



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, APRIL 11, 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 Stephen Webber made a motion to add an item on the Consent Agenda as item F to call for a Public Hearing on May 16, 2017 at 6:00p.m. or as soon thereafter as possible to discuss a proposed update to the Comprehensive Plan. Commissioner Bob Cameron seconded and the motion carried 4-0. Commissioner Stephen Webber also asked to amend the Agenda by adding an attorney client privilege discussion to the closed session portion of the meeting in accordance with G.S. 143-318.11(a) (3). Commissioner Bob Cameron made a motion to approve the Agenda as amended. Commissioner John Moore seconded and the motion carried 4-0.

MAYOR COMMUNICATIONS

Council discussed changing the date and time of the Town Council meeting scheduled for May 8th at 6:00 p.m. Commissioner Stephen Webber made a motion to postpone the Regular Town Council meeting for the month of May until May 16th, 2017 at 6pm. Commissioner Bob Cameron seconded and the motion carried 4-0.

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Mayor Keith invited the audience to join him in a moment of silence in recognition of former Town of Lake Lure Commissioner Jack Donovan who recently passed away.

TOWN MANAGER COMMUNICATIONS

- Dam Operator Donnie McCraw gave an update on the generator repairs at the dam.
- Lake Operations Director Dean Givens provided an update on dredging and explained that 10,740 cubic yards of material was removed from the Lake this year through excavation dredging.
- Public Works Director David Arrowood presented the sewer inspection report and stated that through the inspection process numerous problems were found and repaired. Mr. Arrowood thanked Robert Smith and Don Byers with Brown Consultants for their work on the project and Town Customer Service Supervisor Linda Ward for her assistance in contacting sewer customers when needed. Mr. Arrowood stated that staff will continue to inspect manholes now that the Lake is back to full pond. Commissioner Stephen Webber inquired about a sewer issue with a specific boathouse property and agreed to contact Mr. Arrowood at a later date to further discuss the concern.

PUBLIC HEARING:

A. 2017-2022 CAPITAL IMPROVEMENTS PLAN

Town Manager Ron Nalley presented the 2017-2022 Capital Improvements Plan (CIP) and stated that the complete document is available on the Town's website. Mr. Nalley summarized the CIP process and gave a brief overview of the proposed projects. Commissioner Stephen Webber stated the dredging is not an item in the CIP, and asked that it be listed as a line item under the Lake Department in the budget each year.

Mayor Bob Keith opened the public hearing concerning the 2017-2022 Capital Improvements Plan and invited the audience to speak.

Jim Stuart of Mill Spring, North Carolina stated that he attended the Town's last Parks and Recreation Board meeting and presented a handout advocating the sport of Pickleball. Mr. Stuart acknowledged the large number of citizens in the room that play Pickleball and presented a list with names of people, including some Lake Lure residents and some non-residents, who use the municipal Pickleball courts regularly. Mr. Stuart reviewed facts about the growth of the sport and explained that only a small amount of additional space near the current tennis courts would be needed to create six Pickleball courts.

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Bill Frykberg of 156 Downing Place stated that when the boardwalk near Washburn Marina was originally built most of the work was done by volunteers from Isothermal Community College and asked if volunteers could be used similarly during construction of the proposed boardwalk replacement. Commissioner Bob Cameron explained that the proposed new plan for the boardwalk eliminates the wood structure and will replace it with a more easily maintained product and that there is not much potential for cost saving through use of volunteers.

Patricia Maringer of 1491 Memorial Highway stated that she has some questions that need to be addressed by the Town Attorney including the legality of the Town buying and selling property. Ms. Maringer stated that the Town's Asset Management Advisory Board was created to help determine the best use of Town assets. Ms. Maringer stated that she served on the Town's Board of Adjustment and suggested a term limit on all Town boards and proposed that no person should be allowed to serve on two Town boards at the same time and further suggested that a wait period be establish to prevent citizens who have previously served on a board from immediately reapplying. Ms. Maringer provided a copy of a letter and asked that the Town Attorney review it and contact her with answers to her questions. Commissioner Stephen Webber stated that he doesn't believe it is appropriate for the Town Attorney to work directly with Ms. Maringer as a citizen. Town Attorney William Morgan agreed to provide a response to Town staff to address Ms. Maringer's concerns.

COUNCIL LIAISON REPORTS & COMMENTS

Commissioner Bob Cameron reported the activities of the Parks and Recreation Board and 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 Asset Management Advisory Board.

Commissioner Stephen Webber reported the activities of the Board of Adjustment and the dredging committee meeting. Mr. Webber commended the Public Works department and the Public Works Director on cutting a tree that fell further back so that the tree was not at the edge of the Road. Mr. Webber also thanked a Town citizen, Maureen Bay, for organizing a group of volunteers to pick up trash on Boys Camp Road.

