



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, JANUARY 10, 2017, 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

William Morgan, Jr., Town Attorney

ABSENT: Ron Nalley, Town Manager

CALL TO ORDER

Mayor Bob Keith called the meeting to order at 6:00 p.m. and gave the invocation. Council members led the pledge of allegiance.

APPROVE THE AGENDA

Commissioner Bob Cameron made a motion to approve the agenda as amended adding a closed session in accordance with G.S. 143-318.11(a)(3) for attorney client privilege as the last item under new business. Commissioner John Moore seconded and the motion carried 4-0. Council also agreed to remove the Capital Improvements Plan Presentation from the agenda. The presentation will be added to the January 31, 2017 Special Meeting Agenda.

MAYOR'S COMMUNICATIONS

Mayor Bob Keith read a proclamation recognizing January 22-28, 2017 as Lake Lure School Choice Week.

COUNCIL LIAISON REPORTS & COMMENTS

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

PUBLIC FORUM

Mayor Bob Keith invited the audience to speak during public forum. No one spoke at this time.

CONSENT AGENDA

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. Adopted the December 9, 2016 Regular Meeting Minutes.
- B. Scheduled a special Town Council meeting to be held at the Lake Lure Municipal Center on January 31, 2017 at 2:00 p.m. to review and consider approval of Lake Lure Classical Academy's master site plan and corresponding resolution.

UNFINISHED BUSINESS:

A. DUKE ENERGY GRANT – ELECTRIC VEHICLE CHARGING STATION

Community Development Director Shannon Baldwin explained that the Town has been awarded a \$5,000 grant from Duke Energy for installation of an electric vehicle charging station near the Visitor Center. The Town requested \$20,000 and the total estimated cost for the project is \$13,000 to \$16,000. Mr. Baldwin explained that, based on the grant, the Town could consider approving additional money in order to fund the project, request that the Rutherford County TDA or some other organization help with the additional expense, or decline the grant altogether and reapply at some point in the future.

Commissioner Bob Cameron stated that his company is willing to do the project installation for just the cost of materials and that he has requested a quote for material cost from his supplier.

Council discussed the cost of electricity associated with operation of the proposed charging station. Mr. Baldwin explained that there will be a fee charged to citizens when they

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use unit, payable via credit card, and that the projected monthly cost to the Town is estimated to be around the cost of operating a street light.

Commissioner Stephen Webber stated that he does support going over the \$5,000 grant amount for the project.

After discussion, Commissioner Bob Cameron made a motion to direct Mr. Baldwin to work with the Rutherford County TDA to see if they are willing to help with the additional expense of the project and come back to Council with a report. Commissioner John Moore seconded the motion. Commissioners Bob Cameron, Mary Ann Silvey, and John Moore voted in favor of the motion. Commissioner Stephen Webber opposed. The motion carried 3-1.

UNFINISHED BUSINESS:

B. ANTHROWARE CONTRACT - BOAT PERMIT DATABASE

Commissioner Stephen Webber stated that further work and funding to Anthroware for the boat permit database needs to stop until the company meets with Town Council. Commissioner John Moore stated that council needs a full accounting for the project and assurance that a similar project expense overrun will not happen again. Commissioner Moore further requested that no more money be spent on the project and stated that Council needs representatives from the company to meet with them in person and explain why the project went so far over budget.

Commissioner Mary Ann Silvey explained that initially she believed that the company was going to create boat permit software that would be owned by the Town, but the company created a software that the Town does not own and it has to be continually updated. Commissioner Silvey agreed that the Town needs to discontinue funding for the project.

Commissioner John Moore made a motion that the Town not make any additional payment to Anthroware until Council agrees to do so. Commissioner Bob Cameron seconded and the motion carried 4-0.

Commissioner Stephen Webber made a motion to correct the current financial situation with Anthroware by a budget amendment transferring \$23,438 from Fund Balance account number 10-398604 to Boat Permit Database account number 10-80000-538 for fiscal year 2015-2016 and \$21,824 from Fund Balance account number 10-398604 to Boat Permit Database account number 10-80000-538 for fiscal year 2016-2017, for a total transfer of \$45,262. Commissioner Bob Cameron seconded and the motion carried 4-0.

