



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, FEBRUARY 14, 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
Ron Nalley, Town Manager

William Morgan, Jr., Town Attorney

ABSENT: N/A

CALL TO ORDER

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

APPROVE THE AGENDA

Commissioner Bob Cameron made a motion to approve the agenda as presented. Commissioner Mary Ann Silvey seconded and the motion carried 4-0.

TOWN MANAGER COMMUNICATIONS

- Lake Operations Director Dean Givens provided an update on the excavation dredging work currently being done in the lake.
- Environmental Management Officer Clint Calhoun provided an update on Buffalo Creek Trail Park and stated that Trail Dynamics completed repairs early and under budget. The park is completely open again.
- Town Manager Ron Nalley stated that he is working on getting a representative from Anthroware, the company that created the Town's new boat permit database, to attend the March Town Council meeting. The representative that has been working with the Town no longer works for the company.

Page 2- Minutes of the February 14, 2017 Regular Council Meeting

- Mr. Nalley presented a proposed floor plan for the new ABC Store facility and stated that once the ABC board approves, construction plans will be developed and the project bid out. Town Council will also be given a lease to consider.
- Mr. Nalley congratulated Officer Chris Shuford for receiving his traffic enforcement and intermediate law enforcement certificates.
- Town Manager Ron Nalley gave an update on the work at the dam and stated that the dam is ready for the water to go back up March 1, 2017 as scheduled. Mayor Bob Keith expressed concerns about the amount of time it will take for the lake to come up and asked how fast the lake will come up if it doesn't rain. Lake Operations Director Dean Givens stated that there is no way to know how quickly the water will come up since it is so dependent on weather. Mayor Keith asked if it is possible to get in touch with contractors that are working on the lake to see if there will be any issues created if the lake starts to rise prior to March 1, 2017. Mr. Givens stated that if the lake comes up it could also impact the dredging work being done on the lake. Commissioner Bob Cameron asked that Town Manager Ron Nalley meet with Clint Calhoun, Donnie McCraw, and Dean Givens to discuss starting to bring the lake up earlier than March 1, 2017. Commissioner Mary Ann Silvey stressed the importance of using the Code Red System to notify residents at least a week prior to any major, unscheduled changes in the lake level.

PRESENTATION: 2015 - 2016 AUDIT PRESENTATION - MARTIN-STARNES & ASSOCIATES CPA, LLC

Finance Director Sam Karr introduced Ko Tang Cha-Moses of Martin-Starnes & Associates CPA, LLC. Ms. Cha-Moses presented the Town's 2015 - 2016 audit and stated that the firm issued the Town an unmodified opinion. Ms. Cha-Moses thanked Town staff for being helpful and cooperative while working with the firm.

COUNCIL LIAISON REPORTS & COMMENTS

Commissioner Stephen Webber reported the activities of the Board of Adjustment and the Parks and Recreation Board.

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

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

Page 3- Minutes of the February 14, 2017 Regular Council Meeting

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

PUBLIC FORUM

Mayor Bob Keith invited the audience to speak during public forum.

Mike Modzelewski, Vice President of Rumbling Bald Resort's Board of Directors, asked that the Town consider implementing a plan for raising the lake incrementally prior to March 1, 2017. Mr. Modzelewski explained that Rumbling Bald Resort staff is starting to prepare for rowing teams that use the lake each year. Mr. Modzelewski stated that the lake being unusually low has major impacts on the resort's ability to prepare for the rowing teams and stated that every foot that can be added to the lake makes a difference in the rower's experience. Mr. Modzelewski outlined the potentially negative economic impacts the rowers experience if the lake is not at a more suitable level. Commissioner Bob Cameron stated that Council has asked the Town Manager to work with town staff and let Council know what can be done. Commissioner Cameron stated that he does not anticipate contractors having any issues with raising the water up to six to eight feet below full pond as long as it does not affect the work at the dam. Commissioner John Moore stated that it is the consensus of the Board to have Town Manager Ron Nalley work on considering options for raising the lake. Commissioner Cameron asked Mr. Nalley to contact the members of Town Council after discussing the issue with town staff so that Mr. Modzelewski can be notified of the Town's plan to begin raising the lake by Friday, February, 17, 2017. Commissioner Stephen Webber asked that notification be sent out on the Code Red System if changes are made to the schedule for raising the lake.

