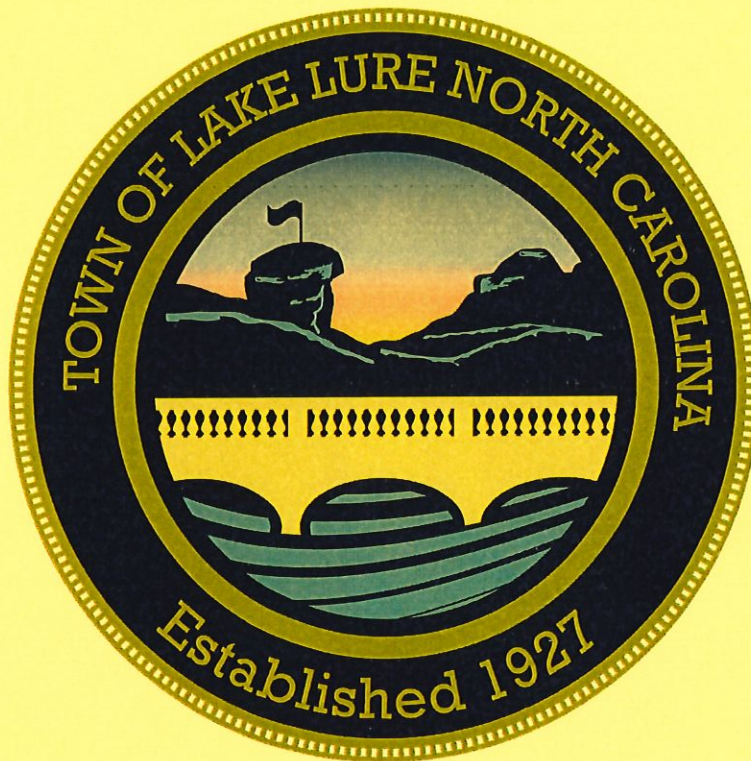


LAKE LURE TOWN COUNCIL REGULAR MEETING PACKET

Tuesday, February 13, 2018



**Mayor Kevin Cooley
Mayor Pro Tem John Moore
Commissioner Bob Cameron
Commissioner John Kilby
Commissioner Stephen M. Webber**



REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL

February 13, 2018

6:00 p.m.

Lake Lure Municipal Center

AGENDA

- I. Call to Order
 - Invocation (Please rise and remain standing)
 - Pledge of Allegiance
- II. Agenda Adoption
- III. Mayor's Communications
- IV. Town Manager Communications
 - Hydroelectric Plant Update
 - Private Roads Repair Costs
 - IPDC 2018 Regional Legislative Issues
- V. Council Liaison Reports and Comments
- VI. Public Comment: The public is invited to speak on any non-agenda and/or consent agenda topics. Comments should be limited to less than five minutes.
- VII. Consent Agenda
 - A. Meeting Minutes Adoption
 - **Suggested Motion:** Adopt the December 21, 2017 Special Meeting Minutes and the January 9, 2018 Regular Meeting Minutes
 - B. Budget Amendment 211 and 212
 - **Suggested Motion:** Adopt Budget Amendment 211 and 212
 - C. Suspension of Section 92.042(C)(1) of the Zoning Regulations: "Campgrounds" for Carolina Climbers Coalition Bouldering Competition & Festival
 - **Suggested Motion:** Suspend Section 92.042(C)(1): "Campgrounds" of the Lake Lure Code of Ordinances for the Carolina Climbers Coalition Bouldering Competition & Festival to be held February 16 through February 18, 2018.

**Page 2 – Town Council Meeting Agenda
February 13, 2018**

VIII. Unfinished Business

- A. Lake Level Discussion
 - **Suggested Motion:** None at this time pending further direction from Town Council.
- B. Tryon Bay Circle – Reconsideration of “One Way” Designation
 - **Suggested Motion:** None at this time pending further direction from Town Council.
- C. Golf Cart Ordinance
 - **Suggested Motion:** Call for a Public Hearing on March 13, 2018 at 6:10 p.m. or shortly thereafter to Consider Adoption of a Golf Cart Ordinance for the Town of Lake Lure.

IX. New Business

- A. 2018-2023 Capital Improvements Plan
 - **Suggested Motion:** Call for a Public Hearing on March 13, 2018 at 6:10 p.m. or as soon thereafter as possible to discuss the proposed 2018-2023 Capital Improvements Plan.
- B. Professional Services Contract - Firing Range
 - **Suggested Motion:** Approve the Proposal for Engineering Services with Odom Engineering in an amount not to exceed \$4,500 and to authorize the Town Manager to execute the necessary documents.
- C. Professional Services Agreement – NC Hydro Group – Lobbying Services
 - **Suggested Motion:** Agree to participate in the lobbying efforts of the North Carolina Hydro Group with Smith, Moore Leatherwood LLC in an amount not to exceed \$600 per month and to authorize the Town Manager to execute the necessary documents.
 - **Suggested Motion:** Approve Budget Amendment 213 to transfer \$5,000 from the Hydroelectric Fund Equity to Contract Services for the North Carolina Hydro Group lobbying efforts.
- D. Marina Boat Slip and Dock Evaluation
 - **Suggested Motion:** None at this time pending further direction from Town Council.
- E. Appoint Town Representative to Serve on the Technical Advisory Committee (TAC) for Isothermal RPO.
 - **Suggested Motion:** Appoint _____ to the Transportation Advisory Committee for the Isothermal Rural Planning Organization.
- F. Utilities Board Member Appointment
 - **Suggested Motion:** Appoint David Diorio to the Utilities Advisory Board to fill the unexpired term of Steve Miller which ends on December 31, 2018.

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February 13, 2018

- X. Closed Session in Accordance with G.S. 143-318.11(a) (3) for the Purpose of Discussing Attorney Client Privilege or Legal Claims
- XI. Adjournment

Town Manager Communications

Town Manager STAT Report from Lake Lure Police Department

Date: 1/31/2018

406 Police Activities Logged for Month (Total) *Partial breakdown below*

1 Reported Breaking & Entering with Larceny or Larceny

24 Traffic Stops

12 Citations

5 Warning Citations

6 Verbal Warnings

4 Accidents

4 Total Arrests

1 Motorcycle Mufflers Checked

0 Roadside Checkpoints

Boys Camp Road – 0 Accidents 1 Speeding Complaints (acted on)

Happenings in the Department

Normal for January, traffic and visitors are down for the town in general. The Lake Lure New Year's Day Polar Plunge did bring larger number of people to the downtown area. LLPD Officers were involved in traffic direction for runners as well as crowd watch for the area of the beach where approximately 500 people gathered to watch the almost 100 Plungers on a 12° day.

Alarm Activation calls remain on the rise. There were two residences this month that had malfunctions and the homeowners finally had the alarms turned off until repairs were made.

There was a very large amount of Hydro-Marijuana located in a local hotel's storage area. This type of marijuana is considered high dollar and with the amount, it is almost certain there were plans of distribution (selling). There are several officers working on this case.

Officer Shuford and Kat have studied the difference that having our Medication Drop Box in the Lobby has made for our residents in Lake Lure. To date, the amount of drugs that have been taken in, would result in each person in Lake Lure having approximately 2.88 pounds of prescription drugs in their water source if the drugs would have been flushed or dumped into a sink drain. Additionally this program has kept extremely harmful drugs out of the hands of children. We consider the program a great success.

January 31st, our department filled a vacant patrol position. The crew that was down one officer has been strained being that another officer was ill for a period of time. Officer Bailey Worley will begin working the first part of February. Officer Bailey graduated NC Basic Law Enforcement Training in 2017. He is also a NC Firefighter.

Activity Log Event Summary (Cumulative Totals)

Lake Lure Police
(01/01/2018 - 01/31/2018)

Accident	4	Alarm activation	27
Animal Complaint	1	Assist EMS	1
Assist Other Department	1	Assist other Lake Lure Officer	19
Assist Subject	1	Attempt to Locate	1
Breaking and Entering	1	Call by Phone	5
Careless and Reckless Driving	2	Citation	12
Community Contact	3	Court	2
Damage to Property	1	Disturbance	2
Domestic Trouble	4	DWI	1
Extra Patrol	128	Follow up Investigation	4
Foot Patrol	54	Found Property	1
Fraud	1	Illegally Parked Vehicle	1
In Office Work	6	Intoxicated Subject(s)	1
Investigate	1	Investigate Suspicious Vehicle	10
Larceny Report	1	MAMA Landing Site Clear	2
Meet with Subject	3	Motorcycle Noise Verbal Warning	1
Open Container	1	Pill Drop Box Processing	1
Prisoner in Custody	3	Rutherford County Jail/Processing	3
School Patrol	7	Secure Door(s)	3
Series of Business Checks	25	Serve a Warrant	2
Speak With Subject	1	Stand By for Closing	3
Stranded Motorist	4	Streetlight Maintenance Check	2
Suspicious Person(s)	2	Threatening Suicide	1
Took a Report	1	Traffic Control	2
Traffic Stop	24	Vehicle Maintenance	6
Verbal Warning	6	Warning Citation	5
Welfare Check	1	Wrecker Needed	1

Total Number Of Events: 406

Lake Lure Fire Department

Monthly Report 02/08/2018

January 2018

We are now at full staff and have 2 new firefighters that have filled existing vacancies. We welcome Jacob Poteat, and Trey Lewis. Both members have prior experience and doing a great job for the Town.

Responded to Responded to 2 structure fires, One Chimney fire in Lake Lure, and assisted Bills Creek with structure fire.

Responded to one electrical fire

Responded to one dumpster fire at Lake Lure Inn

Responded to a Woods Fire at Lure Woods Manor

Set up 3 Medical Landing Zones

Provided Emergency Standby for Polar Plunge event, also took first place in first annual tug of war.

Started Intermediate (Advanced EMT) level Medical response January 1st 2018. We now have Advanced EMT service for the Town of Lake Lure and Lake Lure Rural Fire District provided by LLFD.

Started an Advanced EMT class at Lake Lure Fire Dept. for new firefighters and HNG EMS members.

Held a Firefighter Personal Protective Equipment Class at LLFD with approx. 20 firefighters attending. There were about 10 members from Lake Lure Fire Dept. and members from Bills Creek, Chimney Rock and Union Mills Fire Depts.

Responded to 34 fire rescue or ems calls

Responded to Chimney Rock Park for Fire Alarm caused by construction.

LLFD staff continues assist Chimney Rock and Fairfield Mountains FD's with fire reports and training records data management.

Issued 31 Burning permits

Continue to work on new Town Emergency Operations Plan

We now have 4 Junior Firefighters and they have started their own training program that our staff is providing guidance. We are excited to see these members active and training to be future Lake Lure Firefighters.

MONTHLY PROGRESS REPORT

PUBLIC WORKS

JAN 2018

1-3-18 I met with manager and police chief out on Tryon Bay to look about making this Street two way instead of one way.

1-4-18 We had the Guardrail fixed on Boys Camp Rd today. This was torn up by a fallen tree.

1-4-18 We ordered new batterys for the speed sign that isn't working on Boys Camp Rd.

1-4-18 We worked all morning helping Don get power back on and unthawing bar screen at Treatment Plant.

1-4-18 We worked on the automatic gate that quit at Treatment plant. We got it back to working.

1-4-18 We put sand on Burnt Ridge because of ice in the street.

1-4-18 We called for a final inspection on the EV Station.

1-3-18 We have a contractor coming back next week to start back welding patches on the Penstock.

1-3-18 Public Works Staff met with computer man about how to handle Spam E-mail.

1-5-18 We turned off bubblers at Beach for Dean.

1-8-18 We have been reading Water Meters this week for Linda.

1-8-18 We had several Water Meters froze that we had to work on.

The Hydro Plant generated 19000kw of power. We had 4.7 inches of rain. Lake was dropped to 5ft on January 3rd and have continued to hold that with flood gates.

Community Development Department
Monthly Report
for
January 2018

Board/Committee Activity

Zoning and Planning Board, Regular Meeting, January 16, 2018

- Discussed VROP Amendment with staff and Town Attorney
- Reviewed Permitted Uses in Commercial Districts Work

Board of Adjustment, Regular Meeting, January 23, 2018

- No cases.
- Election of Officers: Mark Hoek elected Board Chair, Melvin Owensby elected as Vice-Chair.
- Discussed Residential Vacation Rental permitting process [agenda item]. Board made written recommendation to Zoning and Planning Board And Town Council move applications for Vacation Rental Operating Permits [VROPs] to administrative review by the Town's Zoning Administrator.

Staff Activity

Zoning Administration/Code Enforcement

Certificate of Zoning Compliance Issued	7
Certificates of Zoning Compliance Denied	0
Certificates of Occupancy Issued.....	4, 1 Temp
Vacation Rental Operating Permits Issued	0
Sign Permits Issued.....	0 (perm); 24 (temp)
Complaints Logged.....	0
Complaints Investigated.....	0
Notices of Violation Issued.....	0
Civil Penalties Issued.....	0
Stop Work Orders Issued	0
Improperly Posted Address Notifications Issued.....	0
Abandoned/Dilapidated Structures Cases Open	0 (0 closed by demo)
BOA Hearings Processed.....	1
Demolition Permits Issued.....	0
VROPs Active to Date	295

Subdivision Administration

Preliminary Plat:	0
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2 towns. Your project is a great way to enhance your economy. If we had the money we would have funded your project. We liked it overall, it just didn't rank above the others who applied." She also stated, "Having a shovel ready (build) application would have been more competitive. Your application was design + build. It needs to be "build" to score higher. Having site specific plans for properties along the way would have made your application stronger. Identify needs, develop construction plans for project, demonstrate how project meets needs. We like the application but you are competing against projects that create jobs. (For hypothetical example: develop construction plans for sewer, ask for ARC money to install sewer line. Sewer line attracts hotel which creates jobs while tourism is enhanced). We needed to know we are funding more than a sidewalk. Your application did not identify a funding source for Phase II. Identify a funding partner for Phase II will increase your score, too."

4. Gateway - LLFB West End Plan. *This project concerns itself with ultimate disposition of the El Sureno property and is intimately connected with LLFB West End Improvements as well as linkages for the CRV Pedestrian Facility.* Improvements are well underway as of 11/6/16. Recently reviewed plans with Kathy Tanner and Susie Ellis in meeting with TDA Director on 7/31/17. Considerable progress has been made by the LLFB implementing their plan 11/3/17.
5. Wayfinding System – Scheduled to go before Planning Board on 11/15 and Town Council on 12/13/16 for approval. Approved by Town Council 12/13/16. Met with Teague Engineering and Hoffman on 1/13/17. Staff continues to communicate with Teague Eng. 2/1/17. TM briefed CDD on new circumstances 5/3/17. No new news as of 6/8/17. Don Cason, TDA Director, dropped by to discuss case 7/28. Project at standstill until TDA works out issues with Teague 11/3/17.
6. Vision Book - Meeting with Ron Nalley and Meg Nealon to discuss on 10/7/16. Project on hold. Project placed on CP Project Calendar.
7. EV Charging Station – Welcome Center - Requested \$20,000 from Duke Energy but only received \$5,000. Asking for input from Town Council on 1/10/17. Council would like TDA to cover \$2,500 cost overage estimated. Sent request to Don Cason for \$2,500 on 1/13/17. Cason emails news that TDA agreed to fund request. Nalley sent agreement back to Duke for the \$5,000. Staff reported to Council at 1/31/17 meeting monies have been approved and implementation is next step 2/1/17. CDD released RFP for Charging Station on 2/24/17. Received three bids thus far. CDD asked vendors to bid dumb units and set a deadline for 5/5/17. CDD had TM sign contract 6/8/17 for non-networked unit. Unit should be ready by 8/7/17. Met with PWD on site to pick place for unit 8/4. Because of the Morse Park Plan now underway, we are in a holding pattern until the MPP is finalized. Notified Bob Cameron and TM. They agree. Communicated with stakeholders on 10/3/17 regarding MPP development progress. Met with Commissioner Cameron and PWD regarding plans and supplies list 10/19. PWD is ordering supplies 10/19. PWD ordered #5 rebar and plan calls for #6. PWD wants plan designer to ok #5 rebar and asked if I could email designer 11/3/19. EVCS picked-up and PW installed. Waiting for Bob Cameron to communicate with PW to coordinate hook-up 12/5/17. Unit

Arrowood is working toward securing contract from Tomblin. Met with David Arrowood today (12/5/17) and he gave assurance he would follow up with Tomblin regarding contract 12/5/17. I emailed Brain Tomblin 1/2/18 bulleted list of items needed by the Town so that work may begin in 2018 1/2/18. I sent a second reminder regarding requirements on 1/9/18.

11. Westside Connector (OSBR) – CDD will be working with TM to reboot project. Drafted a resolution, vetted with staff and other officials, and finalized for TC to consider at its April 11 meeting. TC approved and Old Sand Branch Road Sign ordered by PW. Sign has been installed 6/8/17. No additional steps taken to my knowledge as of 1/2/18.
12. Morse Park Site Plan – Ed Dittmer asked that CDD collect and send him all known recreation input relative to projects. TM asked that I identify a landscape architect who has worked in a marine environment. Met with Jim Walters, Ed Dittmer, TM, ECO, Equinox, Bill Massey and Vital Clarity 6/1/17 to discuss scope of work. Equinox and Vital clarity to send scope of work back for review. Town Council approved contracts 7/11. Pre-prioritization meeting held with MP Work Group and consultants on 7/19. Have been working with Vital Clarity on materials/preparation for 8/23 meeting as of 8/8. Prioritization Session was held 8/23. Vital Clarity sent deliverable and CDD forwarded on 8/28/17 to PRB. CDD sent survey, Vital Clarity deliverable and news release bullets to Valerie Hoffman with request to create a news release for TM to approve on 8/31. Conference call with Equinox, Jim Walters and TM on 9/5. Reviewed process and progress with PRB 9/9/17. Held meeting on 10/10 with PRB and Equinox. PRB finished plan at that meeting. PRB discussed plan and Jim Walter's upcoming 11/14 presentation of plan on 11/2/17. Town Council unanimously adopted the Morse Park Site Plan.
(Complete)
13. Welcome Center Restrooms - Need to start working on RFQ for architects and RFP for contractors as a follow up to design 12/5/17. Met on 12/14/17 with steering committee. Solicited a proposal from architect recommended by Equinox. Followed up with Destination By Design who eagerly responded. Have a meeting scheduled with DBD and steering committee for 1/8/18 to discuss project. Steering Committee recommended architect Jesse Plaster (JP) to Town Council. Ron Nalley to take scope of work and agreement to Town Council 1/9/18 for review and approval. Town Council approved 1/9. CDD sent signed agreement to JP. Staff to follow up with appraisal (Bud Tanner) and a request of Vic Knight for plans for existing building layout 1/9/18. JP sent concept floor plan to CDD, who solicited comments from Steering Committee RE the same. CDD sent comments to JP 2/5/18.
14. Peak Season Parking Plan – Met with Tommy Hartzog to start gathering ideas on 6/22. Ron Morgan to send debrief notes from community events 6/28. Asked Ron Morgan for notes 12/4/17. Had meeting scheduled with Ron Morgan for 12/8 and cancelled due to inclement weather. Sent request to Ron Morgan on 1/2/18 for a new meeting. RM sent notes back as well as photo (very blurry) of the map. CDD sent notes to Mayor Cooley on 1/25/18 for review and feedback 2/5/18.