PUBLIC FORUM

Mayor Bob Keith invited the audience to speak during public forum. No one requested to speak 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 Bob Cameron made a motion to approve the Consent Agenda as amended. Commissioner Stephen Webber seconded and the motion carried 4-0. Therefore, the Consent Agenda incorporating the following items was unanimously approved and adopted:

- A. Adopt the March 14, 2017 Regular Meeting Minutes.
- B. Adopt Budget Amendments 195 through 197.
- C. Suspend Chapter 61 of the Lake Lure Code of Ordinances for the following Hickory Nut Gorge Chamber of Commerce Events: Sale on the Trail, Independence Day Celebration and the Dirty Dancing Festival.
- D. Suspend Chapter 61 of the Lake Lure Code of Ordinances for the Movie in the Meadow Event Sponsored by Lake Lure Classical Academy on May 13, 2017.
- E. Declare the 2005 Chevrolet Colorado pickup truck and 2001 Zodiac MK3 Futura S rescue boat and accessories surplus and no longer necessary for conducting public business and to authorize the Town Manager to dispose of the surplus property in accordance with NCGS 160A-266.
- F. Call for a public hearing on May 16, 2017 at 6:00 p.m. or as soon thereafter as possible to discuss the proposed Update to the Comprehensive Plan.

NEW BUSINESS:

A. RESOLUTION 17-04-11 ACCEPTING DEDICATION OF A SECTION OF OLD SAND BRANCH ROAD, CURRENTLY REFERRED TO AS CARSONS WAY LANE
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Community Development Director Shannon Baldwin stated that Carsons Way Lane was dedicated to the Town of Lake Lure for use as a public street on January 17, 2006 by J.D. Harrison, Jr., developer of Blue Heron Point. In order to ensure public use and emergency access, the Town of Lake Lure is being asked to adopt Resolution 17-04-11. Adopting this resolution places responsibility for maintenance of this section of Old Sand Branch Road with the Town of Lake Lure. Based on the extensive use of this road during the Party Rock Fire and that it is identified as an important transportation facility in the 2014 Comprehensive

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Transportation Plan adopted by the Town of Lake Lure, staff recommends Town Council adopt Resolution 17-04-11 at this time.

Commissioner Stephen Webber asked to clarify what the Resolution number should be since it was referenced with a different number in the Board's packet. The Town Clerk stated that the correct title should be Resolution No. 17-04-11.

Commissioner Bob Cameron made a motion to adopt Resolution 17-04-11 accepting dedication of a specific section of Old Sand Branch Road currently referred to as Carsons Way Lane. Commissioner Stephen Webber seconded and the motion carried 4-0.

Commissioner Mary Ann asked if the Resolution resolves any of the issues regarding rights of way related to Carsons Way Lane. Mr. Baldwin stated that the Resolution does not address the right of way concerns.

RESOLUTION 17-04-11

RESOLUTION ACCEPTING DEDICATION OF A SECTION OF OLD SAND BRANCH ROAD, CURRENTLY REFERRED TO AS CARSONS WAY LANE

WHEREAS, J. D. Harrison Jr. facilitated development of a subdivision called Blue Heron Point located in the corporate limits of the Town of Lake Lure; and

WHEREAS, J. D. Harrison Jr. made improvements to a section of a road, formerly known as Old Sand Branch Road and now known as Carsons Way Lane, in order to connect Blue Heron Point with Boys Camp Road, a town street; and

WHEREAS, this specific section of Old Sand Branch Road (now known as Carsons Way Lane) was improved greater than or equal to the street standards adopted by the Town of Lake Lure; and

WHEREAS, J.D. Harrison signed the "Certification of Dedication to the Public" statement on a plat entitled "Plat Showing Blue Heron Subdivision Sheet 4 of 5" by Brooks and Medlock Engineering and as recorded at BK 27 PG 20 in the Rutherford County Register of Deeds Office; and

WHEREAS, J.D. Harrison petitioned Rutherford County Addressing Department to name the specific section of road referenced above as "Carsons Way Lane"; and

WHEREAS, the Town of Lake Lure supports changing the name "Carsons Way Lane" back to "Old Sand Branch Road" consistent with the original name referenced in deeds (BK 399 PG 67) and on plats (BK 27 PG 84, BK 26 PG 127) all recorded at the Rutherford County Register of Deeds Office; and

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WHEREAS, Old Sand Branch Road was used to effectively combat the Party Rock Fire which burned for three weeks and over 7,000 acres during November of 2016; and

WHEREAS, Old Sand Branch Road is identified as an important transportation facility in the 2014 Comprehensive Transportation Plan (CTP) adopted by the Town of Lake Lure, Chimney Rock Village and the North Carolina Department of Transportation; and