Fran Nordt of 156 Hilltop Court inquired about the status of paving the sidewalks at Morse Park. Mr. Nalley stated that the Town is currently taking bids for that project. Mrs. Nordt also suggested that the Town consider replacing the fountain in the pond in Morse Park and suggested that a fee could be charged to photographers who use the area for photo sessions to offset the cost of the fountains. Council asked that Ms. Nordt speak to the Parks and Recreation Board and Town's Environmental Management Office, Clint Calhoun, concerning the subject. Mrs. Nordt also recommended that a sign be hooked to the main sign at the State park entrance notifying visitors when burning is prohibited. Council explained that the sign is State park property and it's content is regulated by the State. Fire Chef Ron Morgan stated that no open burning is allowed on State park property.

Richard Lundy, Rumbling Bald Resort's Lodging Director and Chairman of the Tourism Development Authority Board, stated that some of the rowing teams that plan to visit this year have visited the Town for ten to twelve years and that there are approximately 500 students, family members and others associated with the teams who visit. Mr. Lundy has been receiving emails with concerns that the lake will not be accessible when the rowing teams visit and the resort is faced with losing some of the rowers. Mr. Lundy described the visiting rowing teams as great business for the community and explained that they occupy rental properties owned by private individuals during months that are not peak season. Council was informed that the first

Page 4- Minutes of the February 14, 2017 Regular Council Meeting

rowing team is set to arrive March 4, 2017 and that at least three to four days of increased lake level are needed prior to their arrival to prepare for the rowers.

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. Adoption of the January 11, 2017 Regular Meeting Minutes.
- B. Reappointment of Tom McKay to the Isothermal Planning and Development Commission Board as the representative for the Town of Lake Lure.
- C. Adoption of Budget Amendments 186, 187, 188, 189 and 190. Copies of Budget Amendments 186, 187, 188, 189 and 190 attached and made part of the Minutes.

NEW BUSINESS:

A. DESIGNATION OF APPLICANT'S AGENT DISASTER ASSISTANCE FORM

Fire Chef Ron Morgan explained the Fire Management Assistance Grant (FMAG) has been approved for the Party Rock Fire making agencies involved in this fire eligible for certain federal assistance. The FMAG is the tool used for assistance and sets the criteria for reimbursement and allows the Town to seek reimbursement for emergency and protective actions taken during this disaster. The Designation of Applicant's Agent form, allows the Governing Body to designate the individuals to work with North Carolina Emergency Management (NCEM) and FEMA on behalf of the Town. The designated individuals will be the contacts for NCEM and FEMA during this process.

After discussion, Commissioner Bob Cameron made a motion to adopt Resolution No. 17-02-14 authorizing Ron Morgan and Sam Karr to serve as the primary and secondary agents for the Town of Lake Lure for the Fire Management Assistance Grant. Commissioner John Moore seconded and the motion carried 4-0.

RESOLUTION NO. 17-02-14	
DESIGNATION OF APPLICANT'S AGENT	
North Carolina Division of Emergency Management	
Organization Name (hereafter named Organization)	Town of Lake Lure Disaster Number: 1561
Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate): NC Dept. of Emergency Management	
Applicant's Fiscal Year (FY) Start	Month: Day:
Applicant's Federal Employer's Identification Number 56-6001261	
Applicant's Federal Information Processing Standards (FIPS) Number 	
PRIMARY AGENT	SECONDARY AGENT
Agent's Name Ronald Morgan	Agent's Name Sam Karr
Organization Town of Lake Lure	Organization Town of Lake Lure
Official Position Fire Chief /Emergency Management Director	Official Position Finance Director
Mailing Address PO Box 255	Mailing Address PO Box 255
City ,State, Zip Lake Lure, NC, 28746	City ,State, Zip Lake Lure, NC, 28746
Daytime Telephone 828-625-9333	Daytime Telephone 828-625-9983
Facsimile Number 828-625-9760	Facsimile Number 828-625-8371
Pager or Cellular Number 828-442-2123	Pager or Cellular Number
BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances printed on the reverse side hereof. BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally. PASSED AND APPROVED this _____ day of _____, 20__.	
GOVERNING BODY	CERTIFYING OFFICIAL
Name and Title	Name
Name and Title	Official Position
Name and Title	Daytime Telephone