--Town Hall Closed (Inclement Weather), 1/17
--Attended Board of Adjustment Meeting, 1/23

C. Shannon Baldwin, AICP
Community Development Director

Date

Lake Operations Activities Report**January, 2018****Lake Enforcement & Patrol***

	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	YEAR
Patrols	52	50	25	12	8	3	0						150
Patrol Hours	136	145	70	35	33	1	0						420
Warnings	22	26	15	0	0	0	0						63
Citations	2	5	0	0	0	0	0						7
Assistance to Boaters	28	27	14	2	4	0	0						75
Camera Violations	8	12	0	0	0	0	0						20
Camera Citations	0	1	0	0	0	0	0						1

*Lake Operations + Police Department

Lake Structures

	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	YEAR
LS Permits Issued	2	0	2	0	1	2	2						9
LS certificate Issued	2	1	0	0	1	0	0						4
Shorline Stabilization permits	0	0	0	0	7	0	0						7
LS Complaints logged	0	0	0	0	2	0	0						2
LS Complaints investigated	0	0	0	0	2	0	1						3
Site Visits	5	1	0	0	0	1	7						14

Environmental Management

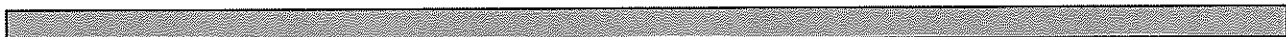
	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	YEAR
Land disturbance Permits Issued	1	6	4	7	2	2	8						30
Soil Erosion Complaints Logged	0	0	0	0	0	0	0						0
Soil Erosion Complaints Investigated	1	1	1	1	1	0	0						5
Notices of Violation issued	1	0	0	0	0	0	0						1
Stop Work Orders Issued	0	0	0	0	0	0	0						0
Site Visits	14	13	15	19	13	5	6						85

Flood Plain

	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Year
Floodplain Development Permits Issued	1	1	2	0	8	2	2						16
Notices of Violations Issued	0	0	0	0	0	0	0						0
Stop Work Orders Issued	0	0	0	0	0	0	0						0
Site Visits	0	3	2	1	2	0	0						8

Tree Protection

	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Year
Tree Service Provider Licenses Issued	0	0	0	0	0	0	0						0
Tree-related Complaints Logged	0	0	0	0	1	0	0						1
Tree-related Complaints Investigated	0	0	0	0	1	0	0						1
Notices of Violations Issued	0	0	0	0	0	0	0						0
Stop Work Orders Issued	0	0	0	0	0	0	0						0
Site Visits	2	0	2	0	1	0	0						5



Trevor Freeman - Trails Coordinator
AmeriCorps Project Conserve
January 2018 Accomplishments

- ✓ Attended January 4th Lake Lure Parks and Rec meeting.
- ✓ Downloaded data from Buffalo Creek functioning trail counter, proposed getting replacements to Parks and Rec committee.
- ✓ Completed Buffalo Creek Park workdays with volunteers January 9th and 23rd, both combatting erosion and adding rolling grade dips.
- ✓ Completed paperwork for AmeriCorps quarterly progress report.
- ✓ Planned and hosted ROC River Road workday on January 10th, prepping and clearing site for future watercraft launch construction.
- ✓ Took part in AmeriCorps service learning day in Asheville January 15th
- ✓ Took part in January 20th Rail Trail cleanup, removing over 500 pounds of trash.
- ✓ Took part in two site visits with Conserving Carolina Habitat Restoration Specialist at the Florence Nature Preserve. Learned of invasive species endemic to the HNG and how to combat them. Assisted with planning a workday.
- ✓ Completed the ROC February newsletter.
- ✓ Created Flickr albums and FB recap posts for events and outings.
- ✓ Planned multiple upcoming ROC hikes along with creating FB events.
- ✓ Led ROC Chestnut Ridge hike.
- ✓ Completed 5 weekly ROC schedules and disseminated these to email list, FB page, and Rutherford Weekly
- ✓ Walked Dittmer-Watts trails and cleared corridor in places.
- ✓ Planned for upcoming Dittmer-Watts trail workday to improve tread and corridor.
- ✓ Attended ROC monthly meeting.
- ✓ Planned for February Buffalo Creek Park workday and created FB event.
- ✓ Spent multiple days researching, planning, and flagging 3 possible alternate bike routes for Buffalo Creek Park.
- ✓ Developed proposal for alternate trail routes and construction to be presented at next Lake Lure Parks and Rec meeting
- ✓ Developed interpretation for Chestnut Ridge hike about the resources and importance of the area.

RESOLUTION NO. 09-03-10

**ADOPTING AN ADMINISTRATIVE POLICY
FOR THE TOWN OF LAKE LURE
REGARDING THE MAINTENANCE OF
PRIVATE ROADS AND DRIVEWAYS IN LAKE LURE**

WHEREAS, the Lake Lure Town Council unanimously agreed at their regular town council meeting held on January 13, 2009 to direct the interim town manager to develop an administrative policy regarding the maintenance of private roads and driveways in Lake Lure; and

NOW, THEREFORE, THE TOWN OF LAKE LURE TOWN COUNCIL WITH A MAJORITY OF THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE, hereby and herewith adopts as a policy the following:

SECTION ONE. Maintenance of Private Roads and Driveways

- (1.) No town funds or town staff shall be used for the maintenance of private roads and driveways in Lake Lure, except upon prior approval by Town Council.

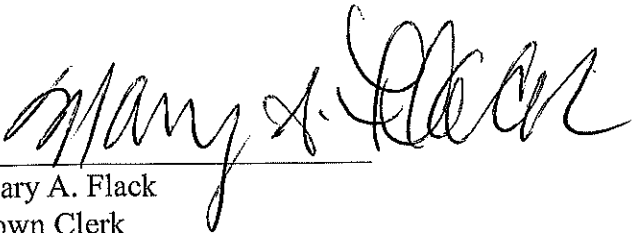
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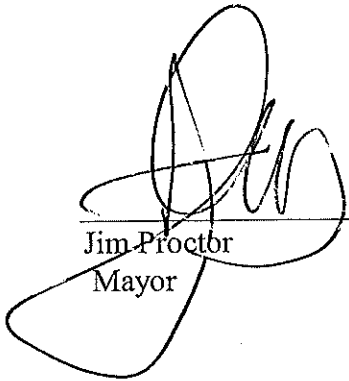
SECTION TWO. This policy shall apply to all current as well as future employees.

SECTION THREE. This policy shall be in full force and effect from and after the date of its adoption.

Adopted this 10th day of March, 2009.

ATTEST:


Mary A. Flack
Town Clerk


Jim Proctor
Mayor

Tri City Paving, Inc.

PO Box 248
Rutherfordton, NC 28139
Office (828) 287-2663
Fax (828) 287-3458
Mobile (828) 289-0315
E-mail: tricitypaving@bellsouth.net

Proposal

Page No. 1 of 1 Pages

ATTN: David Arrwood

828-748-0550

Proposal Submitted To

Phone

Date

Town of Lake Lure

1-22-2018

Street

Job Name

City, State and Zip Code

Job Location

(darrowood@townoflakeLURE.com)

We hereby propose to furnish materials and labor necessary for the completion of:

- 1- Spruce Hill Entrance: Blade up entrance, ditch beside st., place 50' x 15" roadway pipe & regrav. entrance w/ 4" ABC stone base & pave ^{(134sq) entrance} Total = \$6,900.⁰⁰
- 2- Knight Holloway Rd: Fill in hole @ entrance to start with 8 ton ABC stone base & blade up. Total = \$450.⁰⁰
- ③ Street beside Lake Lure Inn: Patch 30 sq w/ 2" 59.5 B Asphalt compacted ^{10 ft} Total = \$1,275.⁰⁰

Payment to be made as follows: Upon Completion

All material is guaranteed to be as specified. All work to be completed in a substantial workmanlike manner according to specifications submitted, per standard practices. Any alteration or deviation from above specifications involving extra cost will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

The quote for Knight Holloway Rd is now estimated to be between \$6000 and \$8000.

C# 289-0314

Authorized Signature

Joel Koon

Note: This proposal may be withdrawn by us if not accepted within 30 days.

Acceptance of proposal The above prices, specifications are satisfactory and hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Date of Acceptance _____



Isothermal Planning and Development Commission

2018 Regional Legislative Issues

To the Members and staff of our Regional Federal and State Delegation,

Welcome to our Inaugural Legislative Gathering here in the Isothermal Region of North Carolina! Your attendance here today means so much to the 28 county and municipal governments that make up the Isothermal Region which include the member governments of Polk, Cleveland, Rutherford and McDowell Counties. The Board of Directors and members of the Isothermal Regional Commission wish to thank each of you for your continued support and interest in the Isothermal Region of North Carolina. This Regional Commission has benefited from the regional organization, interaction and your support as our State and Federal Representatives.

We have worked together to access over \$4.4 million in Appalachian Regional Commission funds since 2010 to leverage \$9 million in other dollars for projects around Polk, McDowell, and Rutherford Counties; to help our local employers through the Region C Workforce Development Board, which averages \$1.3 million per year in our four county region to benefit employees in On-the-Job Training, Dislocated Worker Programs and Youth Programs; USDA has made a total of \$216 million in investment in our four county region in the areas of Housing Guarantees, Housing Projects, Community Facilities, Water and Environmental Projects such as public utilities, and Business Development; over \$6 million in EDA Funding has been received in Region C to leverage over \$18 million in investments such as the Earl Scruggs Center in Shelby and Workforce Development Centers at Cleveland and Isothermal Community College(s), and infrastructure investment in Marion and McDowell County.

The Board of the Isothermal Regional Commission would like to thank you for your continued support of these issues and as always, we thank you for your support of your Regional Commission. This past September, the Commission presented the Regional Economic Development Plan for the Isothermal Region and its member governments. Since that time, we have engaged our membership and other partners in our Region to achieve the recommended actions found within this plan.

At our January Meeting, we adopted a list of Legislative Issues from this plan and other issues of regional significance to our Region and are presenting these issues to each of you. We stand prepared as a Region to assist you at the State and Federal Level to better understand these issues and to help find creative and positive solutions that would benefit the citizens of the Isothermal Region. Please take the time to look over our list of Legislative Issues on the back of this page.

Economic and Workforce Development

- Ensure financial support for broadband, water, wastewater and stormwater infrastructure projects within the region.
- Support continued funding of the Appalachian Regional Commission (ARC) and U.S. Department of Agriculture Rural Development.
- Ensure continued investment in workforce development through the Workforce Innovation and Opportunity Act (WIOA) funding for adult and youth training programs that are responsive to the current and future needs of local businesses, and that supports the development of the Region's labor force through Career & Technical Education, Soft Skills, and vocational training, as well as support the achievement of Certified Work Ready Community status for the region's counties.
- Support expansion of accessible, affordable high-speed fiber and mobile broadband throughout the region.
- Support legislation that will provide sufficient funding at the state level for incentive programs such as a competitive film incentive program, robust state historic preservation tax credits, and the Main Street Solutions fund necessary to grow jobs and the economy.
- Support legislation to revise the tier method of measuring levels of economic distress to focus on the causes of distress and taking sub-county, regional data into account.

Human Services

- Increase funding for Senior Centers by an additional \$300,000 in recurring funds.
- Strengthen and Fund North Carolina's Adult Protective Services Program (APS) in order to respond to the accelerated growth in the State's aging population, some of whom may be at risk of becoming victims of abuse, neglect or exploitation.
- Establish a joint legislative committee to examine issues pertaining to the state's growing older adult population and to make recommendations on how the state can better support ways for North Carolinian's to age with dignity.

Transportation

- Continue to seek future interstate status for US 74 from I-26 in Polk County through Cleveland County to I-85.
- Seek methods to increase the current level of NCDOT Division 13 and 14 maintenance funds, including pavement rehabilitation.
- Advocate for Complete Streets whenever roads are modernized or widened.
- Work with state-wide partners to modify the 2013 STI law to restore state funding for bicycle/pedestrian projects and eliminate the 20% local match requirement.
- Work with NCDOT, law enforcement and other partners to achieve NC Vision Zero, a state-wide program which aims to eliminate roadway deaths and injuries using data-driven prevention strategies.

Housing

- Support an increase in the level of funding for the Home and Community Care Block Grant, the HUD-VASH Program, and Section 8 Housing Choice Voucher Program.
- Assist local governments in finding sustainable and affordable options for housing rehabilitation in existing neighborhoods and in providing multi-modal transportation options to connect affordable housing developments to employment and cultural centers
- Continue and support marketing and education efforts seeking to inform protected class members about their rights and fair housing in general – working to reduce language barriers and to provide translation services.

VII A



**MINUTES OF THE SPECIAL MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, DECEMBER 21, 2017, 12:00 P.M. AT THE LAKE LURE
MUNICIPAL CENTER**

PRESENT: Mayor Pro Tem John W. Moore
Commissioner John Kilby
Commissioner Bob Cameron
Commissioner Stephen M. Webber
Ron Nalley, Town Manager

ABSENT: Mayor Kevin Cooley

CALL TO ORDER

Mayor Pro Tem John Moore called the meeting to order at 12:00 p.m. Mayor Kevin Cooley joined the meeting via telephone conference call.

APPROVE THE AGENDA

Commissioner Bob Cameron made a motion to approve the Agenda as presented. Commissioner Stephen Webber seconded and the motion carried 4-0.

DISCUSSION CONCERNING LAKE LEVEL

Town Manager Ron Nalley explained that there have been some concerns about the lake level during the current drawdown and stated that town staff has been advertising a three to five foot reduction in the lake level for some time. Since the tenth annual Polar Plunge will be held in the lake on January 1, 2018 and power cannot currently be generated when the lake is down more than three and a half feet, a decision was made to keep the lake down around three feet with the intention of lowering it to the five feet below full pond January 1, 2018.

Mayor Pro Tem John Moore asked if the Lake Advisory Board was made aware of staff's intention to maintain the lake at this level. Lake Advisory Board Chairman Mark Helms explained that the Lake Advisory Board had and was okay with the decision as long as it did not have a negative effect on the contractors working on the lake.

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Council discussed the Polar Plunge with event coordinator Kat Canant and Commissioner John Kilby suggested the idea of holding the Polar Plunge event prior to lowering the lake in the future.

Mayor Pro Tem John Moore expressed the importance of developing a plan that ensures that in the future the lake will be lowered to a level that is acceptable for contractors doing work on the lake and stressed the importance of keeping everyone informed stating that staff should come to Council if a decision concerning the lake level needs to be made. Town Manager Ron Nalley explained he believed that this action was in keeping with the Board's direction. Commissioner Stephen Webber indicated that all discussion of the lake level was centered around five feet and that keeping the lake at the three feet level circumvented Council's decision.

Commissioner Bob Cameron recommended that the lake remain at the level it currently is, around three feet below normal, until January 1, 2018. Starting January 1, 2018 the lake should be lowered to the five foot level until March 1, 2018. Mayor Pro Tem John Moore asked building contractors that were present if keeping the lake lowered until March 1st would accommodate their needs. Jonathan Hinkle of Marathon Builders explained that he and other contractors with scheduled projects on the lake were not made aware of the decision to not lower the lake the full five feet and further stated that their work cannot be done with the lake only down three and a half feet. Council discussed the amount of time it will take for the lake to get down to five feet. Dam Operator Donnie McCraw agreed to lower the lake quickly starting January 1, 2018, but explained that the speed of lowering the lake is largely dependent on weather. Stephen Pruette explained that the timeframe for keeping the lake down of January 1 through March 1 would be a tight timeframe for finishing projects. Commissioner Bob Cameron suggested that Council consider keeping the lake down an additional two weeks, until March 15, 2018. Environmental Management officer Clint Calhoun was asked to keep a record of weather concerns during the time the lake is down and communicate with the contractors during the time that the lake is lowered. Council agreed to discuss the date for the lake to go back up during the February 13, 2018 Regular Town Council meeting.

Council also discussed concerns about the lake being down when the collegiate rowing teams come to Rumbling Bald Resort and asked that Town staff notify Rumbling Bald Resort of the change in the lake lowering schedule. Council also encouraged staff to get the word out about any change in the lake lowering schedule through all outlets.

Commissioner Bob Cameron made a motion to leave the lake at the level it is currently at and start lowering it again January 1, 2018 and maintain the level between five and six feet down while keeping it as close to five feet as possible until March 15, 2018. Council will hold a discussion and revisit the topic of lake level during their February 13, 2018 Town Council Meeting to determine if modifications need to be made to the schedule. Commissioner Stephen Webber seconded and the motion carried 4-0.

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Lake Advisory Board Chairman Mark Helms suggested that the Lake Advisory Board discuss factors affected by lowering the lake and try to discuss all variables such as income from power production, property owners' need to repair and build, rowers at Rumbling Bald Resort, the Polar Plunge, and irrigation at the golf course.

Commissioner Stephen Webber made a motion to support Chairman Mark Helms' request and direct the Lake Advisory Board to discuss the issue. Commissioner Bob Cameron seconded and the motion carried 4-0.

DISCUSSION CONCERNING THE DREDGING CONTRACT

Commissioner Stephen Webber made a motion to enter into closed session in accordance with G.S. 143-318.11(a) (3) for attorney client privilege or legal claims. Commissioner John Moore seconded and the motion carried 4-0. Council invited Harlow Brown to join the closed session.

While in Closed Session Council discussed a dredging contract between the Town of Lake Lure and The Rowboat Company, Incorporated as well as a notice of intention to terminate the contract that was sent from the Town to Rowboat by registered mail on December 4, 2017. Based on the response received from Rowboat, it was the opinion and recommendation of the Town's engineer to terminate the contract.

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

After leaving closed session Commissioner Stephen Webber made a motion to terminate the Town's contract with Rowboat Company, Inc. based on the recommendation of the Town's engineer. Commissioner John Kilby 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 1:33 p.m. Commissioner John Kilby seconded and the motion carried 4-0.

