State of North Carolina to provide financial assistance to Town of Lake Lure for the Town of Lake Lure General Navigation Dredging Project in the amount of \$300,000 or 50 percent of project construction cost, whichever is the lesser amount;
- 2) The Board assumes full obligation for payment of the balance of project costs;
- 3) The Board will obtain all necessary State and Federal permits;
- 4) The Board will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.
- 5) The Board supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
- 6) The Board will obtain suitable spoil disposal areas as needed and all other easements or rights-of-way that may be necessary for the construction and operation of the project without cost or obligation to the State;
- 7) The Board will assure that the project is open for use by the public on an equal basis with no restrictions;
- 8) The Board will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 9) The Board accepts responsibility for the operation and maintenance of the completed project.

**ADOPTED** by the Town of Lake Lure Board of Commissioners this 13<sup>th</sup> day of December, 2016.

**NEW BUSINESS:**

**F. YACHT ISLAND BRIDGE REPAIR**

After brief discussion, Commissioner Bob Cameron made a motion to award the Yacht Island Bridge Repair Project to Carolina Specialties Construction in the amount of \$19,917 and to authorize the Town Manager to execute the necessary contract documents. Commissioner Mary Ann Silvey seconded and the motion carried 4-0.

**NEW BUSINESS:**

**G. LONGEVITY AND BUDGET PERFORMANCE PAY SUPPLEMENT**

Council members reviewed proposed employee longevity and year-end bonuses. Commissioner Stephen Webber explained that employees who have not worked for the Town more than one year would not get a longevity bonus. However, these employees would get a prorated portion of the year-end bonus.

Commissioner Bob Cameron made motion to approve the Longevity Pay Supplement in the amount of \$37,925 and adopt the accompanying budget amendment for the Employee Longevity Compensation Plan and approve the Budget Performance Bonus Pay Plan in the amount of \$34,768 and adopt the accompanying budget amendment for the Performance Bonus Plan.

**NEW BUSINESS:**

**H. BOARD APPOINTMENTS**

Council members voted by written ballot to make the following appointments:

Jim Walters, Diane Barrett, and Bill Massey were appointed to the Parks and Recreation Board with terms expiring December 31, 2019.

Don Cason was appointed to serve on the Utility Advisory Board with a term expiring December 31, 2019.

Ronald Erikson appointed to serve as a regular member of the Board of Adjustment and Lake Structure Appeals Board with a term expiring December 31, 2019.

David Lusk and Lynn Weaver were appointed to serve as alternate members of the Board of Adjustment and Lake Structure Appeals Board with terms expiring December 31, 2019.

Linda Samarato was appointed to serve on the ABC Board with a term expiring December 31, 2019.

Jonathan Hinkle, Tom McKay, and Norman McGlohon were appointed to serve on the Zoning and Planning Board with terms expiring December 31, 2019.

Gary Hasenfus, Marks Helms, and Gary Johnson were appointed to serve on the Lake Advisory Board with terms expiring December 31, 2019.

<b>CONSIDERTION OF ATTORNEY CONSULTING SERVICES</b>
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Commissioner Bob Cameron made a motion to pay Town Attorney Chris Callahan \$200 per month for one hour of possible consulting services per month for 2017 to aid the transition to new Town Attorney William Morgan. Commissioner John Moore seconded and the motion carried 4-0.

<b>ADJOURN THE MEETING</b>
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With no further business, Commissioner Bob Cameron made a motion to adjourn the meeting. Commissioner Mary Ann Silvey seconded and the motion carried 4-0.

ATTEST:

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Andrea H. Calvert,  
Town Clerk

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Mayor Bob Keith