NEW BUSINESS:

A. BUFFALO CREEK PARK TRAIL DAMAGE ASSESSMENT AND RECOMMENDATIONS

Larry Czajkoski, member of the Parks and Recreation Board, explained that during the Party Rock Fire, the North Carolina Forest Service constructed a dozer line that extended from Buffalo Creek Road, up the northern ridge into the Grey Rock Subdivision. Along this northern ridge lies the steepest portion of the Buffalo Creek Park loop trail which includes thirteen switchbacks. The dozer line follows the ridge line and cuts through the thirteen switchbacks. Due to the steep topography, the highly erodible soils, and the lack of suitable area to divert water, the trail is now in danger of water erosion and further destruction of the trail facility. The Town of Lake Lure along with Carolina Mountain Land Conservancy has completed their damage assessments and have made recommendations for repairing the trail. The Town's intent is to fund the repair through insurance proceeds with additional assistance from the Clean Water Management Trust Fund. If the Town is not successful in securing these funds, it is recommended that the repairs still be made from the General Fund Balance due to the urgency of the matter. The Town of Lake Lure Parks and Recreation Board is asking for funds to repair the damaged portion of Buffalo Creek Park Trail. The Board is recommending awarding the contract to Trail Dynamics and Ed Sutton who was the original contractor used to build the trail system. Trail Dynamics has the technical knowledge to repair the banked switchbacks and the equipment needed to accomplish the job. Time is of the essence due to the high probability of water erosion. The Parks and Recreation Board agrees with CMLC

Commissioner John Moore made a motion to approve the Buffalo Creek Park Repair Contract with Trail Dynamics in an amount not to exceed \$19,000 and to authorize the Town Manager to execute the necessary documents upon review of the Town Attorney and to approve the transfer of \$19,000 from the General Fund Balance (#10-398604) to the Capital Outlay "Trail Construction" (#10-80000.566) line item. Commissioner Stephen Webber seconded and the motion carried 4-0.

NEW BUSINESS:

B. HICKORY NUT GORGE COMMUNITY COVENANT

Tommy Hartzog representing the Hickory Nut Gorge Foundation and the Hickory Nut Gorge Chamber of Commerce stated that in spring and summer of 2016 the Chamber of Commerce held a series of community public forums to develop a Community Covenant for the region. The stated purpose of the Covenant is to serve as a guide and reminder

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that a strong and healthy community is built on strong and healthy relationships and lays out the responsibility of all citizens to engage in only civil and respectful public discourse that genuinely seeks the truth and best outcomes for the Community.

After discussion, Commission John Moore made a motion to adopt the Hickory Nut Gorge Community Covenant as presented. Commissioner Bob Cameron seconded and the motion carried 4-0. Copy of Hickory Nut Gorge Community Covenant dated July 25, 2016 attached and made part of the minutes.

NEW BUSINESS:

C. SEWER MANHOLE INSPECTION SERVICES AGREEMENT – BROWN CONSULTANTS AND BYERS ENVIRONMENTAL

Commissioner Bob Cameron explained that the lake lowering this year has provided the Town with a unique opportunity to consider recent flow data from the waste water treatment plant in light of the future Greenline project. Data taken before and after the lake draw down indicates that most lake inflow and infiltration is generated in the top eight feet of the lake. At their November, 2016 meeting the Utility Advisory Board recommended that the Town proceed with an inspection of the lake perimeter manholes, sewer laterals and force mains while the Lake is lowered. From these inspections, deficiencies will be recorded and noted and recommendations for repairs will be made. In order to fund the inspections, it is recommended that the Town use retained earnings from the Water and Sewer Fund. Commissioner Mary Silvey asked if the Town's Public Works Department could be involved in the inspection process. Commissioner Bob Cameron suggested that the Town Manager and Public Works Director discuss potential staff involvement in the project.

After further discussion, Commissioner Bob Cameron made a motion to approve the Proposal for Services with Brown Consultants and Byers Environmental Inc. in an amount not to exceed \$18,125 and to authorize the Town Manager to execute the necessary documents. Town Council will further discuss the public works department's involvement in the project at their special meeting to be held on January 31, 2017. Commissioner John Moore seconded and the motion carried 4-0.