ATTEST:

Michelle Jolley,

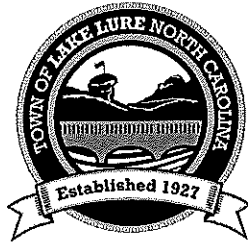
John W. Moore

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Interim Town Clerk

Mayor Pro Tem

DRAFT



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, JANUARY 9, 2018, 6:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

PRESENT: Mayor Kevin Cooley
Commissioner Bob Cameron
Commissioner John Kilby
Commissioner John W. Moore
Commissioner Stephen M. Webber
Ron Nalley, Town Manager

William Morgan, Jr., Town Attorney

ABSENT: N/A

CALL TO ORDER

Mayor Kevin Cooley 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 Stephen Webber asked to amend the Agenda by adding item (G) under "New Business," Proposal for Architectural Services Welcome Center Restroom Project. Commissioner Stephen Webber also asked to amend the Agenda by adding personnel matters discussion to the Closed Session portion of the meeting in accordance with G.S. 143-318.11(a) (6). Commissioner Bob Cameron made a motion to approve the agenda as amended. Commissioner Stephen Webber seconded and the motion carried 4-0.

MAYOR'S COMMUNICATIONS:

**RESOLUTION 18-01-09 HONORING THE DEDICATED SERVICE
OF ANDREA CALVERT**

Mayor Kevin Cooley read Resolution No. 18-01-09 and thanked Andi Calvert for her service to the Town.

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Commissioner Stephen Webber made a motion to adopt Resolution No. 18-01-09. Commissioner John Moore seconded and the motion carried 4-0.

**RESOLUTION NO. 18-01-09
HONORING THE DEDICATED SERVICE OF
*Andrea Calvert***

WHEREAS, Andrea Calvert began working for the Town of Lake Lure on August 15, 2005 and was promoted to the position of Town Clerk on May 1, 2011; and

WHEREAS, Andrea Calvert has served the Town in a dedicated and conscientious manner over the past 13 years, and has decided to leave her position as Town Clerk to further her education and to pursue other career opportunities; and

WHEREAS, through her work, Andrea Calvert has advanced the office of Town Clerk and displayed the highest degree of professionalism and integrity; and

WHEREAS, Andrea Calvert has served the Lake Lure community faithfully.

NOW, THEREFORE, BE IT RESOLVED that on behalf of the Lake Lure Town Council and the citizens of the Town of Lake Lure, the Lake Lure Town Council thanks Andrea Calvert for her dedicated service to the Town of Lake Lure and wishes her well in her future endeavors.

READ, APPROVED AND ADOPTED, this 9th day of January, 2018.

TOWN MANAGER COMMUNICATIONS

- Dam Operator Donnie McCraw provided an update on repairs to the small generator at the hydroelectric plant. Commissioner John Kilby asked that a schedule be obtained from the engineer for final repairs to the generator.
- Town Manager Ron Nalley provided a dredging update reporting that the Town has terminated the contract with Rowboat Incorporated and is working on alternatives for finishing out the dredging season. The State has indicated that the Town can ask for an extension for the grant and updates will be provided to the Board as needed.
- Town Manager Ron Nalley pointed out that, in accordance with his Employment Agreement, it is time for his annual evaluation. A draft evaluation form will be distributed to the Board and a special meeting set to discuss the evaluation.

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- Town Manager Ron Nalley provided an update on the upcoming TIEC World Equestrian Games. A Hickory Nut Gorge Steering Committee has been established which the Town is taking part in, to help guide the community in preparing for the event.
- Town Manager Ron Nalley provided an update on the Beach, Marina, and Tour Boat Operations Concession Agreement stating that the document is about 2/3 complete. Commissioner Webber asked that a target date of February 7th be set to review and finalize the agreement during the Board's special meeting.
- Town Manager Ron Nalley thanked those who helped make the 2018 Polar Plunge a success.

Commissioner Stephen Webber asked Public Works Director David Arrowood about a pump truck he saw at Larkins in December. Public Works Director David Arrowood explained that the pump truck was called to remove grease from a manhole because a grease trap had not been maintained. This caused the grease to block the Town's wastewater pipe. He plans to begin inspections of restaurant grease traps.

In response to a question from Commissioner Stephen Webber, Public Works Director David Arrowood reported that mud had washed into the Highway from Spruce Hill, which is a private road. Commissioner Bob Cameron made a motion that Public Works Director David Arrowood and Town Manager Ron Nalley get a proposal to put in some type of drainage and split the costs equally amongst the property owners of Spruce Hill. Commissioner John Kilby seconded the motion. The motion carried 4-0. Public Works Director David Arrowood mentioned a similar situation across from the new ABC store site, which is also a private street. Commissioner Stephen Webber asked that Public Works Director David Arrowood research what would be required and the costs and bring it back to the Board at the meeting next month. Town Manager Ron Nalley felt that the Board may want to include a new policy directive, as it previous Board had adopted a Resolution specifically prohibiting work along private roads. The Board asked that Town Manager Ron Nalley provide them with a copy of the current Resolution.

PUBLIC HEARING:

A. PROPOSED AMENDMENT TO ARTICLE 10 – SIGN REGULATIONS, SECTION 92.155(H) – SIGNS EXEMPT FROM PERMIT REQUIREMENTS OF THE ZONING REGULATIONS FOR THE TOWN OF LAKE LURE

Mayor Kevin Cooley opened the public hearing concerning the Proposed Amendment to Article 10 – Sign Regulations, Section 92.155(H) – Signs Exempt from Permit Requirements of the Zoning Regulations for the Town of Lake Lure, and invited the audience to speak. Community Development Director Shannon Baldwin presented the request. Following a request from a local realtor, the Planning Board was requested to review and make recommendations regarding the size and height of real estate signs in the business, commercial and industrial zoning districts. Following considerable discussion and a review of regulations in other jurisdictions, the Planning Board concluded that the square footage of a standard sheet of plywood (32 square feet) was the industry standard for commercial real estate signs and is

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recommending changes to the Sign Regulations. The Planning Board also found that the amendment is consistent with the 2007-2027 Comprehensive Plan in that it assists in the effort to "Attract new businesses to the town center and service commercial nodes (Policy ED-1-3.1)." The Zoning and Planning Board voted unanimously to recommend to Town Council the amendment to the Zoning Regulations as presented in Ordinance No 18-01-09.

Commissioner Bob Cameron made a motion to close the Public Hearing. Commissioner Stephen Webber seconded and the motion carried 4-0.

PUBLIC HEARING:

B. PROPOSED AMENDMENT TO ARTICLE 8 – LAND CLEARING AND GRADING, SECTION 92.119 AND SECTION 92.120 OF THE ZONING REGULATIONS FOR THE TOWN OF LAKE LURE

Mayor Kevin Cooley opened the public hearing concerning the Proposed Amendment to Article 8 – Land Clearing and Grading, Section 92.119 and Section 92.120 of the Zoning Regulations for the Town of Lake Lure and invited the audience to speak. Community Development Director Shannon Baldwin presented the request, stating that during a workshop of the Planning Board with the Tree Protection Officer, Code Enforcement Coordinator and the Community Development Director, it was proposed that revisions were needed to Section 92.119 and 92.120 of the Zoning Regulations regarding land clearing and grading as it relates to the protection of trees. Staff developed revisions based upon recommendations of the Planning Board. The Planning Board reviewed and approved the recommended changes. The Planning Board also found that the proposed revisions were consistent with the 2007-2027 Comprehensive Plan in that it assists in the effort to more effectively use provisions that were created to "Incorporate tree protection regulations into the Zoning Regulations so they apply to all development types, not just subdivisions (Policy NE-1-1.3 (3))." The Zoning and Planning Board voted unanimously to recommend to Town Council the amendment to the Zoning Regulations as presented in Ordinance No 18-01-09A.

Commissioner Bob Cameron made a motion to close the Public Hearing, Commissioner Stephen Webber seconded and the motion carried 4-0.

Commissioner Bob Cameron stated that he would like to see a review of the area of disturbance for grading that's required for a permit. Commissioner Bob Cameron made a motion to direct the Zoning and Planning Board to look at the Town's soil disturbance program, bring it into compliance with the State requirements and also to look into the minimum disturbance area required for a grading permit. Commissioner John Moore seconded and the motion carried 4-0.

PRESENTATIONS:

**A. 2016-2017 AUDIT PRESENTATION – MARTIN-STARNES & ASSOCIATES
CPA, LLC**

Brian Lee, Auditor with Martin-Starnes & Associates, presented the 2016-2017 annual Audit to the Board. Copies of the Audit and Management Letter were provided to the Board prior to the meeting.

Commissioner John Moore asked for a year by year comparison of the total expenses and income for the past seven years. Mr. Lee did not feel there would be any additional expense incurred to prepare this report for the Board.

PRESENTATIONS:

B. 2018-2023 CAPITAL IMPROVEMENTS PLAN PRESENTATION

Town Manager Ron Nalley described the Capital Improvement Program (CIP) as a flexible financial planning tool that looks into the future to forecast the Town's equipment, building and infrastructure needs. Generally speaking, an item is included in the Town's CIP if it has a life expectancy of greater than one year and a value of greater than \$5,000. The CIP process began with the distribution of the worksheets to department heads and will end in March or April with the adoption of the final plan.

Town Manager Ron Nalley explained the purpose of the CIP presentation is to describe the following: what is a capital improvement program; what is included in a CIP; and a description of the process for Board members or the residents to request an item be included in the CIP. The first draft of the CIP will be completed by late January and he would distribute a copy to the Board for consideration at the regular meeting in February. Over the next month, the Board and residents will be asked to determine if there are any projects that they feel need to be added, modified or deleted from the plan. Following a public hearing in March and any final modifications, the Board can then adopt the plan.

COUNCIL LIAISON REPORTS & COMMENTS

Commissioner Bob Cameron stated that there were no activities to report as the last Utility Advisory Board meeting was cancelled.

Commissioner John Kilby reported the activities of the Lake Advisory Board and the Lake Lure ABC Board.

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

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

PUBLIC FORUM

Mayor Kevin Cooley invited the audience to speak during public forum.

Wayne Guffey, Rutherfordon, NC, introduced himself stating that he is running for Sherriff in Rutherford County.

Yvonne Anderson, 502 Garden Lane, spoke about the attractiveness of the Town. She mentioned that a large tree that fell on Boys Camp Road was cut and left on the side of the bank and is very unsightly. She also mentioned another large tree on Boys Camp Road that looks like it could fall at any time. Town Manager Ron Nalley explained that the Town has limited right-of-way to the ditch line (3-5 feet) unless it is on Town property. Mayor Kevin Cooley suggested that the Community Appearance Committee could approach the State to discuss attractiveness on Hwy. 64 and staff would work to find out who owns the property. Ms. Anderson also stated that the trees near the Sewer Treatment Plant are dying and will be unsightly if they die. Commissioner John Moore explained that the trees had bag worms at one point and had to be treated at a certain time of the year when they were active.

Phil Reitano, Rumbling Bald Resort, stated that the lowering of the lake has caused potential financial consequences to the Town. He mentioned that 11 colleges, with 2-3 teams each, are coming in early March for spring training and commitments were made based on information that was given to them. He asked the Board to reconsider the lake lowering and look at the overall consequences and do what is best for everyone. Commissioner Cameron explained that the LAB would be reviewing the date to start the lake back up and it would be considered at

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the February 13th Town Council meeting. Mr. Reitano stated that they could still operate with the lake down 2-3 feet.

Maureen Bay, Deer Trail, mentioned that she picks up trash throughout the Town and has spent hours on the phone with the State and County. She was told the Town was put on a list for trash pickup on Hwy. 64 to Polk County line past Ingles. However, there is no more penal labor and trash pickup would fall back on the Town. She stated she was told she could not pick up trash on the Highway as it was too dangerous and felt that something should be done. Commissioner Stephen Webber noted that penal labor was allowed if costs for fuel was covered.

CONSENT AGENDA

Mayor Kevin Cooley 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 presented. Commissioner John Moore seconded and the motion carried 4-0. Therefore, the Consent Agenda incorporating the following items was unanimously approved and adopted:

- A. Adopt the December 12, 2017 Regular Meeting Minutes
- B. Adopt the 2018-2019 CIP and Budget Preparation Calendar
- C. Call for a Special Meeting on February 7, 2018 at 9:00 a.m. at a Location to be Determined for the Town Council's Annual Board Retreat

UNFINISHED BUSINESS:

- A. TRYON BAY CIRCLE – RECONSIDERATION OF “ONE WAY” DESIGNATION**

Town Manager Ron Nalley stated that Staff has reviewed the request and met again with Ms. Mary Ann Silvey. While many sections of Tryon Bay Circle are too narrow for two cars to safely pass, there are areas where a two-way designation is feasible. As indicated on the map included in the packet, two-way traffic can be accommodated from Memorial Highway to the two-lane bridge. A right-of-way would have to be obtained for an appropriate turn-around area; however, Ms. Silvey owns the property where the turn-around is needed and is willing to cooperate with the Town. A two-way designation is also feasible at the other entrance to Tryon Bay Circle, eliminating the need for a handshake agreement to allow two residents the ability to go the wrong way on an existing one-way street. If the Board is interested in pursuing this

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further, Staff would recommend proposing the alternative to the property owners along the road to determine their interest in the proposed change.

In response to questions from the Board, Police Chief Sean Humphries noted he had no concerns with the proposal.

Since a survey was previously sent out, Commissioner John Moore suggested the Town send this out as a proposal and receive input. Commissioner Stephen Webber expressed objection stating that he believes the original survey and responses were sufficient. Town Manager Ron Nalley stated he would work with Communications Director, Valerie Hoffman, in preparing another survey. It was the consensus of the Council to re-survey the property owners of Tryon Bay Circle regarding the reconsideration of "one way" designation. Mayor Kevin Cooley asked that the results of the survey be brought back to Council at the next regular meeting.

UNFINISHED BUSINESS:

B. GOLF CART ORDINANCE

Town Manager Ron Nalley stated that the Town was contacted by Rumbling Bald Resort about the possibility of adopting a Golf Cart Ordinance that would only apply to the Resort area and would allow golf carts to travel between the subdivisions. This also would allow golf carts to travel along State roads in that area. The State has produced a Model Ordinance to help municipalities properly regulate location, operation, registration and safety among other things on state and local roads. If the Board chooses to move forward, Staff would request that a public hearing be set for the February regular Town Council meeting in order to receive public comment on the draft.

The Golf Cart Ordinance is designed to only regulate golf cart use on roads with speed limits of less than 35 mph. If an Ordinance is adopted, NCDOT will not pay for any costs of signage; it would have to be paid for by the Town or the Resort.

Town Manager Ron Nalley pointed out that the map was amended to authorize golf carts on Buffalo Creek Road, Buffalo Shoals Road, and Winesap Road. He noted the Police Department specifically asked to prohibit use on Bills Creek Road and Hwy. 64. Permits would be issued by the Police Department. Police Chief Sean Humphries mentioned that the Police Chief of Spindale stated they have had no issues with their Golf Cart Ordinance which has been in effect for a few years. Discussion ensued regarding safety concerns of golf cart usage in curvy areas on authorized roads.

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Commissioner John Kilby called for a Public Hearing on February 13, 2018 at 6:00 p.m., or shortly thereafter, to consider the Adoption of a Golf Cart Ordinance for the Town of Lake Lure. Commissioner John Moore seconded. Commissioner Stephen Webber asked if the Town Attorney would review the Ordinance and Town Attorney William Morgan stated that he would. He pointed out a few issues that needed to be addressed in the Ordinance before the Public Hearing. The Board agreed to change the Public Hearing date to the March meeting to allow additional time and asked for a review of the revised Ordinance at the next Town Council meeting. Commissioner John Kilby withdrew the original motion.

Commissioner Bob Cameron made a motion to review the revised Ordinance at the next Town Council meeting and at that time set a public hearing date and time. Commissioner John Moore seconded and the motion carried 4-0.

NEW BUSINESS:

**A. PROPOSED AMENDMENT TO ARTICLE 10 – SIGN REGULATIONS,
SECTION 92.155(H) – SIGNS EXEMPT FROM PERMIT REQUIREMENTS OF
THE ZONING REGULATIONS FOR THE TOWN OF LAKE LURE**

Commissioner John Moore made a motion to Adopt Ordinance 18-01-09, Amending Article 10 – Sign Regulations, Section 92.155(H) of the Zoning Regulations and to find that this Ordinance is consistent with the 2007-2027 Comprehensive Plan in that it assists in the effort to “Attract new businesses to the town center and service commercial nodes (Policy ED-1-3.1).” Commissioner Stephen Webber seconded and the motion carried 4-0.

ORDINANCE 18-01-09

**ORDINANCE AMENDING ARTICLE 10 – SIGN REGULATIONS,
SECTION 92.155(H) – SIGNS EXEMPT FROM PERMIT REQUIREMENTS OF THE
ZONING REGULATIONS OF THE TOWN OF LAKE LURE**

WHEREAS, the Zoning and Planning Board has recommended modifications to the Zoning Regulations of the Town of Lake Lure as noted in the title of this Ordinance; and

WHEREAS, Town Council finds that this amendment consistent with the 2007-2027 Town of Lake Lure Comprehensive Plan; and

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WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the 9th of January, 2018, upon the question of amending the Zoning Regulations in this respect.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE:

SECTION ONE. This Ordinance is enacted pursuant to the grants of authority contained in Section 160A-381 of the North Carolina General Statutes.

SECTION TWO. Section 92.155(H) of the Zoning Regulations of the Town of Lake Lure, concerning real estate signs, is hereby amended as follows:

- (H) In any business, commercial or industrial district a real estate sign shall be permitted on the premises for sale, rent or lease. Such sign shall be non- illuminated, not to exceed ~~42~~ 32 square feet in area. A double faced real estate sign is permitted, provided that it shall not exceed ~~42~~ 32 square feet per sign face and, if freestanding, it shall not exceed ~~seven~~ twelve feet in height.

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE STRUCK THROUGH.]

SECTION THREE. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION FOUR. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION FIVE. The enactment of this Ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

SECTION SIX. This Ordinance shall be in full force and effect from and after its enactment.

Enacted this 9th day of January, 2018.

NEW BUSINESS:

B. PROPOSED AMENDMENT TO ARTICLE 8 – LAND CLEARING AND

**GRADING, SECTION 92.119 AND SECTION 92.120 OF THE ZONING
REGULATIONS FOR THE TOWN OF LAKE LURE**

Commissioner Stephen Webber made a motion to adopt Ordinance 18-01-09A, Amending Article 8 - Land Clearing and Grading, Section 92.119 and 92.120 of the Zoning Regulations and finds that this Ordinance is consistent with the 2007-2027 Comprehensive Plan in that it assists in the effort to more effectively use provisions that were created to "Incorporate tree protection regulations into the Zoning Regulations so they apply to all development types, not just subdivisions (Policy NE-1-1.3 (3))." Commissioner Bob Cameron seconded and the motion carried 4-0.