CERTIFICATION

I, _____, (Name) duly appointed and _____ (Title) of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of _____ (Organization) on the _____ day of _____, 20__.

Date: _____

Signature: _____

NEW BUSINESS:

B. WATER BILL ADJUSTMENT REQUESTS FOR 259 AND 267 BOYS CAMP ROAD

Homeowners at 259 and 267 Boys Camp Road requested that the water bill for both properties be adjusted due to dramatic increases in water usage reflected on the January, 2017 billing cycle. One meter ran 441,510 gallons and the other ran 1,492,530 gallons. Upon investigation, there was no evidence of a leak at the home. The homeowner discovered that their bushes behind the mobile homes had been cut back and piled up in front yard and a water hose had been pulled up the hill behind the home. They indicated that there was evidence that this may have been associated with fighting the Party Rock Fire. The Town's Water Adjustment Policy does not contemplate adjustments of this size. The Town's water department looked for a leak at the property, but did not find evidence of one. Town staff is in agreement that this is a special circumstance, with multiple questionable aspects, and that special accommodations should be considered and made for this water usage.

Commissioner Bob Cameron made a motion to suspend the Town's Water Adjustment Policy for 259 and 267 Boys Camp Road and adjust their water bill to the average annual water usage for the January billing cycle. Commissioner Mary Ann Silvey seconded. Commissioner Bob Cameron amended the motion to state that the adjusted water bill is for the water usage for the January 2017 billing cycle. The motion carried 4-0.

NEW BUSINESS:

C. ABANDONED STRUCTURE/UNFIT DWELLING COMPLAINT—177 TRYON BAY CIRCLE

Brad Burton, Town Code Enforcement Coordinator, stated that he responded to the concerns of citizens as forwarded to him by the Town Manager concerning apparent abandoned/dilapidated/unfit dwelling located at 177 Tryon Bay Circle. Site visits were

Page 7- Minutes of the February 14, 2017 Regular Council Meeting

performed, and photographs were taken of the dwelling and site. The Town's Community Development department requested advice from the Town's legal counsel as the recommended next step(s), as the structure did appear to be abandoned, dilapidated, unfit for human habitation and unsafe. Legal counsel recommended that staff retain a structural engineer to assess the building. This was completed, and the engineer tendered his report to staff on February 7, 2017. Staff and legal counsel held a conference call on February 8, 2017 to discuss the engineering report. Staff requested legal counsel provide a written opinion on applicable provisions of law and an analysis of the engineer's report to Town Council for the February 14, 2017 meeting. Several attempts have been made since 2013 to work with the property owner to remedy the matter. Council member were provided site photos, an engineering assessment by Medlock and Associates, correspondence from Counsel, copies of North Carolina General Statute 160A-426, and an unsafe Building Flowchart prior to the meeting.

After discussion Commissioner Stephen Webber moved that, in light of the recommendations of legal counsel, that staff commission a geotechnical engineer to assess the current site conditions while concurrently initiating contact with the office of the Rutherford County Building Inspector to begin the steps of the building condemnation process, as provided for within the North Carolina Statues, §160A-426. Commissioner Bob Cameron seconded and the motion carried 4-0.

ADJOURN THE MEETING

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:

Andrea H. Calvert,
Town Clerk

Mayor Bob Keith