WHEREAS, the 2014 CTP designates the Old Sand Branch Road project as “Local ID RUTH0007-H” and recognizes the following deficiency:

There is a need for a roadway connection from Boys Camp Road to Rumbling Bald Resort. Not only would a connection on the western side of the lake between these areas provide a loop system around the lake, but it would allow timelier access for emergency responders and improve public safety. Old Sand Branch Road is suggested to be improved from a dirt road to a two lane, 10 foot lanes with 4 foot paved shoulders, from the end Carsons Way Lane to the north for about 1700 feet (or 0.32 miles) through property identified by PIN 1603403. The remainder of Old Sand Branch Road will be untouched. Making this improvement would shorten time of first responders who may need to service a 911 call and allow law enforcement to patrol the area. Currently, emergency responders must use Buffalo Shoals Road (SR 1306), Buffalo Creek Road (SR 1306), and Bills Creek Road (SR 1008) to access the Rumbling Bald Resort area from Lake Lure. Connecting Boys Camp Road to Rumbling Bald Resort would shorten this time and distance for emergency responders and provide a loop system for highway, transit, pedestrian and bicycle routes.

NOW, THEREFORE BE IT RESOLVED, that the Town of Lake Lure Town Council:

1. Petitions Rutherford County Addressing Department to change the name “Carsons Way Lane” to “Old Sand Branch Road” on a section of road in the Town of Lake Lure once known as Old Sand Branch Road and referenced in deeds and on plats as recorded in the Rutherford County Register of Deeds Office; and
2. Accepts and now approves the dedication of the section of Old Sand Branch Road now known as Carsons Way Lane in accordance with the “Certification of Dedication to the Public” statement signed by J.D. Harrison on the Blue Heron Point Plat located at BK 27 PG 20; and
3. Agrees to maintain the specific section of Old Sand Branch Road, now known as Carsons Way Lane, depicted on Exhibit A attached hereto.
4. Agrees to seek partners interested in resolving the Old Sand Branch Road deficiency recognized in the 2014 Comprehensive Transportation Plan (CTP).

READ, APPROVED AND ADOPTED, this 11th day of April, 2017.

NEW BUSINESS:

**B. ABC STORE RELOCATION PROJECT – ARCHITECTURAL DESIGN
REVIEW AND SERVICE PROPOSAL**

Town Manager Ron Nalley stated that in 2016, the Town Council directed the Town Manager to proceed with the rehabilitation of the strip-center mall with the intent of relocating the ABC Store. Since that time, the ABC Board has worked with Ric Thurlby to develop an exterior and interior layout for the proposed store. The ABC Board is now recommending final approval be given by Town Council on the design so that the architect can move forward with preparing construction drawings.

Commissioner Bob Cameron made a motion to approve the exterior and interior layout as recommended by the ABC Board and to approve the Proposal for Construction Permit Drawings with Ric Thurlby in an amount not to exceed \$17,500 and to authorize the Town Manager to execute the necessary documents. No one seconded the motion.

Commissioner Stephen Webber explained that he has a reservation concerning the proposal and suggested Council discuss in Closed Session.

Commissioner Bob Cameron made a motion to table the topic for further discussion and discuss the legal issues relating to the service proposal during the Closed Session portion of the meeting. Commissioner Stephen Webber seconded and the motion carried 4-0. Commissioner John Moore asked if the total included work previously done and it was established that prior work was billed separately and paid from funds previously allocated for the project

Town Manager Ron Nalley explained that if Council chooses not to approve the proposal a Request for qualifications (RFQ) could be sent out, however the RFQ would not guarantee a lower cost.

NEW BUSINESS:

C. MORSE PARK GARDENS WALKING PATH PAVING PROJECT

Jim Walters, Chairman of the Parks and Recreation Board, explained that in 2016, the Parks and Recreation Board recommended that the walking path in Morse Park Gardens be paved to allow for a more permanent and walkable surface. The Board then applied for and received a RHI Legacy Foundation Grant in the amount of \$48,600 to fund the project. After reviewing bids, staff recommends that the project be awarded to Tarheel Paving & Asphalt Company.

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Commissioner John Moore made a motion to approve the Morse Park walking path paving contract with Tarheel Paving & Asphalt Company in the amount of \$39,275 and to authorize the Town Manager to execute the necessary documents. Commissioner Bob Cameron seconded. Commissioner Stephen Webber asked to amend the motion to state that excess grant funds be used to replace trash receptacles and benches in Morse Park upon approval of the Grant manager. Commissioner Moore agreed to amend his motion to state that excess grant funds be used to replace trash receptacles and benches. The motion carried 4-0.

NEW BUSINESS:

D. LAKE LURE MUNICIPAL GOLF COURSE NAME CHANGE

Dale Minick explained that Lake Lure Golf Management is requesting that the name of the municipal golf course be changed to “Lake Lure Golf Club, the Municipal Golf Course of Lake Lure.” The purpose of this request is so that the marketing of the course stays consistent. The name change was unanimously supported by the Parks and Recreation Board.