ORDINANCE 18-01-09A

**ORDINANCE TO AMEND ARTICLE 8 – LAND CLEARING AND GRADING,
SECTIONS 92.119 AND 92.120 OF THE ZONING REGULATIONS
OF THE TOWN OF LAKE LURE**

WHEREAS, the Zoning and Planning Board has recommended modifications to the Zoning Regulations of the Town of Lake Lure as noted in the title of this ordinance; and

WHEREAS, Town Council finds that this amendment is consistent with the 2007-2027 Town of Lake Lure Comprehensive Plan; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the 9th of January, 2018, upon the question of amending the Zoning Regulations in this respect.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE:

SECTION ONE. This Ordinance is enacted pursuant to the grants of authority contained in Section 160A-381 of the North Carolina General Statutes.

SECTION TWO. Section 92.119 and 92.120 of the Zoning Regulations of the Town of Lake Lure, concerning the Tree Protection Provisions, is hereby amended as follows:

§ 92.119 LAND CLEARING AND GRADING ASSOCIATED WITH DEVELOPMENT

- (A) General. Except as provided herein, no land clearing and/or grading associated with development, as defined in this chapter, shall begin unless and until an approved land disturbance permit (Chapter 96, the Soil Erosion and Sedimentation Control regulations)

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has been obtained, a site plan meeting the requirements of this section has been approved by the tree protection officer or his designee and the property has been staked according to the structure boundaries and clearable areas shown on the site plan. Cutting of significant trees during development in areas other than those designated as appropriate in Figure 1 and this section is prohibited unless provided for as part of an approved site plan. Tree-topping is prohibited under any conditions.

It should be noted that due to severe topographic conditions, sensitive natural areas, or soils that do not easily support soil drainage systems, some land may be unsuited to some land clearing or land disturbance projects that may be proposed. **(Adopted 6-12-07; Amended 6-10-08)**

- (B) Site Plan. The Tree Protection Officer may require the site plan ~~shall~~ to take the form of a topographic survey of the subject property, a scale sufficient to clearly indicate required details, which ~~shall~~ may include at least the following **(Adopted 6-12-07; Amended 6-10-08)**
- (1) Adjoining roads, ~~sensitive natural areas~~, and any water courses or bodies of water either contained within the bounds of the subject property or adjoining it. **(Amended 6-10-08)**
 - (2) Property and setback lines.
 - (3) The location on the site and footprints of all proposed structures and other improvements, such as dwellings (including any associated extrusions such as balconies, porches, decks, exterior stairways, patios, car ports, and the like), outbuildings, utilities, water lines, sewer lines or septic system, and other structures such as paths and walkways (including any associated boardwalks, ramps, stairs, and the like), driveways, parking areas, garden areas, and the like.
 - (4) Clearable areas as defined in this document. Utility easements if required shall follow the route estimated to cause the least possible disruption to vegetation, to viewsheds, and/or to the natural contour of the land.
 - (5) Location of additional areas proposed for clearing or thinning for the purpose of grading, patios, views, etc.
 - (6) With regard to commercial parking lots for five or more cars, the site plan shall clearly show the location and extent of areas that are to be cleared and areas that are to be protected as green spaces within or adjacent to the parking area (see § 92.059.) **(Amended 6-10-08)**

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~~(7) Location and nature of tree protection measures to be installed for all protected forest areas and any individual significant trees, and/or native shrubs that are to be protected. (Amended 6-10-08)~~

(8)(7) Where the subject property includes steep slopes, a steep slope plan shall be included as part of the site plan. See also §§ 92.204, 92.205, and 92.206.

(9)(8) Any additional documentation that the tree protection officer may determine to be necessary in order to determine the specifics of the plan. **(Amended 6-10-08)**

(10)(9) Seals or signatures are required from any professionals who are involved in preparation or review of the site plan, such as the surveyor and the architect or builder who adds to the site plan the location of the house and/or other structures to be constructed or improved. On steep slopes, the seal or signature of the inspecting qualified licensed professional is also required. **(Amended 6-10-08)**

~~The Tree Protection Officer shall review the tree protection aspects of the site plan on an as-needed basis, and shall sign any notations he may add to the plan.~~

(C) Standards. Except as otherwise noted, land clearing permitted under these zoning regulations shall be governed by the locations of trees and/or shrubbery with respect to the structures planned for the lot (see Figure 1). **(Adopted 6-12-07; Amended 6-10-08)**

(1) Structure Boundary. The removal of trees and native shrubs is required within the footprint of the proposed structures, provided that such structures meet all applicable town regulations. **(Amended 6-10-08)**

(2) Clearable Areas. The removal of trees and native shrubbery is permissible within the clearable area lines provided that soil safety and retention are not put at risk. **(Amended 6-10-08)**

(3) Remainder of Lot. All areas outside of the clearable areas shall be marked on the site plan as protected forest areas. No significant trees or native shrubs may be removed from these areas except for specified significant trees or areas of shrubbery whose thinning or removal may be authorized on the site plan by the tree protection officer. Such special authorizations may be granted for purposes such as those listed below, provided that the visual tree canopy and natural appearance of ridgelines are protected; and that soil safety and retention are not put at risk. The purposes for which tree thinning or removals may be authorized include the following: **(Amended 6-10-08)**

(a) Underbrushing without grubbing, for landscaping purposes.

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- (b) Tree thinning, except within trout buffers, for the development of views or to provide sunlight for gardening. **(Amended 6-10-08)**
- (c) Removal or thinning of flammable species within 30 feet of a building for purposes of fire prevention. (see *The Lake Lure Tree Management Handbook*.)
- (d) Underbrushing with grubbing, for construction of erosion control measures in specified areas (as directed by the erosion control officer), to clear for gardening (See §92.120), or to prevent regeneration of undesirable species (As directed or approved by the tree protection officer). **(Amended 6-10-08)**

Note that these permissions do not include the removal of significant trees for the construction of easily relocatable features such as stairs and paths without exception being granted by the Tree Protection Officer or his designee.

- (4) For lakefront lots, any trees that must be removed as a result of marine construction or due to erosive collapse shall be indicated on the plan and be replanted according to the requirements of this section.

~~(D) *Tree Protection Measures.* Protective boundaries shall be shown on the site plan lying along the boundaries of all protected forest areas and surrounding any individual protected trees, including all root protection zones. Protective boundaries shall also be shown along boundaries where areas marked for tree thinning or removal abut protected forest areas, unless physical characteristics of the area render additional protections unnecessary. Such measures shall be installed prior to any land clearing, land disturbance, or development activity and shall be maintained until all such activity is complete. All workers in the area shall be clearly informed that trees and forest areas so marked are to be protected from cutting, girdling, any damage by construction equipment, and any disruptions of their root protection zones including trenching, dumping of excavated soil, spilling of toxic materials, vehicle parking or drive-over, the storage of equipment or materials, and addition of any impervious material. **(Adopted 6-12-07; Amended 6-10-08)**~~

§ 92.120 LAND CLEARING AND GRADING NOT ASSOCIATED WITH AN APPLICATION FOR DEVELOPMENT AUTHORIZATION

- (A) General. It shall be unlawful to conduct land-clearing and grading not associated with an application for development authorization except in accordance with this section. ~~Tree topping is prohibited under any conditions.~~

~~It should be noted that due to severe topographic conditions, sensitive natural areas, or soils that do not easily support soil drainage systems, some land may be unsuited to some~~

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~~land clearing or land disturbance projects that may be proposed. (Adopted 6-12-07; Amended 6-10-08)~~

- (B) Authorization must be obtained in writing from the ~~tree protection officer~~ Tree Protection Officer or designee for any land clearing or grading activity not authorized by an approved site plan (Section 92.119) or exempted (Section 92.120(DE)) under these regulations. Any such land clearing that is begun without authorization subjects the property owner to penalties outlined in Section 92.999 of these regulations. Requirements for Land Clearing Authorization include the following: **(Amended 6-10-08, 2-8-11 [effective 4-1-11])**
- (1) A site plan showing relevant features of the property proposed for land clearing and/or grading, including but not limited to property lines, waterways adjoining or passing through the property, steep slopes, sensitive natural areas, and the extent of proposed land clearing and/or grading activities.
 - (2) A sequential list detailing the permit acquisitions, authorizations, land clearing, grading, and/or any other activities the proposal may require, in the correct order of execution. In the case of clearing prior to development, the list shall also include a date for submission of formal (Section 92.119) development plans for the property.
 - (3) A date by which all listed activities must be completed.
 - (4) Any other items the Tree Protection Officer or designee deems necessary to ensure compliance with these regulations.
- (C) Allowed Activities. The activities listed herein shall be allowed provided that the person(s) undertaking them obtain(s) land clearing authorization from the Tree Protection Officer or designee **(Adopted 6-12-07; Amended 6-10-08)**
- (1) Forestry activity: **(Amended 6-10-08)**
 - (a) Forestry Activity on land that is taxed on the basis of its present-use value as forest land under Article 12 of Chapter 105 of the General Statutes and that is conducted in accordance with a forest management plan prepared or approved by a forester registered in accordance with Chapter 89B of the General Statutes. A copy of the forest management plan shall be filed with the Tree Protection Officer prior to the removal of trees from the land. **(Amended 2-8-11 [effective 4-1-11])**
 - (b) Property owners wishing to harvest trees from property that is neither taxed on the basis of its present-use value as forest land nor managed in accordance with a valid forest management plan must obtain a valid

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forestry management plan as well as land clearing authorization before harvesting begins.

(2) ~~Other land clearing and grading subject to the following: (Amended 6-10-08)~~

(a) ~~No land clearing, grading or removal of vegetation shall occurs within 50 feet of the right of way of any public street or traveled way, with the exeption of a temporary construction road to provide access for the purpose of the work. Such a temporary road shall follow the route estimated to cause the least possible disruption to vegetation or to the natural contour of the land. If there is no right-of-way associated with a public street or traveled way, no such work shall occur within 50 feet of the nearest edge of the street or traveled way.~~

(b) ~~No land clearing, grading or removal of vegetation shall occur within 30 feet of any adjoining property boundary.~~

(c) ~~No land clearing, grading or removal of vegetation shall occur within a trout buffer 30 feet in width as measured horizontally from the edge of Lake Lure or other trout waters except in accordance with trout buffer requirements as stipulated in Section §96.07 (A) of the Soil Erosion and Sedimentation Control Regulations.~~

(D) Delay of Development Authorization. When any allowed activity, as described in §92.120(B), above, results in excessive tree removal, as defined in this chapter, the Town may deny a certificate of zoning compliance or refuse to approve a site plan or subdivision plat for such land for a period of three years after the last date that clearing activities occurred on the site. If the violation was willful, this period may be increased to five years from the last date that clearing activities occurred on the site. **(Adopted 6-12-07; Amended 6-10-08, 2-8-11 [effective 4-1-11])**

(E) Exceptions. Insofar as they are not undertaken with the intent of circumventing these zoning regulations, the following activities do not require land-clearing authorization or a permit and, so long as they comply with any other applicable regulations, may be carried out at any time: **(Adopted 6-12-07; Amended 6-10-08)**

(1) Cutting of diseased or hazardous trees;

(2) Cutting of trees not classified as significant

(3) Tree removal for the purpose of creating a hiking or ~~bicyeling~~ biking trail, ~~of eight feet maximum width, and/or spaces no larger than reasonably required for single picnic tables, benches, or other facilities randomly placed along the trail,~~

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~~provided that the route of the trail and/or location of trail-side amenities be situated so as to protect significant trees wherever possible. (Amended 6-10-08)~~

- (4) Tree removal for installation or maintenance of utilities, provision of safe visibility at intersections, or any other public health or safety purpose. (Amended 6-10-08)
- (5) Tree removal on a lot containing a single-family dwelling or duplex which does not constitute the excessive removal of trees as defined in this Chapter. (Adopted 2-8-11, Effective 4-1-11)

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE STRUCK THROUGH.]

SECTION THREE. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION FOUR. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION FIVE. The enactment of this Ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

SECTION SIX. This Ordinance shall be in full force and effect from and after its enactment.

Enacted this 9th day of January, 2018.

NEW BUSINESS:

C. PARTY ROCK FIRE FEMA REIMBURSEMENT FUNDS

Fire Chief Ron Morgan stated that following the Party Rock Fire, a FEMA declaration provided financial assistance to agencies involved in the event. Through the State, responding agencies would be eligible to request reimbursement for personnel, equipment and other expenses incurred during the fire. Town Council designated Fire Chief Ron Morgan to serve as the authorized agent to pursue the eligible funds. Assisted by State Emergency Management staff, data and documentation was collected, organized and submitted for possible reimbursement for all of the Town of Lake Lure departments involved in the response to the fire. In mid-December, the Town received a reimbursement check from the State for \$67,716.27. Of that total, \$22,444.12 is reimbursement for labor costs and \$45,272.15 is reimbursement for equipment costs. The Fire Department, along with other departments, are requesting that Town

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Council reallocate the equipment reimbursement revenue back to their respective departments for the current fiscal year.

Budget Amendment 210 transfers the reimbursement into the respective labor and equipment line items for each department. The Fire Department, however, has requested the Board consider that their reimbursement be used to replace the 1996 Dodge Medical/Rescue truck identified in the Capital Improvement Plan. This reimbursement along with \$18,000 from their donations account will pay for the purchase of this vehicle. Budget Amendment 211 transfers the fire department reimbursement funds into the Capital Outlay line item and allocates the remaining money from their donations account for the purchase. This provides a unique opportunity to replace one of the oldest response vehicles at no additional cost to the Town. While Budget Amendment 210 is required, the Fire Chief Ron Morgan recommends adoption of 211 as well for the purchase of a replacement vehicle.

Commissioner Bob Cameron suggested that the item be considered at a later meeting to allow additional time to review the details of the request.

In response to a question from Commissioner John Moore, Fire Chief Ron Morgan explained that the Fire Department received an ISO rating of four, with the best rating being a one.

Commissioner Stephen Webber made a motion to adopt Budget Amendment 210. Commissioner Bob Cameron seconded and the motion carried 4-0.

Commissioner Stephen Webber then made a motion to delay Budget Amendment 211 until the March Town Council meeting. Commissioner Bob Cameron seconded and the motion carried 4-0.

NEW BUSINESS:

D. PROPOSAL FOR PROFESSIONAL SERVICES – PAVEMENT CONDITION SURVEY

Public Works Director David Arrowood asked that Council authorize Town Manager Ron Nalley to approve the Professional Services Agreement with Labella Associates for pavement rating studies of all streets throughout town. He mentioned that he has used Labella Associates in the past while employed with another town and was impressed with the results. He described the study as a good tool that gives PCR ratings on streets and believes they are helpful in justifying the order of necessary street improvements.

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Following discussion, Commissioner John Moore made a motion to approve the Professional Services Agreement with Labella Associates in the amount of \$11,900 and to authorize the Town Manager to Execute the Agreement. Commissioner John Kilby seconded and the motion carried 4-0.

NEW BUSINESS:

E. BOARD OF ADJUSTMENT MEMBER APPOINTMENT

Commissioner John Kilby explained that James Nordberg has withdrawn his application to the Board of Adjustment due to scheduling conflicts.

Commissioner John Moore made a motion to appoint Al Joyner to the Board of Adjustment and Lake Structure Appeals Board to fill an unexpired term which ends on December 31, 2019. Commissioner Bob Cameron seconded and the motion carried 4-0.

Commissioner John Moore then made a motion to appoint Wyn Hardy to the Board of Adjustment and Lake Structure Appeals Board to fill an unexpired term of which ends on December 31, 2018 and appoint. Commission John Kilby seconded and the motion carried 4-0.

NEW BUSINESS:

F. APPOINTMENT OF INTERIM TOWN CLERK – MICHELLE JOLLEY

Town Manager Ron Nalley stated that on December 1st notice was received that Town Clerk Andi Calvert will be resigning her position effective January 15, 2018. The position has been advertised as required by the Personnel Manual and twelve applications have been received. In order to make sure that the primary administrative and clerical support functions for the Town Council and Town Manager are performed, the Town Manager is requesting that Council appoint Michelle Jolley as Interim Town Clerk until the Town Clerk position is filled. By naming Michelle Jolley as Interim Town Clerk, the Town is able to meet the administrative requirements of North Carolina General Statutes and the Lake Lure Town Charter. He also requested that the Board provide him with some indication of how they would like to be involved in the hiring process.

Commissioner Bob Cameron made a motion to appoint Michelle Jolley as Interim Town Clerk for the Town of Lake Lure until the Town Clerk position is filled. Commissioner John Kilby seconded and the motion carried 4-0.

Following discussion, Town Manager Ron Nalley stated he would review the applications and narrow the twelve applicants down to around three or four. Town Manager Ron Nalley explained that he prefers a scaled back assessment center process hiring this position. This process would consist of interview panels made up of department heads, staff, council and the Town Manager. The Board requested to see the last three applicants and resumes as a part of the hiring process.

NEW BUSINESS:

G. PROPOSAL FOR ARCHITECTURAL SERVICES – WELCOME CENTER RESTROOMS PROJECT

Community Development Director Shannon Baldwin explained that the construction of restrooms in Morse Park was identified as a top priority in the Annual Budget and Capital Improvement Plan. The Steering Committee working on this project met yesterday with Eric Woolridge with Destinations by Design and Jesse Plaster with JB Plaster Architect to discuss the project. Following the meeting, the Steering Committee requested that a proposed scope of work and agreement for services be prepared for Town Council's consideration at the January meeting. Approval of the agreement will allow the project to continue to move forward on schedule.

Noting a tremendous need for restrooms in Morse Park, it was decided to move forward with remodeling the existing Welcome Center to accommodate the new restrooms. The Steering Committee, made up of representatives of the Town Council, Parks and Recreation Board, the TDA and staff have been working hard with the goal of having the new restrooms in place by early summer. Community Development Director Shannon Baldwin stated that \$90,000 has been budgeted for this project. Commissioner Stephen Webber pointed out that the proposed location of the restrooms would be on the far side of the Welcome Center towards the Marina with an exterior entrance and noted his intent to have at least five stalls in the men's restroom.

Commissioner Stephen Webber made a motion to approve the Architectural Services Agreement with JB Plaster Architect in an amount not to exceed \$13,000 and to authorize the Town Manager to Execute the Agreement. Commissioner Bob Cameron seconded and the motion carried 4-0.

CLOSED SESSION

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

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accordance with G.S. 143-318.11(a)(6) for the purpose of discussing personnel matters. Commissioner Bob Cameron seconded. The motion carried 4-0.

While in Closed Session, Council discussed potential property purchase and the Town Manager's annual evaluation. The Town Manager and Town Clerk left the meeting during the discussion of personnel matters and Council appointed the Town Attorney to record minutes.

Commissioner Bob Cameron made a motion to leave Closed Session. Commissioner John Moore seconded and the motion carried 4-0.

ADJOURN THE MEETING

With no further business, Commissioner Stephen Webber made a motion to adjourn the meeting at 10:20 p.m. Commissioner Bob Cameron seconded and the motion carried 4-0.