NEW BUSINESS:

D. ORDINANCE 17-01-10 AMENDING LAKE LURE GENERAL ORDINANCE CHAPTER 51 – SEWER SYSTEM ORDINANCE, SECTION 51.05: CONNECTION TO SEWER SYSTEM REQUIRED

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Mayor Bob Keith explained that the proposed Ordinance amendment clarifies that if improved property is connected to a Town owned sewer line, or to a privately owned line that has access to the public sewer system, it shall be unlawful to disconnect from public sewer. Based on the recommendation by the Utilities Advisory Board, staff along with Harlow Brown, the Town's Engineer, is recommending adoption of the proposed Ordinance change to clarify that it is unlawful to disconnect from public sewer except as allowed for in Section 51.14. Section 51.14 allows for disconnection by the Town for non-payment, fraud, willful disregard of the Town's rules and regulations, and emergency repairs.

After discussion, Commissioner Bob Cameron made a motion to adopt Ordinance 17-01-10 amending Lake Lure General Ordinance Chapter 51 – Sewer System Ordinance, Section 51.05: Connection to Sewer System Required. Commissioner Mary Ann Silvey seconded and the motion carried. 4-0

ORDINANCE 17-01-10 AMENDING LAKE LURE GENERAL ORDINANCE CHAPTER 51 – SEWER SYSTEM ORDINANCE, SECTION 51.05: CONNECTION TO SEWER SYSTEM REQUIRED

WHEREAS, the Town of Lake Lure General Ordinances regulating the Sewer System was adopted by the Board of Commissioners of the Town of Lake Lure, North Carolina on April 8, 1988 and amended on several occasions since the date of their adoption; and

WHEREAS, Lake Lure General Ordinance Chapter 51 – Sewer System Ordinance, Section 51.05 Connection to Sewer System Required was amended and adopted by the Board of Commissioners on September 8, 2014; and

WHEREAS, in following with the current procedures, regulations and policies, changes within the Ordinances have been recommended;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF LAKE LURE, that the Lake Lure General Ordinances be amended as follows:

Chapter 51: Sewer System Ordinance 51.05 Connection to Sewer System Required

- All Improved property within the town limits with a structure that generates wastewater, and such structure is located within 200 feet of a town owned sewer line, shall be connected therewith, and the property owner shall be charged the prescribed connection fee for all such connections. Such connection shall be made in accordance with the provisions of this section within 90 days after the date of official notice to connect.

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- Improved property served by wells and annexed by the town shall be connected to the sewer systems, if within 200 feet, within two (2) years of the effective date of annexation; provided, however, that no connection to the sewer system shall be permitted without also connecting to the town's water system.
- The Manager or Town Council may delay or waive the requirement for connection where a determination is made that it is impractical to connect due to topography or other just causes. New construction shall be required to connect to an existing sewer line prior to receiving a certificate of occupancy.
- Except as provided in this ordinance, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
- *If improved property is connected to a Town owned sewer line, or to a privately owned line that has access to the public sewer system, it shall be unlawful to disconnect from public sewer except as allowed for in Section 51.14.*

READ, APPROVED, AND ADOPTED, this the 10th day of January, 2016.

<p>E. CLOSED SESSION IN ACCORDANCE WITH G.S. 143-318.11(A)(3) FOR THE ATTORNEY CLIENT PRIVILEGE</p>
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Commissioner Bob Cameron made a motion to enter into Closed Session in accordance with G.S. 143-318.11(a) (3) for attorney client privilege. Commissioner Stephen Webber seconded and the motion carried 4-0.

While in closed session council members discussed litigation between the Town of Lake Lure and Eisenbrown, Self, Jones, et. al.

Commissioner Stephen Webber made a motion to leave the Closed Session portion of the meeting. Commissioner Bob Cameron seconded and the motion carried 4-0.

<p>RECESS THE MEETING</p>

Commissioner Stephen Webber made a motion to recess the meeting until January 12, 2017 at 10:00 a.m. at McGuire, Wood, and Bissette Law Firm located at 48 Patton Avenue, Asheville, NC for the purpose of allowing board members to attend mediation.

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ATTEST:

Andrea H. Calvert,
Town Clerk

Mayor Bob Keith