Commissioner Stephen Webber made a motion to change the name of the Municipal Golf Course to “Lake Lure Golf Club.” Commissioner Bob Cameron seconded and the motion carried 4-0.

NEW BUSINESS:

E. 2016 DREDGING INVOICE DISCREPANCY

Town Manager Ron Nalley explained that in a review of the 2016 dredging invoice from Rowboat Dock & Dredge, the Town discovered a discrepancy in the billing amount and actual work performed. Rowboat was to return after dredging to remove sediment pumped into the Morse Park spoils basin, however they did not return to complete this portion of work. A letter from Rowboat is attached explaining their position on why they did not return. Instead, Tim Edwards was hired to perform this task in order to be ready for the next dredging cycle. Rowboat has agreed that they were overpaid and has offered \$10,000 to settle this matter. Harlow Brown, the Town’s Engineer is recommending the Town settle this matter for \$15,750, the amount the Town spent performing the work.

Following discussion, Commissioner Bob Cameron made a motion to authorize the Town Manager and Town Engineer to settle the dredging invoice discrepancy matter with Rowboat in the amount of \$15,750 and to execute the necessary agreement. Commissioner Mary Ann Silvey seconded and the motion carried 4-0.

NEW BUSINESS:

F. 2017-2018 LAKE DRAWDOWN SCHEDULE

Lake Operation Director Dean Givens explained that the Lake Advisory Board recommended that the lake drawdown dates for 2017-2018 be revised to begin lake lowering on November 26, 2017 and to begin refilling the lake on February 15, 2018.

Commissioner Bob Cameron asked if the change was recommended for just this year or permanently. Lake Operations Director Dean Givens stated that the Lake Advisory Board (LAB) would like to see how the change goes this year before making the change permanent. Commissioner Stephen Webber explained that the LAB discussed changing the Lake lowering from a three year cycle to a five year cycle and suggested that data be collected to determine what citizen's opinions are on the idea of a five year drawdown plan.

Commissioner Stephen Webber made a motion to revise the lake drawdown dates for 2017-2018 and begin lake lowering on November 26, 2017 and to begin refilling the lake on February 15, 2018. The lake will be lowered not more than five feet. Commissioner Bob Cameron seconded and the motion carried 4-0. The Board clarified that if an unforeseen event arises it could cause the lake to be lowered more than five feet, but if such case arises the Lake should return to the five foot level following the event.

NEW BUSINESS:

G. 2017-2022 CAPITAL IMPROVEMENTS PLAN

Town Manager Ron Nalley stated that the CIP is scheduled for adoption at the May Town Council meeting and that if Council provides any further revisions, then he will put together a final recommendation for the Board.

Council agreed to submit updated priorities to Town Manager Ron Nalley as soon as possible so he can make necessary revisions.

**CLOSED SESSION IN ACCORDANCE WITH G.S. 143-318.11(A) (5) FOR THE
PURPOSE OF DISCUSSING PROPERTY ACQUISITION**

Commissioner Stephen Webber made a motion to enter into closed session in accordance with G.S. 143-318.11(a) (5) for the purpose of discussing property acquisition and in accordance with G.S. 143-318.11(a) (3) for attorney client privilege. Commissioner Bob Cameron seconded and the motion carried 4-0.

While in closed session the Town Manager stated that a piece of property that the Town was interested in purchasing in the past has recently been listed for sale. Council discussed the property and asked the Town Manager to explore potential financing options for the property and to contact the State to find out if they have any interest in pursuing the property in a joint effort with the Town.

While in closed session the Board also discussed a potential conflict of interest with a former Zoning and Planning Board member but determined a conflict does not exist.

Commissioner Stephen Webber made a motion to leave closed session. Commissioner Bob Cameron seconded and the motion carried 4-0.

NEW BUSINESS:

**ABC STORE RELOCATION PROJECT – ARCHITECTURAL DESIGN REVIEW AND
SERVICE PROPOSAL**

Based on the Town Attorney's advice in Closed Session that a conflict of interest does not exist, Commissioner Bob Cameron made a motion to approve the exterior and interior layout as recommended by the ABC Board and to approve the proposal for construction permit drawings with Ric Thurlby in an amount not to exceed \$17,500 and to authorize the Town Manager to execute the necessary documents. Commissioner Stephen Webber seconded and the motion carried 4-0.

ADJOURN THE MEETING

With no further business, Commissioner Bob Cameron made a motion to adjourn the meeting at 8:42 p.m. Commissioner Stephen Webber seconded and the motion carried 4-0.

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ATTEST:

Andrea H. Calvert,
Town Clerk

Mayor Bob Keith