ATTEST:

Michelle L Jolley,
Interim Town Clerk

Mayor Kevin Cooley

VII B

LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION
Meeting Date: February 13, 2018

SUBJECT: Budget Amendments 211 and 212

AGENDA INFORMATION:

Agenda Location: Consent
Item Number: B
Department: Finance
Contact: Sam Karr, Finance Director
Presenter: Sam Karr, Finance Director

BRIEF SUMMARY: Budget Amendment 211 amends the General Fund to account for the separation allowance for retired officer Lee Edwards, who retired in November. Budget Amendment 212 amends the Water Fund to account to cover unbudgeted loan interest for the waterline extension to Ingles and the water tower.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To Adopt Budget Amendments 211 and 212.

FUNDING SOURCE: See Individual Budget Amendment Form for Funding Sources.

ATTACHMENTS: Budget Amendment 211 – General Fund – Police and Budget Amendment 212 – Water Fund – Loan Interest

STAFF'S COMMENTS AND RECOMMENDATIONS: None

Budget Amendment #_211

**TOWN OF LAKE LURE
BUDGET AMENDMENT**

Be it ordained by the Board of Commissioners of the Town of Lake Lure that the following amendment be made to the budget ordinance for the fiscal year ending June 30, 2018:

Department: Police

Purpose: To cover the separation allowance for retired officer Lee Edwards, who retired in November.

Section 1. To amend the General Fund, the expenditures are to be changed as follows:

Line Item	Account Number	Amount Decrease	Amount Increase	Amended Budget
104	10-431000		\$5,625	\$5,625

To provide the additional revenue for the above, the following revenues will be increased:

Account Name: Transfer from Fund Balance

Account Number: 10-398604

Amount: \$5,625.00

Section 2. I certify that the accounting records provide for this budget amendment, and that the revenue source(s) are available:

Finance Officer

Date

Section 3. Copies of this amendment shall be delivered to the Budget/Finance Officer and Town Auditor for their direction.

Adopted this _____ day of _____, 2018.

Budget Amendment #__212

**TOWN OF LAKE LURE
BUDGET AMENDMENT**

Be it ordained by the Board of Commissioners of the Town of Lake Lure that the following amendment be made to the budget ordinance for the fiscal year ending June 30, 2018:

Department: Water-Debt Service

Purpose: To cover unbudgeted loan interest for the Waterline extension to Ingles and water tower.

Section 1. To amend the Water/Sewer Fund, the expenditures are to be changed as follows:

Line Item	Account Number	Amount Decrease	Amount Increase	Amended Budget
720	53-910000		\$11,608	\$11,608

To provide the additional revenue for the above, the following expense will be decreased by \$11,608:

Account Name: Greenline Project Debt Service

Account Number: 53-910000.613

Amount: \$378,447.00 (original budget amount was \$390,055.00)

Section 2. I certify that the accounting records provide for this budget amendment, and that the revenue source(s) are available:

Finance Officer

Date

Section 3. Copies of this amendment shall be delivered to the Budget/Finance Officer and Town Auditor for their direction.

Adopted this _____ day of _____, 2018.

VII C

**LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION**

Meeting Date: February 13, 2018

SUBJECT: Suspension of Section 92.042(C)(1) of the Zoning Regulations: "Campgrounds" for Carolina Climbers Coalition Bouldering Competition & Festival

AGENDA INFORMATION:

Agenda Location: Consent
Item Number: C
Department: Administration
Contact: Michelle Jolley, Interim Town Clerk
Presenter: Michelle Jolley, Interim Town Clerk

BRIEF SUMMARY: In the past, Town Council has suspended Section 92.042(C)(1): "Campgrounds" of the Zoning Regulations for the Carolina Climbers Coalition event being held on Town property. The Carolina Climbers Coalition is requesting suspension of this Section in the Ordinance for the Bouldering Competition & Festival. The event will include over 350 competitors and even more spectators/volunteers for 2018, many traveling from other states. The Carolina Climbers Coalition is asking to waive the Campgrounds Ordinance from 3 p.m. Friday, February 16th through 12 p.m. Sunday, February 18th for the Meadows area adjacent to Town Hall.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To Suspend Section 92.042(C)(1): "Campgrounds" of the Lake Lure Code of Ordinances for the Carolina Climbers Coalition Bouldering Competition & Festival to be held February 16 through February 18, 2018.

FUNDING SOURCE: Not Applicable.

ATTACHMENTS: Zoning Regulations §92.042(c)(1): Campgrounds, Suspension Request Letter, and Email from Treasurer of the Carolina Climbers Coalition

STAFF'S COMMENTS AND RECOMMENDATIONS: Section 92.042(C)(1) of the Zoning Regulations prohibits overnight camping within the corporate limits of the Town. The suspension of the Ordinance for these specific dates allows the Carolina Climbers Coalition to provide camping for out-of-town visitors and greatly enhances their experience as well as the overall event.

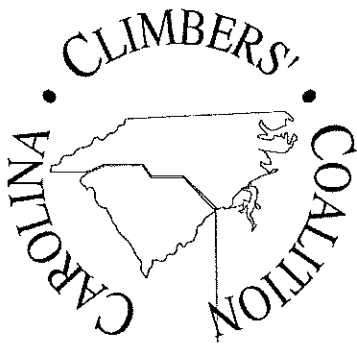
§92.042 Special Requirements for Certain Uses.

- (C) Campgrounds shall comply with the general standards and procedures for conditional uses contained in Section 92.045, below, as well as the specific standards and procedures contained herein. (Adopted 7-14-15)
- (1) **Campground standards for all campgrounds.** The following standards shall apply to all campgrounds containing two or more campsites or camp lots, including sites for tents, accommodations for backpackers and recreational vehicles (RVs).
- (a) *Size.* All proposed campgrounds shall be a minimum of three acres in size.
 - (b) Certificate of compliance required. Any proposed campground shall not be allowed to open until such campground has met all planning and building requirements of this ordinance for the Town of Lake Lure and the State of North Carolina.
 - (c) Fire prevention and protection. The application for a conditional use permit shall include a plan for fire prevention and protection to be reviewed by the fire marshal. The applicant shall be provided with a copy of the fire marshal's comments and recommendations and shall address those at the hearing on the conditional use permit application.
 - (d) Other permanent structures. Permanent structures other than camp platforms and recreational support and sanitary facilities shall be prohibited unless the developer or owner can demonstrate the necessity or desirability for such a structure. Structures commonly deemed necessary or desirable include a gatehouse, office, laundry area, video/amusement area, common area shelters, picnic table shelters for campsites, and camping cabins.
 - (e) Storage of RVs. Storage of all types of recreational vehicles within campgrounds shall be limited to no more than one stored RV per ten RV sites. Such storage area shall be buffered and screened, preferably by vegetation, from the campground or outside areas.
 - (g) Number of days permitted to camp. With the exception of campers who work for the campground, camping shall be restricted to a period of no more than 90 consecutive days within any one-year period. Tent camping shall be limited to a period of 30 consecutive days within a 60-day period.
 - (h) Access to water for all campsites/RV utility islands. Each campground shall have reasonable access to a source of potable water approved by the applicable health authority and building codes.

- (i) Road circulation pattern. The road circulation pattern should be a one-way paved or gravel reinforced system attached to a main two-way circular thoroughfare. If a loop system is used, it shall contain a pull-through site arrangement or back-in site ranging from a 45- to a 90-degree angle. Parking on all access roads to the entire campground area shall be prohibited. A turning radius for all emergency vehicles shall be required as approved by the fire department. The turning radius in loops and turns shall not be less than those required by the fire department, including those for parking spurs at individual RV sites.
- (i) Road width/slope in campground—Road widths on the one-way loop shall be at least 15 feet wide. Double lane roads shall have a minimum width of 20 feet. The circulation system shall parallel existing contours as closely as possible, and shall not exceed a 16-percent slope.
 - (ii) Land disturbance—A soil and erosion sedimentation plan shall be filed and approved by the Town prior to any construction.
- (j) Campfires shall be contained and controlled. Campfires are permitted only within fire rings, which shall not be placed within ten feet of a bottled gas container or other combustible source of fuel. The campground management shall require that no open fire is left unattended.
- (k) Refuse disposal. All campgrounds shall provide fly-proof, watertight, containers for the disposal of refuse. These containers shall also be constructed and located such that they are not subject to rodent infestation or dog and bear invasion. Containers shall be provided in sufficient number and capacity to properly store all refuse. Refuse for camping areas shall be collected at least once a day.
- (l) Overflow parking area. All campsites shall be limited to a total of one non-RV parking space. An additional area for parking of such vehicles shall be provided equal to one parking place for every ten campsites. Such parking area can be surfaced with gravel. At no time shall parking be permitted on access roads to the campground.
- (m) Insect control. Owners of such parks shall be responsible for adequate insect control in the camping area such as the periodic spraying for mosquitoes.
- (n) Lighting. Cut-off, overnight lighting for all bathhouses and centralized water sources shall be required. Reflectors denoting paths to above mentioned structures are recommended. Other minimal lighting should be installed as needed for the safety and comfort of campground residents.

- (o) Flood plains. Campgrounds proposed to be developed in whole or in part in flood plains shall demonstrate compliance with the Flood Damage Prevention Regulations contained in Section 95.001, et seq., of the Town Code.
- (p) Emergency Evacuation. The application for a conditional use permit shall contain an emergency evacuation plan which is adequate to protect the safety of those utilizing the campground.

Carolina Climbers
Coalition
PO Box 33227
Raleigh NC 27636-3227



1/31/2018

Town of Lake Lure
2948 Memorial Hwy
Lake Lure, NC 28746

Dear Town Council

The Carolina Climbers Coalition is proud to once again host the Rumble at Rumbling Bald bouldering competition at Chimney Rock State Park again this year. After two successful years, we were sidetracked by the fire last year, but we're back and plan to continue this annual event.

The Rumble attracts climbers and spectators from across North Carolina and beyond and they patronize local restaurants, hotels and shops while they are in in town.

We respectfully ask that the Town Council wave the no overnight camping ordinance from 3 PM Friday February 16th, 2018 through 12 PM Sunday February 18th, 2018 for the meadow area adjacent to town hall. This will provide camping for out of town visitors and greatly enhance their experience as well as the overall event.

We look forward to partnering with the town on this exciting event and greatly appreciate your consideration.

Our sincerest thanks,

Brian Payst

President

From: William Goodson [mailto:wgoodson@carolinaclimbers.org]
Sent: Wednesday, January 3, 2018 10:12 AM
Cc: Ron Nalley <townmgr@townoflakelure.com>
Subject: Rumbling Bald Climbing Competition 2018

Good Morning Ron,

I would like to introduce myself and open a dialogue about an event my organization is putting on in your area President's Day weekend 2018, February 17th and 18th.

First a bit about the event:

The Carolina Climbers Coalition, in partnership with Chimney Rock State Park, is bringing the **Rumble 2018 climbing competition** back to Rumbling Bald. We anticipate over 350 competitors and even more spectators/volunteers for 2018, many traveling from other states.

<http://carolinaclimbers.org/rumble>

Partnership Opportunity with Town of Lake Lure:

In the past, we had a strong partnership with Chris Braund and the Town of Lake Lure for this event. The goal is to again partner with the Town of Lake Lure on this event that brings people from all over the southeast to Lake Lure in the off season. A sponsorship of the facilities by the Town in the past has greatly helped the event.

Ideally we would love to use the facilities of the Welcome Center/ Morse Park/ Visitor center like we have in the past. I am also interested in what would need to happen to secure the indoor area of the visitor center in case of extreme cold or inclement weather. Participants were allowed to camp onsite of the Morse park field the night before and day of the comp in the past. Hopefully these options are still available.

In turn, we will market the Town of Lake Lure as a sponsor, bring people during the otherwise bleak time of deep winter to spend money in the area at local business, restaurants and accommodations. We will be partnering with local businesses, Chimney Rock and other organizations.

In summary here are our needs:

1. A place to gather before, during and after the event- in the past we have used the visitor center/ paved area beside it/ grass to set up the event and have sponsor booths
2. A place for participants to camp the night before the comp (Friday, and day of the comp Sat)
3. A possible indoor area in case of inclement weather, a back-up to the outdoor space
4. Information on any paperwork that needs to be filed, and any areas /ordinances that we will need to follow

Please let me know if you should have any questions, comments or concerns!

Take care,

Will Goodson

Treasurer

Carolina Climbers Coalition

www.carolinaclimbers.org

919 619 9351 cell

828 253 9111 office



Our organization:

The Carolina Climber's Coalition is a 501(c)(3) nonprofit, established in 1995 with the purposes of preserving the natural environment, promoting safe climbing practices and preserving access to climbing areas in North and South Carolina. The CCC has been working with State parks to manage public climbing areas for 20 years and has saved access at Hidden Valley and Laurel Knob by purchasing and opening these areas to the public. The CCC also owns just over 6 acres of the land the comp will be held on - the Rumbling Bald West Side boulders, purchased in 2009 and fully owned and managed by climbers.

VIII A

**LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION**

Meeting Date: February 13, 2018

SUBJECT: Lake Level Discussion

AGENDA INFORMATION:

Agenda Location: Unfinished Business
Item Number: A
Department: Administration
Contact: Ron Nalley, Town Manager
Presenter: Ron Nalley, Town Manager

BRIEF SUMMARY: At a special meeting on December 21st, Town Council voted to lower the lake between five and six feet beginning January 1, 2018 through March 15, 2018. The Board also agreed to revisit the topic of the lake level during their February 13th Town Council meeting.

RECOMMENDED MOTION AND REQUESTED ACTIONS: None at this time, pending further discussion from Town Council.

FUNDING SOURCE: Not Applicable

ATTACHMENTS: Shoreline Stabilization Project Inspection Report by Clint Calhoun

STAFF'S COMMENTS AND RECOMMENDATIONS: Clint Calhoun filed the attached report during the first week of February. Mr. Calhoun will be at your meeting to discuss any progress made by the contractors since that time.

Shoreline Stabilization Project Inspection Report

Nelms: Project consists of pointing up and making repairs to 650' of shoreline. In addition to seawall repairs, a new boardwalk and dock were permitted as well as demolition of an old dilapidated boathouse. Project was started on January 9. Boathouse has been torn down and work on the boardwalk and dock has started. The majority of the wall has been pointed up and repaired with new mortar joints and patching of holes. On January 22, Jay Freeman reported that his crew was working 7 days/week. He said weather has slowed things down. Stephen Pruette said they are keeping a weather and working days log. On January 30, Jay reported that they are halfway done with the project as mortar work continues. He said his crew was getting ready to start replacing a section of wall. Talked to Stephen Pruette later in the day and he confirmed Jay's report. Said that the wind was pushing water up on them all day long and described the conditions as "brutal." On January 31, site visit was conducted to confirm phone conversations. Work appears to be progressing as reported. Shoreline on this property is very rough where large rip rap was installed a few years ago. Walked around to where Jay's crew is currently working on the failed section of wall. There are places where more than 4 vertical feet of wall are under water at full pond so it's easy to understand why the lake needs to be below 5 feet as there is no room to walk in many places without getting wet. Old footings are cracked and busted. One section of wall had water seeping out of it due to a wet weather spring upland from the wall. This is what likely caused the damaged section of wall to fail to begin with. Jay's workers were on-site and said they will not be replacing the footing in this section but will just be building the new wall on top of what's existing and using the rock around it to provide energy dissipation. It's surprising that during prior drawdowns this whole section of wall hasn't had more structural failure than it has given the cold temperatures and amount of water coming through the wall. Based on the conversations with all involved, the opinion is that work should be completed within the timeframe but it's going to be tight, depending on any work days lost to rain or freezing precipitation. No completion date has been given at this point as there are still too many unknowns according to the contractors. (See attached photos of work done to date)

Stokes: Project consists of replacing the seawall along 87.5 feet of shoreline. The project started on January 15 beginning with removal of the existing seawall. On January 22, Jay Freeman reported that his crew was working 7 days/week and that weather has slowed things down, but that the old wall was torn down and they were getting ready to pour the footer for the new wall. On January 30, Jay reported that they poured the footing for the wall on "Thursday." This was understood to mean that the footing was poured the previous week on January 25, but based on inspection and talking to Jay's crew, he was meaning that they would be pouring the footing on Thursday, February 1. On January 31, site visit was conducted to check on progress and confirm phone conversations. All materials are on-site and ready for installation. Rebar has been tied together in preparation for concrete pour which is scheduled for February 1 (per conversation with Jay's crew at the Nelms site). Pouring concrete on February 1 certainly means that the lake must stay down until at least March 1. It will probably take a two or three days of continuous work to get block laid above the footing. Top of the

footing is located at approximately the full pond elevation. There is currently a large amount of debris and excavated material along the shoreline that will all have to be removed before the lake starts back up. No projected completion date right now. (See attached photos of work done to date)

Camp Lurecrest: Project consists of replacing 373' of existing seawall. Original plans called for pouring a new concrete seawall but this plan has since been scaled back and is now calling for replacing the wall with large amounts of rip rap and pouring two concrete stair cases to allow water access. This project started on January 5 (originally projected to start on January 8). On January 12, Rich Guthmann responded to my information request via e-mail and explained that weather had their concrete guy backed up and that the lake level was complicating things (would have liked to have it a little lower). Camp Lurecrest has a similar lake topography issue that Nelms has in that the water is deep and the shoreline drops off very steeply at the toe of the slope. Rich reported that work was progressing nicely in terms of rip rap placement. This was confirmed by drive-by inspections along Memorial Hwy where work is clearly visible. On January 26, Rich reported that they were pouring the footings for the staircases and that work was moving well in terms of getting the rip rap portion of the project completed. On January 30, via drive-by inspection it appeared that forms were up for pouring the stairs and a concrete truck was on-site. The plan was to conduct an on-site inspection on January 31, but the gate was locked so impossible to drive onto the campus. Drove over to the Tryon Bay bridge and took pictures of the work. No project completion date as of now. (See attached photos of work done to date).

Other projects consist of simple masonry repairs above the high water mark and installation of rip rap which is not dependent on lake level.

New boardwalk under construction at NEIMS





Notes: Ready for footer pour.









VIII B

LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION
Meeting Date: February 13, 2018

SUBJECT: Tryon Bay Circle – Reconsideration of “One Way” Designation

AGENDA INFORMATION:

Agenda Location: Unfinished Business
Item Number: B
Department: Administration
Contact: Ron Nalley, Town Manager
Presenter: Ron Nalley, Town Manager

BRIEF SUMMARY: Tryon Bay Circle is designated as a “One-Way” street. Due to an increase in the number of violations of the one-way restriction by residents, visitors and delivery vehicles, former Commissioner Mary Ann Silvey requested reconsideration of the designation. At their November meeting, Town Council requested staff survey the property owners along Tryon Bay Circle to determine if they felt changes to the designation were needed. A survey link was sent to 29 residents on November 28th. As of December 12th, eighteen (18) property owners had responded. Of the total respondents, fourteen (14) prefer that Tryon Bay Circle remain one-way, three (3) felt that the road should be changed to two-way and one indicated no preference. During their December meeting, the Town Council requested that the Town Manager, Police Chief, and Public Works Director meet with Mrs. Silvey to determine if there was an acceptable alternative or solution to the one-way designation. During that meeting and subsequent visits to the site, it was determined that an alternative did exist to the strictly one-way or two-way designation. A second survey was then distributed to the property owners along Tryon Bay Circle detailing the alternative. Fifteen (15) property owners responded. Of those, fourteen (14) prefer that Tryon Bay Circle remain as with no changes. One (1) prefers the addition of a two-way designation in the specific areas outlined on the alternative map.

RECOMMENDED MOTION AND REQUESTED ACTIONS: None at this time pending further direction from Town Council.

FUNDING SOURCE: Not Applicable

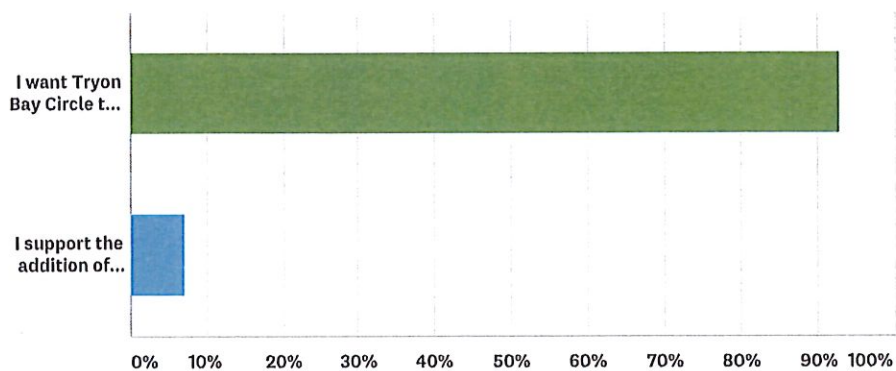
ATTACHMENTS: Tryon Bay Circle – Alternative Map and Second Survey Results

STAFF’S COMMENTS AND RECOMMENDATIONS: While many sections of Tryon Bay Circle are too narrow for two cars to safely pass, there are areas where a two-way designation is feasible. As indicated on the attached map, two-way traffic can be accommodated from Memorial Highway to the two-lane bridge. Right-of-way would have to be obtained for an appropriate turn-around area. A two-way designation is also feasible at the other entrance to Tryon Bay Circle, eliminating the need for a handshake agreement to allow two residents the ability to go the wrong way on an existing one-way street. However, of the fifty percent of property owners that responded, 93% of them preferred Tryon Bay Circle to remain as is with no changes.

Tryon Bay Circle Property Owner's Follow up Poll

Q1 While many sections of Tryon Bay Circle are too narrow for two cars to safely pass, there are areas where a two-way designation is feasible. As indicated on this map, two-way traffic can be accommodated from Memorial Highway to the two-lane bridge. Right-of-way would have to be obtained for an appropriate turnaround area. The property owner where the proposed turnaround is being considered is willing to cooperate with the Town. Secondly, a two-way designation is also feasible at the other entrance to Tryon Bay Circle. If the Town were to proceed with the addition of these two-way designation areas, appropriate signage would be installed by the Town. Please review the map and select your preference for this alternative:

Answered: 14 Skipped: 1



ANSWER CHOICES

I want Tryon Bay Circle to remain as is with no changes.

RESPONSES

92.86% 13

I support the addition of two-way designations in the specific areas outlined on the map.

7.14% 1

TOTAL

14

Survey Link Responses 14
 Telephone Response 1
 Total Responses 15

Tryon Bay Circle Property Owner's Follow up Poll

#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Sunday, January 28, 2018 12:29:29 PM
Last Modified: Sunday, January 28, 2018 1:11:57 PM
Time Spent: 00:42:28
IP Address: 76.182.58.125

Page 1

Q1 While many sections of Tryon Bay Circle are too narrow for two cars to safely pass, there are areas where a two-way designation is feasible. As indicated on this map, two-way traffic can be accommodated from Memorial Highway to the two-lane bridge. Right-of-way would have to be obtained for an appropriate turnaround area. The property owner where the proposed turnaround is being considered is willing to cooperate with the Town. Secondly, a two-way designation is also feasible at the other entrance to Tryon Bay Circle. If the Town were to proceed with the addition of these two-way designation areas, appropriate signage would be installed by the Town. Please review the map and select your preference for this alternative:

Respondent skipped this question

Q2 If you do not like the proposed changes to Tryon Bay Circle, please tell us why:

As a resident at 117 Tryon Bay Circle I voted for neither of the options provided in this survey. I explained in my earlier feedback that I must exit to the Memorial Highway in a clock-wise direction for approximately 100 ft. Posting that 100 ft. as 2-way would provide a safer exit for me, . . . It is an old idea previously agreed to by the town 6 or more years ago. (I have had numerous honks on exiting at the "entrance" as you might imagine, but am very careful as I exit. . . so far, so good.) A 2-way designation for that small, 100-ft., segment would be a safety improvement. I request that signage be implemented at the northern Tryon Bay Circle entrance.

Q3 Are there any other comments or suggestions that you would like us to provide to the Lake Lure Town Council or any specific questions you have that you would like for them to address relative to this topic?

I included my suggestion in the feedback #2 question above.

Tryon Bay Circle Property Owner's Follow up Poll

#2

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, January 29, 2018 4:23:38 PM
Last Modified: Monday, January 29, 2018 4:27:35 PM
Time Spent: 00:03:56
IP Address: 108.220.40.48

Page 1

Q1 While many sections of Tryon Bay Circle are too narrow for two cars to safely pass, there are areas where a two-way designation is feasible. As indicated on this map, two-way traffic can be accommodated from Memorial Highway to the two-lane bridge. Right-of-way would have to be obtained for an appropriate turnaround area. The property owner where the proposed turnaround is being considered is willing to cooperate with the Town. Secondly, a two-way designation is also feasible at the other entrance to Tryon Bay Circle. If the Town were to proceed with the addition of these two-way designation areas, appropriate signage would be installed by the Town. Please review the map and select your preference for this alternative:

I want Tryon Bay Circle to remain as is with no changes.

Q2 If you do not like the proposed changes to Tryon Bay Circle, please tell us why:

First off have any of you even driven the road? If you had you would not be asking this foolish question. If you do this there will be car accidents - just to appease a couple of people that live by the exit is ridiculous. The one woman that used to be on your board hasn't lived on Tryon Bay Circle For the eight years that I've lived there. She doesn't even live in Rutherford County. Her ex husband and daughter live in that house. If you do this it's a very foolish move on your part and will only cause havoc

Q3 Are there any other comments or suggestions that you would like us to provide to the Lake Lure Town Council or any specific questions you have that you would like for them to address relative to this topic?

Yes! Why don't you all get into a car and take a drive.

Tryon Bay Circle Property Owner's Follow up Poll

#3

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, January 29, 2018 4:57:24 PM
Last Modified: Monday, January 29, 2018 4:58:53 PM
Time Spent: 00:01:29
IP Address: 71.3.160.4

Page 1

Q1 While many sections of Tryon Bay Circle are too narrow for two cars to safely pass, there are areas where a two-way designation is feasible. As indicated on this map, two-way traffic can be accommodated from Memorial Highway to the two-lane bridge. Right-of-way would have to be obtained for an appropriate turnaround area. The property owner where the proposed turnaround is being considered is willing to cooperate with the Town. Secondly, a two-way designation is also feasible at the other entrance to Tryon Bay Circle. If the Town were to proceed with the addition of these two-way designation areas, appropriate signage would be installed by the Town. Please review the map and select your preference for this alternative:

I want Tryon Bay Circle to remain as is with no changes.

Q2 If you do not like the proposed changes to Tryon Bay Circle, please tell us why:

Respondent skipped this question

Q3 Are there any other comments or suggestions that you would like us to provide to the Lake Lure Town Council or any specific questions you have that you would like for them to address relative to this topic?

Respondent skipped this question

Tryon Bay Circle Property Owner's Follow up Poll

#4

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, January 29, 2018 5:49:57 PM
Last Modified: Monday, January 29, 2018 6:05:07 PM
Time Spent: 00:15:10
IP Address: 68.189.184.185

Page 1

Q1 While many sections of Tryon Bay Circle are too narrow for two cars to safely pass, there are areas where a two-way designation is feasible. As indicated on this map, two-way traffic can be accommodated from Memorial Highway to the two-lane bridge. Right-of-way would have to be obtained for an appropriate turnaround area. The property owner where the proposed turnaround is being considered is willing to cooperate with the Town. Secondly, a two-way designation is also feasible at the other entrance to Tryon Bay Circle. If the Town were to proceed with the addition of these two-way designation areas, appropriate signage would be installed by the Town. Please review the map and select your preference for this alternative:

I want Tryon Bay Circle to remain as is with no changes.

Q2 If you do not like the proposed changes to Tryon Bay Circle, please tell us why:

As it stands, there are lots of vacationers, sight seers, and others who come through Tryon Bay Circle, sometimes the wrong way, and sometimes too fast. Changing the ends of the road to two way will only make it confusing and more likely that there will be more people coming through the wrong way on the one way section. We have lots of walkers in our community, daily, whose safety may be in jeopardy with such a change as well. If anything, I think we need to better mark the existing one way road as one way. Please don't complicate our lives with this unnecessary change. Thank you.

Q3 Are there any other comments or suggestions that you would like us to provide to the Lake Lure Town Council or any specific questions you have that you would like for them to address relative to this topic?

Respondent skipped this question

Tryon Bay Circle Property Owner's Follow up Poll

#5

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, January 29, 2018 7:17:55 PM
Last Modified: Monday, January 29, 2018 7:22:57 PM
Time Spent: 00:05:01
IP Address: 96.36.75.140

Page 1

Q1 While many sections of Tryon Bay Circle are too narrow for two cars to safely pass, there are areas where a two-way designation is feasible. As indicated on this map, two-way traffic can be accommodated from Memorial Highway to the two-lane bridge. Right-of-way would have to be obtained for an appropriate turnaround area. The property owner where the proposed turnaround is being considered is willing to cooperate with the Town. Secondly, a two-way designation is also feasible at the other entrance to Tryon Bay Circle. If the Town were to proceed with the addition of these two-way designation areas, appropriate signage would be installed by the Town. Please review the map and select your preference for this alternative:

I want Tryon Bay Circle to remain as is with no changes.

Q2 If you do not like the proposed changes to Tryon Bay Circle, please tell us why:

The roads are too narrow the entire length of TBC.. at the points where it may be wider, new parking areas encroach on the road making it impossible for two cars to pass safely. We have two residents on the cove that routinely drive the wrong way and have nearly caused accidents, including nearly running over pedestrians. I am adamantly opposed to any part of TBC being 2 way... the street really isn't that long!

Q3 Are there any other comments or suggestions that you would like us to provide to the Lake Lure Town Council or any specific questions you have that you would like for them to address relative to this topic?

Please take safety and the overwhelming opposition to this plan by residents into account.

Tryon Bay Circle Property Owner's Follow up Poll

#6

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, January 29, 2018 11:57:53 PM
Last Modified: Tuesday, January 30, 2018 12:25:27 AM
Time Spent: 00:27:33
IP Address: 75.130.18.138

Page 1

Q1 While many sections of Tryon Bay Circle are too narrow for two cars to safely pass, there are areas where a two-way designation is feasible. As indicated on this map, two-way traffic can be accommodated from Memorial Highway to the two-lane bridge. Right-of-way would have to be obtained for an appropriate turnaround area. The property owner where the proposed turnaround is being considered is willing to cooperate with the Town. Secondly, a two-way designation is also feasible at the other entrance to Tryon Bay Circle. If the Town were to proceed with the addition of these two-way designation areas, appropriate signage would be installed by the Town. Please review the map and select your preference for this alternative:

I want Tryon Bay Circle to remain as is with no changes.

Q2 If you do not like the proposed changes to Tryon Bay Circle, please tell us why:

1. Our one-way road is different from others in Lake Lure, because there is a steep cliff down to a lake on one side of the road restricting pull-off on that side.
2. The 2-way areas on the map are still very narrow, hilly and dangerous.
3. Traffic conditions get worse in the summer due to increased parking and usage of the cove.
4. Emergency vehicles will have to deal with traffic coming from both directions.
5. Construction trucks blocking the lane would cause more turn around traffic in both directions.
by other drivers.
6. The configuration of 2-way to 1-way to 2-way traffic patterns would be confusing for others not familiar with the cove.
7. The lane changes cannot be enforced, thus creating more of a hazard by people ignoring the lane restrictions. Lack of enforcement would lead to many more people ignoring the one-lane areas so it would eventually turn into two lane traffic on a large scale.
8. The city cannot justify any costs when there are many more important conditions to be corrected.
9. A boy scout troupe of about 15 young boys uses the cove two to three times each summer for about a week each visit. The 2-1-2 lane proposal would be confusing to both the boys and their adult leaders, thus increasing the risk.
10. The city is exposing itself to litigation issues by setting up a confusing pattern of traffic and allowing 2-way traffic on a narrow road made more narrow by having a cliff on one side.

Tryon Bay Circle Property Owner's Follow up Poll

Q3 Are there any other comments or suggestions that you would like us to provide to the Lake Lure Town Council or any specific questions you have that you would like for them to address relative to this topic?

I have noticed that the dangerous house next to us has a space right next to the front wall of the condemned house suitable for parking and is sometimes used by people other than the owner. Periodic parking in that area may not put a lot more stresses on the already over-stressed house; however, a A 2-1-2 pattern would increase the frequency of parking in that area and that would amount to long term overloading . Essentially, that would become a very hazardous place to park due to the lack of structural integrity of the house that adjoins the parking area.

Tryon Bay Circle Property Owner's Follow up Poll

#7

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, January 30, 2018 7:31:00 AM
Last Modified: Tuesday, January 30, 2018 7:37:11 AM
Time Spent: 00:06:11
IP Address: 70.158.126.222

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Q1 While many sections of Tryon Bay Circle are too narrow for two cars to safely pass, there are areas where a two-way designation is feasible. As indicated on this map, two-way traffic can be accommodated from Memorial Highway to the two-lane bridge. Right-of-way would have to be obtained for an appropriate turnaround area. The property owner where the proposed turnaround is being considered is willing to cooperate with the Town. Secondly, a two-way designation is also feasible at the other entrance to Tryon Bay Circle. If the Town were to proceed with the addition of these two-way designation areas, appropriate signage would be installed by the Town. Please review the map and select your preference for this alternative:

I want Tryon Bay Circle to remain as is with no changes.

Q2 If you do not like the proposed changes to Tryon Bay Circle, please tell us why:

The road is too narrow, particularly given that the houses in the proposed area have to park on/into the road and that makes that part of the road even more challenging. I can appreciate that those homes have limited parking so we don't need to make that situation worse by allowing two-way traffic. In addition, if you enter from the current exit, there is a hill with no visibility as you are topping the hill...this will be very dangerous particularly given that residents are accustomed to no one coming from that way. We also have several rentals on the street. As it is, it takes a day for them to figure out that it is a one way street and is dangerous. It will be even more confusing if it is two way for a short distance and then it becomes one way. It is not as though it is a long road - it is less than a mile and I think it is not asking too much for individuals to drive the circle for the safety of residents and their children.

Q3 Are there any other comments or suggestions that you would like us to provide to the Lake Lure Town Council or any specific questions you have that you would like for them to address relative to this topic?

As I understand it, this is now the third time we have addressed this matter. I do not understand why we continue to spend time, resources and money to address an issue that the residents have clearly already shared their opinion, and we want it to stay as is. Thanks for listening.

Tryon Bay Circle Property Owner's Follow up Poll

#8

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, January 31, 2018 1:02:55 AM
Last Modified: Wednesday, January 31, 2018 1:20:27 AM
Time Spent: 00:17:31
IP Address: 166.182.84.216

Page 1

Q1 While many sections of Tryon Bay Circle are too narrow for two cars to safely pass, there are areas where a two-way designation is feasible. As indicated on this map, two-way traffic can be accommodated from Memorial Highway to the two-lane bridge. Right-of-way would have to be obtained for an appropriate turnaround area. The property owner where the proposed turnaround is being considered is willing to cooperate with the Town. Secondly, a two-way designation is also feasible at the other entrance to Tryon Bay Circle. If the Town were to proceed with the addition of these two-way designation areas, appropriate signage would be installed by the Town. Please review the map and select your preference for this alternative:

I support the addition of two-way designations in the specific areas outlined on the map.

Q2 If you do not like the proposed changes to Tryon Bay Circle, please tell us why: Respondent skipped this question

Q3 Are there any other comments or suggestions that you would like us to provide to the Lake Lure Town Council or any specific questions you have that you would like for them to address relative to this topic?

Stopping vehicles that enter the wrong way and providing a turnaround will increase compliance and make the road safer in those more narrow sections.

Allowing the vehicles going to and from the designated areas on each end nearest the highway, reduces traffic traveling the more narrow sections.

When the road must be blocked for any reason, the town should be notified in advance so temporary signs can be placed at highway entrance advising traffic. Otherwise, blocking the road should be prohibited and ticketed.

Tryon Bay Circle Property Owner's Follow up Poll

#9

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, February 01, 2018 8:01:46 PM
Last Modified: Thursday, February 01, 2018 8:17:30 PM
Time Spent: 00:15:44
IP Address: 66.229.118.170

Page 1

Q1 While many sections of Tryon Bay Circle are too narrow for two cars to safely pass, there are areas where a two-way designation is feasible. As indicated on this map, two-way traffic can be accommodated from Memorial Highway to the two-lane bridge. Right-of-way would have to be obtained for an appropriate turnaround area. The property owner where the proposed turnaround is being considered is willing to cooperate with the Town. Secondly, a two-way designation is also feasible at the other entrance to Tryon Bay Circle. If the Town were to proceed with the addition of these two-way designation areas, appropriate signage would be installed by the Town. Please review the map and select your preference for this alternative:

I want Tryon Bay Circle to remain as is with no changes.

Q2 If you do not like the proposed changes to Tryon Bay Circle, please tell us why:

ON surface the proposed solution has merit. However, currently, as a well marked one way road, from time to time, people drive the wrong direction. This includes large trucks attempting to avoid the steep climb on the back side of the circle, as well as cars.

It has been my experience as a driver that many people visiting the neighborhood will be confused by the proposed solution. Specifically, once they reach the turnaround a decision has to be made to 1) turn around, take the extra time to go back to Memorial Hwy and re-enter TBC at the other end or 2) pass by the signs and continue on their way (into the more narrow section of the road) as it is more convenient. I believe this would be particularly problematic during the summer season with the huge influx of visitors.

Q3 Are there any other comments or suggestions that you would like us to provide to the Lake Lure Town Council or any specific questions you have that you would like for them to address relative to this topic?

1) If 80% of the people who responded with a request to keep the road one way why the proposal for an alternative plan?

2) A number of homes on the south side of TBC park their cars just off/ slightly on the side of the road. The proposed route suggests the road is sufficiently wide to accommodate two cars/trucks being able to pass with safety. Again, particularly in the summer I suspect this may be an issue. Has this been properly studied?

Tryon Bay Circle Property Owner's Follow up Poll

#10

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, February 01, 2018 10:17:28 PM
Last Modified: Thursday, February 01, 2018 10:25:49 PM
Time Spent: 00:08:20
IP Address: 24.245.67.50

Page 1

Q1 While many sections of Tryon Bay Circle are too narrow for two cars to safely pass, there are areas where a two-way designation is feasible. As indicated on this map, two-way traffic can be accommodated from Memorial Highway to the two-lane bridge. Right-of-way would have to be obtained for an appropriate turnaround area. The property owner where the proposed turnaround is being considered is willing to cooperate with the Town. Secondly, a two-way designation is also feasible at the other entrance to Tryon Bay Circle. If the Town were to proceed with the addition of these two-way designation areas, appropriate signage would be installed by the Town. Please review the map and select your preference for this alternative:

I want Tryon Bay Circle to remain as is with no changes.

Q2 If you do not like the proposed changes to Tryon Bay Circle, please tell us why:

The "new" designation noted on the map is no wider than any other part of Tryon Bay Circle. I see no problem as you enter Tryon Bay with the first 2 houses entering and leaving on that side of road as road has been paved wider to the second driveway. As you proceed around circle, to other green marked area, that road is no wider and with cars parked on or near the road there is no clearance for 2 lanes. It is ridiculous to think that 2 lanes could pass in this area.

Q3 Are there any other comments or suggestions that you would like us to provide to the Lake Lure Town Council or any specific questions you have that you would like for them to address relative to this topic?

yes, if this ridiculous request is approved, then when 2 cars meet - who has to back up and where do they go?

Tryon Bay Circle Property Owner's Follow up Poll

#11

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, February 02, 2018 10:07:04 AM
Last Modified: Friday, February 02, 2018 11:39:48 AM
Time Spent: 01:32:44
IP Address: 67.143.128.17

Page 1

Q1 While many sections of Tryon Bay Circle are too narrow for two cars to safely pass, there are areas where a two-way designation is feasible. As indicated on this map, two-way traffic can be accommodated from Memorial Highway to the two-lane bridge. Right-of-way would have to be obtained for an appropriate turnaround area. The property owner where the proposed turnaround is being considered is willing to cooperate with the Town. Secondly, a two-way designation is also feasible at the other entrance to Tryon Bay Circle. If the Town were to proceed with the addition of these two-way designation areas, appropriate signage would be installed by the Town. Please review the map and select your preference for this alternative:

I want Tryon Bay Circle to remain as is with no changes.

Q2 If you do not like the proposed changes to Tryon Bay Circle, please tell us why:

The proposal only benefits 1 (one) owner if any on Tryon Bay Circle! Who, in my opinion, is too lazy or has no desire to comply with the law. It's obvious who this individual is...observe whose property the proposed turn around is located. Note that the person that wants Tryon Bay Circle their way does even NOT live or dwell on the road. The proposed changes are more dangerous than any proposal so far...The potential for extreme "ROAD RAGE" will /or be at a very high level due to head on meeting of vehicles. I personally have experienced instances of confrontations with drivers exiting at the entrance to the Circle. One can NOT see any vehicles attempting to exit onto the main highway while one is entering the circle from the North; turning off Memorial highway. This proposal greatly increases the danger of head on accidents. I have barely avoid such at the entrance.

Why should the people, the tax payers of the Town of Lake Lure pay for the cost that will be necessary to implement this dangerous, asinine, favoritism based proposal?

Q3 Are there any other comments or suggestions that you would like us to provide to the Lake Lure Town Council or any specific questions you have that you would like for them to address relative to this topic?

Please leave Tryon Bay Circle as is! It should be obvious to the Town Manager, Mayor and Town Council members that the property owners along Tryon Bay want and desire for Tryon Bay Circle to remain unchanged and one way as is! Facts based upon the previous survey. My opinion is that the known individual who does not live or dwell on Tryon Bay continues attempts to control Tryon Bay Circle! Why??? Why does this individual deserve such continued favoritism? Bryant McCarthy and myself witnessed the installation of a private waterline from the individual's well to the owners home. This occurred during the placement of the public water line around Tryon Bay. Why??? Also this person has been observed traveling the wrong way on the Circle. Why? Again my opinion is: too lazy to enter and drive legally around the road as required by law!!!! Please NO MORE FAVORITISM to any individual that dwells in Lake Lure.

Tryon Bay Circle Property Owner's Follow up Poll

#12

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, February 06, 2018 8:00:26 PM
Last Modified: Tuesday, February 06, 2018 8:08:30 PM
Time Spent: 00:08:04
IP Address: 108.250.251.91

Page 1

Q1 While many sections of Tryon Bay Circle are too narrow for two cars to safely pass, there are areas where a two-way designation is feasible. As indicated on this map, two-way traffic can be accommodated from Memorial Highway to the two-lane bridge. Right-of-way would have to be obtained for an appropriate turnaround area. The property owner where the proposed turnaround is being considered is willing to cooperate with the Town. Secondly, a two-way designation is also feasible at the other entrance to Tryon Bay Circle. If the Town were to proceed with the addition of these two-way designation areas, appropriate signage would be installed by the Town. Please review the map and select your preference for this alternative:

I want Tryon Bay Circle to remain as is with no changes.

Q2 If you do not like the proposed changes to Tryon Bay Circle, please tell us why:

The partial two way solution will be confusing and be easier to violate. It appears that this solution is designed in order to benefit a couple of homeowners that do not want to drive around the cove.

Q3 Are there any other comments or suggestions that you would like us to provide to the Lake Lure Town Council or any specific questions you have that you would like for them to address relative to this topic?

Please leave the street as a one way street. The majority of property owners do not want this so please leave it as is. The one way road has served us well. Now that the town has allowed several vacation rentals on the cove the general quality of life there has declined and opening the road to any two way traffic will only make having renters around even worse as it will be very confusing to short term renters.

Tryon Bay Circle Property Owner's Follow up Poll

#13

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, February 07, 2018 10:14:26 AM
Last Modified: Wednesday, February 07, 2018 10:18:19 AM
Time Spent: 00:03:52
IP Address: 205.137.160.62

Page 1

Q1 While many sections of Tryon Bay Circle are too narrow for two cars to safely pass, there are areas where a two-way designation is feasible. As indicated on this map, two-way traffic can be accommodated from Memorial Highway to the two-lane bridge. Right-of-way would have to be obtained for an appropriate turnaround area. The property owner where the proposed turnaround is being considered is willing to cooperate with the Town. Secondly, a two-way designation is also feasible at the other entrance to Tryon Bay Circle. If the Town were to proceed with the addition of these two-way designation areas, appropriate signage would be installed by the Town. Please review the map and select your preference for this alternative:

I want Tryon Bay Circle to remain as is with no changes.

Q2 If you do not like the proposed changes to Tryon Bay Circle, please tell us why:

Tryon Bay Circle is not safe for two way travel at any point. Also this would be very confusing if implemented especially for visitors.

Q3 Are there any other comments or suggestions that you would like us to provide to the Lake Lure Town Council or any specific questions you have that you would like for them to address relative to this topic?

Can't believe this is still being pushed after the first survey. I also can't believe the town would invite implied liability by appearing to push the issue.

Tryon Bay Circle Property Owner's Follow up Poll

#14

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, February 07, 2018 3:29:30 PM
Last Modified: Wednesday, February 07, 2018 3:39:58 PM
Time Spent: 00:10:27
IP Address: 99.5.95.73

Page 1

Q1 While many sections of Tryon Bay Circle are too narrow for two cars to safely pass, there are areas where a two-way designation is feasible. As indicated on this map, two-way traffic can be accommodated from Memorial Highway to the two-lane bridge. Right-of-way would have to be obtained for an appropriate turnaround area. The property owner where the proposed turnaround is being considered is willing to cooperate with the Town. Secondly, a two-way designation is also feasible at the other entrance to Tryon Bay Circle. If the Town were to proceed with the addition of these two-way designation areas, appropriate signage would be installed by the Town. Please review the map and select your preference for this alternative:

I want Tryon Bay Circle to remain as is with no changes.

Q2 If you do not like the proposed changes to Tryon Bay Circle, please tell us why:

Tyron Bay Circle functions very well as a one-road. We live near the creek end of the circle and find no inconvenience in the longer drive into our property. Making a part of the Circle two-way is dangerous and will facilitate confusion and possible accidents when drivers are trying to turn around at the end of each of the short two-way segments or simply ignore the signage and proceed as if the entire Circle were two-way.

Q3 Are there any other comments or suggestions that you would like us to provide to the Lake Lure Town Council or any specific questions you have that you would like for them to address relative to this topic?

The Lake Lure Town Council has, as its first priority, the safety of all its citizens and visitors. To make a portion of Tryon Bay Circle two-way and the remainder one-way would clearly be a decision to provide perceived benefit to only a few (perhaps only one or two) property owners. Driving the Circle as a one-way road is safe and is convenient. There are no compelling reasons to alter this traffic pattern other than to provide perceived personal benefit to a few (perhaps one or two) property owners along the Circle right of way. It is our hope and trust that the Town Council will reject this alternative and leave Tryon Bay Circle as a safe one-way roadway.

Tryon Bay Circle Property Owner's Follow up Poll

#15

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, February 09, 2018 7:54:40 AM
Last Modified: Friday, February 09, 2018 8:29:17 AM
Time Spent: 00:34:37
IP Address: 75.139.76.41

Page 1

Q1 While many sections of Tryon Bay Circle are too narrow for two cars to safely pass, there are areas where a two-way designation is feasible. As indicated on this map, two-way traffic can be accommodated from Memorial Highway to the two-lane bridge. Right-of-way would have to be obtained for an appropriate turnaround area. The property owner where the proposed turnaround is being considered is willing to cooperate with the Town. Secondly, a two-way designation is also feasible at the other entrance to Tryon Bay Circle. If the Town were to proceed with the addition of these two-way designation areas, appropriate signage would be installed by the Town. Please review the map and select your preference for this alternative:

I want Tryon Bay Circle to remain as is with no changes.

Q2 If you do not like the proposed changes to Tryon Bay Circle, please tell us why:

I must challenge your conclusion that two-way traffic is feasible between Hwy 64 and the two-lane bridge. This section of TBC is in fact the most restricted due to occupant parking. Because of their existing small or inadequate off-street parking pads, residents and their guests must park partially on the street. All other residents of TBC have parking area which accommodates off-street parking without any encroachment on TBC. The sole exception is the Boy Scout Troop which only occurs several times a year.

Residents of TBC have come to accept the need for infrequent road closures and blockages due to construction and delivery trucks. These occurrences are infrequent, understandable and acceptable.

If the Town is to designate a section TBC as two-way, why has engineering design criteria not been considered? TBC is effectively 12 feet wide which is the nominal standard for a one-lane road. In 2009 the Town Council denied us a lake-side building permit due to a single extremely insignificant variance. This required us to revert to a completely new building plan at considerable additional cost to us. How can the Town justify such rigorous enforcement of building codes and ignore engineering standards for a complete section of road with will impact all resident and the public.

At the northern end of TBC the individual variances already granted should be grandfathered.

The overriding consideration in this decision must be safety. SAFETY FOR ALL trumps CONVENIENCE FOR A FEW! It is indisputable that the proposed alternative introduces a new level of risk not current present. Strongly recommend the TBC remain one-way.

Q3 Are there any other comments or suggestions that you would like us to provide to the Lake Lure Town Council or any specific questions you have that you would like for them to address relative to this topic?

Respondent skipped this question

VIII C

**LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION**

Meeting Date: February 13, 2018

SUBJECT: Golf Cart Ordinance

AGENDA INFORMATION:

Agenda Location: Unfinished Business
Item Number: C
Department: Administration
Contact: Ron Nalley, Town Manager
Presenter: Ron Nalley, Town Manager

BRIEF SUMMARY: The Town was contacted by Rumbling Bald Resort about the possibility of adopting a Golf Cart Ordinance that would only apply to the resort area. Rumbling Bald Resort is requesting the adoption of an Ordinance because it would like for its residents and visitors to be able to travel by golf cart from one subdivision to another within the resort or from a subdivision to the resort area (i.e. lake, restaurants, pool). For example – they would like residents of Apple Valley to be able to travel by golf cart to the resort. Currently golf carts are not allowed on any street (municipal or state) within the town limits of Lake Lure. A golf cart ordinance is required to be adopted by the Town before golf carts are allowed on municipal or state roads. The State has produced a Model Ordinance to help municipalities properly regulate location, operation, registration and safety among other things on State and local roads. At the November meeting, the Board requested that Staff draft a proposed Ordinance for their review. At their January meeting, the Board requested additional revisions which have been made and if the Board chooses to move forward, staff would request that a public hearing be set for the March Town Council meeting in order to receive public comment on the draft. A draft golf cart registration application, waiver of liability and safety inspection form will be developed prior to the public hearing based on the final language found in the proposed Ordinance.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To Call for a Public Hearing on March 13, 2018 at 6:00 p.m., or shortly thereafter, to Consider the Adoption of a Golf Cart Ordinance for the Town of Lake Lure.

FUNDING SOURCES: Not Applicable

ATTACHMENTS: Proposed Ordinance Regulating the Operation of Golf Carts on Certain Public Streets in the Town of Lake Lure

STAFF'S COMMENTS AND RECOMMENDATIONS: As you likely know, the Town has no municipal roads in this area. Roads near the resort are either private roads (owned by the resort) with public vehicle area access or state roads. The golf cart ordinance is designed to only regulate golf cart use on roads with speed limits of less than 35 mph. Golf carts are not allowed on streets with speed limits of greater than 35 mph. NCDOT guidance states "any street" and is not specific to municipal roads versus state roads. This means if the Town adopts a golf cart ordinance, it regulates use on "any street" (municipal and state). As mentioned above, an ordinance can regulate only certain areas of the Town and does not have to be adopted town-wide. If an ordinance is adopted, NCDOT will not pay for any costs of signage. This would have to be paid for by the Town or by the resort. I understand that in the past, the Town has issued warnings to drivers of golf carts using the state roads around the resort.

Ordinance Regulating the Operation of Golf Carts on Certain Public Streets in the Town of Lake Lure

WHEREAS, there is public interest in having a means of local travel that is cost effective and energy efficient as an alternative to the use of motor vehicles; and,

WHEREAS, North Carolina General Statute 160A-300.6 authorizes a municipality, by Ordinance, to regulate the operation of golf carts on any public street, road, or highway where the speed limit is 35 mph or less within its municipal limits or on property owned or controlled by the Town; and

WHEREAS, the Town Council has determined that the safe, proper operation of golf carts on certain streets, roads and highways within the Town of Lake Lure is in the public interest and, if properly regulated, will promote the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Lake Lure North Carolina as follows:

TITLE VII: MOTOR VEHICLES AND TRAFFIC CHAPTER 73. GOLF CARTS

Section 73.01 PURPOSE

The purpose of this Chapter shall be to establish a Golf Cart Ordinance to allow the operation of golf carts within certain areas of the Town hereinafter designated to promote the health, safety and welfare of persons operating golf cart(s) within the Town and to protect the safety of their passengers and other users of roads.

Section 73.02 POLICY STATEMENT and LIABILITY DISCLAIMER

Golf carts are not designed or manufactured to be used on public streets, roads and highways, and the Town of Lake Lure in no way advocates or endorses their operation on roads. The Town of Lake Lure, by regulating such operation is merely trying to address obvious safety issues, and adoption of this Ordinance is not to be relied upon as a determination that operation on designated roads is safe or advisable if done in accordance with this Ordinance. All persons who operate or ride upon golf carts on designated roads do so at their own risk and peril and must be observant of and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The Town of Lake Lure has no liability and assumes no liability under any theory of liability for permitting golf carts to be operated on designated public roads pursuant to the statutory authority of North Carolina General Statute 160A-300.6. Any person who operates a golf cart must procure liability insurance sufficient to cover the risks involved in using a golf cart on the designated roads of the Town of Lake Lure.

Section 73.03 DEFINITIONS

For the purpose of this section, the following words and phrases shall have the following meanings.

1. Golf Cart: A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 MPH as set for in G.S. 20-4.01(12a).
2. Driver's License: A valid license to operate a motor vehicle issued by North Carolina or any other state.
3. Financial Responsibility: Liability insurance coverage on a golf cart in an amount not less than required by North Carolina law for motor vehicles operated on public highways in the State of North Carolina.
4. Operator: Only persons over 16 years of age and holding a valid driver's license may operate a golf cart on roads.

Section 73.04 OPERATION OF GOLF CARTS ALLOWED; EXCEPTIONS

1. Allowed. The operation of golf carts on the public streets, roads and highways within certain areas of the Town so designated for that purpose and on property controlled by the Town, if so designated shall be permitted in compliance with the provisions of this Chapter; however, it shall be unlawful to operate any golf cart that is not properly registered with the Town or to operate any golf cart at any place or in any manner not authorized herein.
2. Exceptions. The operation of golf carts is not subject to the provisions of this Chapter under the following circumstances:
 - a. The operation of golf carts at golf courses, private clubs or on private property, with the consent of the owner, or
 - b. The operation of golf carts on private streets within gated communities, or
 - c. The operation of golf carts that complies with and are regulated by the requirements of State motor vehicle law, which makes it a street legal golf cart and/or low speed vehicle and is therefore eligible for usage on public roads as prescribed by law.
 - d. The operation of golf carts in connection with a parade, festival, or other special event provided the consent of the event sponsor is obtained and provided such use only occurs during the event, or
 - e. The use of golf carts by the Town of Lake Lure in its official capacity or business on Town controlled property.

Section 73.05 MANNER OF OPERATION

Golf carts shall not be operated on the public streets, roads and highways of the Town

except in full compliance with the provisions of this Chapter.

1. Golf carts shall not be operated on or alongside public roads or streets with a posted speed limit greater than 35 miles per hour.
2. Golf carts may cross a road with a posted speed limit greater than 35 mph. However, once this segment of road has been traversed, the golf cart is still required to travel only on or along a roadway with a speed limit of 35 mph or less. Golf carts must cross in a manner that is the most direct route in order to decrease crossing distance, i.e. no riding along a road or crossing at an angle. Under no circumstance is a golf cart allowed to cross a controlled access facility other than at bridges which cross over or under a controlled access facility.
3. Golf carts may be driven on approved public roads and streets so designated by the Town from sunrise until sunset. Golf carts may not be operated when fog, smog, smoke, inclement weather or other conditions reduce visibility so that the golf cart is not visible for a minimum distance of 250 feet.
4. Golf carts are authorized for use on the following roads within the Town limits:

Buffalo Creek Road (State Road 1314)
Buffalo Creek Road (State Road 1306)
Buffalo Shoals Road (State Road 1306)
Winesap Road (State Road 1308)
Youngs Mountain Drive

5. Golf carts are authorized for use on roads within the following Rumbling Bald Resort subdivisions:

Apple Valley (Villas, Forest, I, II and III)
Bald Mountain (East and West)
Bent Creek
Buffalo Cliffs
Buffalo Cove North
Chalet Village (North)
Deerfield
Eagle Creek
Fairway of the Mountains
Fairway Villas
Fox Run
Golf Estates (I and II)
Highland Shores (III)
Laurel Landing

Laurel Mountain Estates
Maple Ridge
Mountain Loft
Quail Cove
Quail Ridge
Shumont Estates (I, II, III and IV)
Stonecrest Villas
The Knoll
The Meadows
The Ridge
Troutstream Villas
Waterside
Whiney Estates
Young's Mountain (South)

The roads within Rumbling Bald Resort are considered "Public Vehicle Areas" as it relates to this Chapter and Chapter 20 of the North Carolina General Statutes.

6. Golf carts authorized for use under the provisions of this Chapter shall not be operated on any other public streets or roads within the Town of Lake Lure.
7. Any person who operates a golf cart must be responsible for all liability associated with operation of the golf cart and must have liability insurance coverage which will cover the use of a golf cart in an amount not less than the minimum required by North Carolina law for motor vehicles operated on public highways in the State.
8. Any person who operates a golf cart must be at least sixteen (16) years of age. No person may operate a golf cart unless that person is licensed to drive upon the public streets, roads and highways of North Carolina and then, only in accordance with such valid driver's license's restriction(s). Golf cart operators must carry their driver's license on their person at all times while operating a golf cart on public roads. For the purpose of this Chapter, a learner's permit shall not be considered as a valid driver's license nor shall any license that has been revoked, temporarily or otherwise, or suspended for any reason be considered as a valid driver's license during the period of revocation or suspension.
9. Any person who operates a golf cart on public streets and roads must adhere to all applicable State and local traffic laws, regulations and ordinances, including but not limited to those banning the possession and use of alcoholic beverages, and all other illegal drugs. In addition, no golf cart containing any open container of alcohol shall be operated on public roads.
10. The operator of a golf cart shall yield the right-of-way to overtaking motor vehicles.
11. An operator of a golf cart on designated streets may not allow the number of people in the golf cart at any one time to exceed the maximum capacity specified by the manufacturer. The operator shall not allow passengers to ride on any part of a golf cart not designed to carry passengers, such as the rear of a golf cart designed to carry golf bags.
12. In no instance shall a golf cart be operated at a speed greater than 20 miles per hour. No golf cart may be operated at a speed greater than reasonable and prudent for the existing conditions.
13. Golf carts must be operated at the right edge of the roadway and must yield to all vehicular and pedestrian traffic.
14. Golf carts must park in designated spaces in such a manner that multiple golf carts can utilize the space. All parking rules and limits apply. Golf carts shall only park in handicapped parking spaces if the driver or at least one passenger has a valid handicap parking placard and such placard is properly displayed in the cart. No parking on sidewalks is allowed. The stopping, standing, or parking of golf carts in areas where parking is not allowed or in any place that impedes the flow of traffic, pedestrian walkways, or a passageway is prohibited.
15. Golf carts may not be used for commercial purposes or used as a taxicab or bus for the

commercial carrying of passengers or the hauling of freight.

16. Golf carts may not be used for the purpose of towing another cart, trailer, vehicle of any kind, including a person on roller skates, skateboard, bicycle or similar device.

Section 73.06 REQUIRED EQUIPMENT

1. Golf carts must have the basic equipment supplied by the manufacturer, including a vehicle identification or serial number. Such equipment must include all safety devices as installed by said manufacturer.
2. Every golf cart shall have two (2) operating headlights, one on each side of the front of the golf cart and two (2) operating tail lights, one on each side of the rear of the cart. All four (4) lights must be visible from a distance of 500 feet.
3. A low speed caution triangle with a minimum size of twelve (12) inches or greater on all three sides that shall be made of reflective material and mounted on the rear of the vehicle and permanently installed.
4. Every golf cart operated on designated streets shall have either an unobstructed rear-view mirror and left side mirror, or a wide angle cross bar rear-view mirror.
5. If a mechanical turn signal indicator is not installed or operational, then hand signals are required for turns.

Section 73.07 REGISTRATION, INSPECTION AND FEE PRIOR TO USAGE

1. All golf cart owners who intend to operate the golf cart on designated roads must complete a golf cart registration application and submit to the Police Department for approval. Before driving on public roads, the operator of a golf cart must have a valid issued registration.
2. The cost for the registration of the golf cart shall be in accordance with the Fee Schedule adopted annually by the Town Council. Registration fees are due at the time of registration and registrations must be renewed every two years.
3. Each owner must have proof of ownership, liability insurance, and a completed Waiver of Liability releasing the Town of Lake Lure from liability that may arise as a result of operation of a golf cart within the Town limits. These documents must be in the golf cart at all times while in operation on public roads or streets.
4. All golf carts must meet the requirements or minimum standards of safety equipment as set forth in Section 73.05 of this Chapter. Prior to issuing the initial registration permit or any renewal, the golf cart shall be inspected by the Police Department or, in place of inspection, the Police Department may require

photographs submitted of the golf cart. Photos must clearly show that each of the requirements of Section 73.05 are met.

5. All golf cart operators must present a valid driver's license while operating a golf cart on a public street or road.
6. The registration sticker shall be valid for no more than two years and must be displayed on the driver's side front quarter panel of the golf cart and easily visible by law enforcement personnel.
7. Lost or stolen permit/stickers are the responsibility of the owner and must be replaced before the golf cart is operated on a public road.

Section 73.08 DENIAL, REVOCATION AND ENFORCEMENT

1. If any person shall violate the provisions of this Chapter, he/she shall be guilty of a Class 3 misdemeanor and shall be subject to the remedies and penalties found in Section 10.99 of the Lake Lure Code of Ordinances.
2. The Town may refuse to register and issue a permit for the operation of a golf cart, or may revoke a previously issued permit, if the application contains any material misrepresentation; if equipment required by this Chapter, has been removed from the golf cart; if the liability insurance requirements have not been met; or the vehicle identification or serial number is removed.
3. The Town may refuse to register and issue a permit for the operation of a golf cart, or may revoke a previously issued permit for cart owners who have received at least two citations involving the golf cart since their last registration renewal.
4. Any person who knowingly allows an underage driver to operate a golf cart shall have their permit revoked. In addition, the Town may also refuse to issue a future permit to someone who allowed an underage driver to operate a golf cart on public roads or streets.
5. All-terrain vehicles, four-wheel utility vehicles and other similar utility vehicles which are not manufactured for operation on a golf course may not be registered as a golf cart nor shall such vehicles be operated on the public roads or streets within the Town unless such vehicles are otherwise used in conjunction with and authorized for emergency service operations.
6. Any violation of the motor vehicle laws of the State of North Carolina shall be charged the same as any other driver of any registered vehicle in the State.

This Ordinance shall be in full force and effect from and after its enactment.

Enacted this ____th day of _____, 2018.

Kevin Cooley, Mayor

ATTEST:

Andi Calvert, Town Clerk

IX A

**LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION**

Meeting Date: February 13, 2018

SUBJECT: 2018-2023 Capital Improvements Plan

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: A
Department: Administration and Finance
Contact: Ron Nalley, Town Manager
Presenter: Ron Nalley, Town Manager

BRIEF SUMMARY: At your meeting on February 13th, staff will present a draft of the 2018-2023 Capital Improvement Plan (CIP). As a reminder, the CIP is a financial planning tool that looks into the future to forecast the Town's equipment, building and infrastructure needs. Generally speaking, an item is included in the Town's CIP if it has a life expectancy of greater than one year and a value of greater than \$5,000.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To call for a Public Hearing on March 13, 2017 at 6:10 p.m. or as soon thereafter as possible to discuss the proposed 2018-2023 Capital Improvements Plan.

FUNDING SOURCE: General Fund/Water and Sewer Fund/Hydroelectric Fund

ATTACHMENTS: The Draft 2018-2023 Capital Improvement Plan will be distributed at your meeting.

STAFF'S COMMENTS AND RECOMMENDATIONS: At your meeting in January, I gave a brief presentation about the CIP and to determine if there are projects that board members or the public feel need to be added, modified or even deleted from the plan. I plan to do a short presentation at the February meeting. The Board will then have a month to review the CIP and to meet as often as you feel is necessary to finalize the plan. I have asked the Board to schedule a public hearing on the plan for March 13 and following the public hearing if you feel it is appropriate consider it for adoption. As always, if you have questions concerning any of the plan or specific projects please do not hesitate to see me.

IX B

**LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION
Meeting Date: February 13, 2018**

SUBJECT: Professional Services Contract - Firing Range

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: B
Department: Police and Community Development
Contact: Sean Humphries, Chief and Brad Burton, Code Enforcement Coordinator
Presenter: Sean Humphries, Chief and Brad Burton, Code Enforcement Coordinator

BRIEF SUMMARY: The C.M. Bustle Firing Range is located next to the Lake Lure Classical Academy. There are two sections to the facility, split almost evenly by the access road to the school. At present, the facility is open and unsecured. Both sides of the road have been classified as environmentally impacted areas due to over a decade of firing range activity. Last year, the Board set aside \$28,500 to secure the site and mitigate, to the greatest extent possible, stormwater runoff. The proposal by Odom Engineering will complete the design and oversight of the two BMP's for stormwater runoff at the firing range.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To approve the Proposal for Engineering Services with Odom Engineering in an amount not to exceed \$4,500 and to authorize the Town Manager to execute the necessary documents.

FUNDING SOURCE: Capital Outlay Fund – Firing Range

ATTACHMENTS: Proposal for Engineering Services with Odom Engineering dated January 31, 2018 and Site Map

STAFF'S COMMENTS AND RECOMMENDATIONS: As mentioned above, the Firing Range Enhancement Project was approved as part of the Capital Improvement Plan and Annual Budget process. The completion of the engineering work will be necessary to proceed with the final site work.



169 Oak Street • Forest City, NC 28043
office 828.247.4495 • fax 828.247.4498

January 31, 2018

Sean Humphries, Police Chief
Town of Lake Lure
PO Box 195
2950 Memorial Hwy
Lake Lure, NC 28746

RE: Proposal for Engineering Services for Design and Oversight of two BMP's for Runoff from two Firing Ranges

Dear Sean:

We appreciate the opportunity to provide you with this proposal for ***Design and Oversight of two BMP's for Runoff from two Firing Ranges*** (PROJECT). This proposal, if accepted, also serves to document the agreement between Odom Engineering, PLLC (ENGINEER) and The Town of Lake Lure (OWNER). More specifically, the Engineer will:

We propose to provide the following engineering services for the following fee:

- Obtain any additional topographical data if necessary.
- Complete the design of the BMP's per the NCDEQ design manual.
- Inform NCDEQ of design and request comments.
- Obtain pricing from contractors.
- Complete construction administration and construction oversight of project.
- Provide a certification letter upon completion of construction.

PROJECT TOTAL: \$ 4,500.00*

** Please note that the above fee does not include any permit or review fees required by regulatory agencies, surveying or any other additional monies beyond the proposed scope of the services rendered.*

Bi-weekly payment requests will be made to the OWNER. This document and the attached Consultant Contract Provisions represents the entire understanding between the ENGINEER and the OWNER in respect of the PROJECT and may only be modified in writing signed by both parties. If it satisfactorily sets forth your understanding of our agreement, please sign in the space provided below.

Sincerely,

A handwritten signature in black ink, appearing to read 'D Odom', is written over a horizontal line.

David Odom

Accepted this day ____ of _____, 20____

(Signature)

(Printed Name)

(Title)

CONSULTANT CONTRACT PROVISIONS

1. **CONTRACT** – These Contract Provisions and the accompanying Proposal constitute the full and complete Agreement between the parties and may be changed, amended, added to, superseded, or waived only if both parties specifically agree in writing to such amendment of the Agreement. In the event of any inconsistency between these Contract Provisions and any proposal, contract, purchase order, requisition, notice to proceed, or like document, these Contract Provisions shall govern.

2. **RIGHT OF ENTRY** – When entry to property is required for the CONSULTANT to perform its services, the Client agrees to obtain legal right-of-entry on the property.

3. **DOCUMENTS** – All reports, notes, drawings, specifications, data, calculations, and other documents, including those in electronic form, prepared by CONSULTANT are instruments of CONSULTANT's service that shall remain CONSULTANT's property. The Client agrees not to use CONSULTANT-generated documents for marketing purposes, for projects other than the project for which the documents were prepared by CONSULTANT, or for future modifications to this project, without CONSULTANT's express written permission.

Any reuse or distribution to third parties without such express written permission or project-specific adaptation by CONSULTANT will be at the Client's sole risk and without liability to CONSULTANT or its employees, subsidiaries, independent professional associates, subconsultants, and subcontractors. Client shall, to the fullest extent permitted by law, defend, indemnify, and hold harmless CONSULTANT from and against any and all costs, expenses, fees, losses, claims, demands, liabilities, suits, actions, and damages whatsoever arising out of or resulting from such unauthorized reuse or distribution.

4. **DISPOSAL OF SAMPLES** – CONSULTANT will discard samples upon completion of the work covered under this Agreement, unless the Client instructs otherwise in writing.

5. **HAZARDOUS MATERIALS** – The scope of CONSULTANT's services for this Agreement does not include any responsibility for detection, remediation, accidental release, or services relating to waste, oil, asbestos, lead, or other hazardous materials, as defined by Federal, State, and local laws or regulations.

6. **CONSTRUCTION PHASE SERVICES** – If CONSULTANT performs any services during the construction phase of the project, CONSULTANT shall not supervise, direct, or have control over Contractor's work. CONSULTANT shall not have authority over or responsibility for the construction means, methods, techniques, sequences or procedures or for safety precautions and programs in connection with the work of the Contractor. CONSULTANT does not guarantee the performance of the construction contract by the Contractor and does not assume responsibility for the Contractor's failure to furnish and perform its work in accordance with the Contract Documents.

7. **STANDARD OF CARE** – CONSULTANT and its employees, subsidiaries, independent professional associates, subconsultants, and subcontractors will exercise that degree of care and skill ordinarily practiced under similar circumstances by design professionals providing similar services. Client agrees that services provided will be rendered without any warranty, express or implied.

CONSULTANT shall exercise usual and customary professional care in its efforts to comply with applicable codes, regulations, laws rules, ordinances, and such other requirements in effect as of the date of execution of this Agreement.

8. **OPINION OF PROBABLE COSTS** – When required as part of its work, CONSULTANT will furnish opinions of probable cost, but does not guarantee the accuracy of such estimates. Opinions of probable cost, financial evaluations, feasibility studies, economic analyses of alternate solutions, and utilitarian considerations of operations and maintenance costs prepared by CONSULTANT hereunder will be made on the basis of CONSULTANT's experience and qualifications and will represent CONSULTANT's judgment as an experienced and qualified design professional. However, users of the probable cost opinions must recognize that CONSULTANT does not have control over the cost of labor, material, equipment, or services furnished by others or over market conditions or contractors' methods of determining prices or performing the work.

9. **SUSPENSION OF WORK** – The Client may, at any time, by written notice, suspend further work by CONSULTANT. The Client shall remain liable for, and shall promptly pay CONSULTANT for all services rendered to the date of suspension of services, plus suspension charges, which shall include the cost of assembling documents, personnel and equipment, rescheduling or reassignment, and commitments made to others on Client's behalf.

Client shall pay CONSULTANT pursuant to the rates and charges set forth in the Proposal. CONSULTANT will submit monthly invoices to Client for services rendered and expenses incurred. If Client does not pay invoices within thirty (30) days of submission of invoice, CONSULTANT may, upon written notice to the Client, suspend further work until payments are brought current. The Client agrees to indemnify and hold CONSULTANT harmless from any claim or liability resulting from such suspension.

10. **CHANGES OR DELAYS** – Unless the accompanying Proposal provides otherwise, the proposed fees constitute CONSULTANT's estimate to perform the services required to complete the Project. Required services often are not fully definable in the initial planning; accordingly, developments may dictate a change in the scope of services to be performed. Where this occurs, changes in the Agreement shall be negotiated and an equitable adjustment shall be made.

Costs and schedule commitments shall be subject to renegotiation for unreasonable delays caused by the Client's failure to provide specified facilities, direction, or information, or if CONSULTANT's failure to perform is due to any act of God, labor trouble, fire, inclement weather, act of governmental authority, failure of transportation, accident, power failure, or interruption or any other cause beyond the reasonable control of CONSULTANT. Temporary work stoppage caused by any of the above may result in additional cost beyond that outlined in the accompanying Proposal.

11. **LIABILITY** – To the fullest extent permitted by law, the total liability, in the aggregate, of CONSULTANT and CONSULTANT's officers, directors, employees, agents, and consultants to Client and anyone claiming by, through or under Client, for any and all injuries, claims, losses, expenses, or damages whatsoever arising out of or in any way related to CONSULTANT's services, the Project or this Agreement, from any cause or causes whatsoever, including but not limited to, negligence, strict liability, breach of contract or breach of warranty shall not exceed the total compensation received by CONSULTANT under this Agreement, or the total amount of \$50,000.00, whichever is greater.

12. **CONFLICTS OF INTEREST** – This assignment may involve parties with adverse interests to clients with whom CONSULTANT has current or past relationships. It is CONSULTANT policy to make reasonable attempts to identify such relationships prior to acceptance of a professional assignment, but CONSULTANT cannot assure that conflicts or perceived conflicts will not arise, and CONSULTANT does not accept responsibility for such occurrences.

13. **REIMBURSABLE EXPENSES** – CONSULTANT will bill direct nonpayroll expenses at cost plus 10%. Direct expenses include all reasonable expenses resulting from required responses to subpoenas or court orders related to work under the Contract.

14. **MISCELLANEOUS**

Governing Law: The laws of the state in which the CONSULTANT office executing this Agreement is located shall govern the validity and interpretation of this Agreement.

Invalid Terms: In the event any of these Contract Provisions are found to be illegal or otherwise unenforceable, the unenforceable Contract Provision will be stricken. Striking such a Contract Provision shall have no effect on the enforceability of the remaining Contract Provisions and those remaining Contract Provisions shall continue in full force and effect as if the unenforceable Contract Provision were never included in the Agreement.

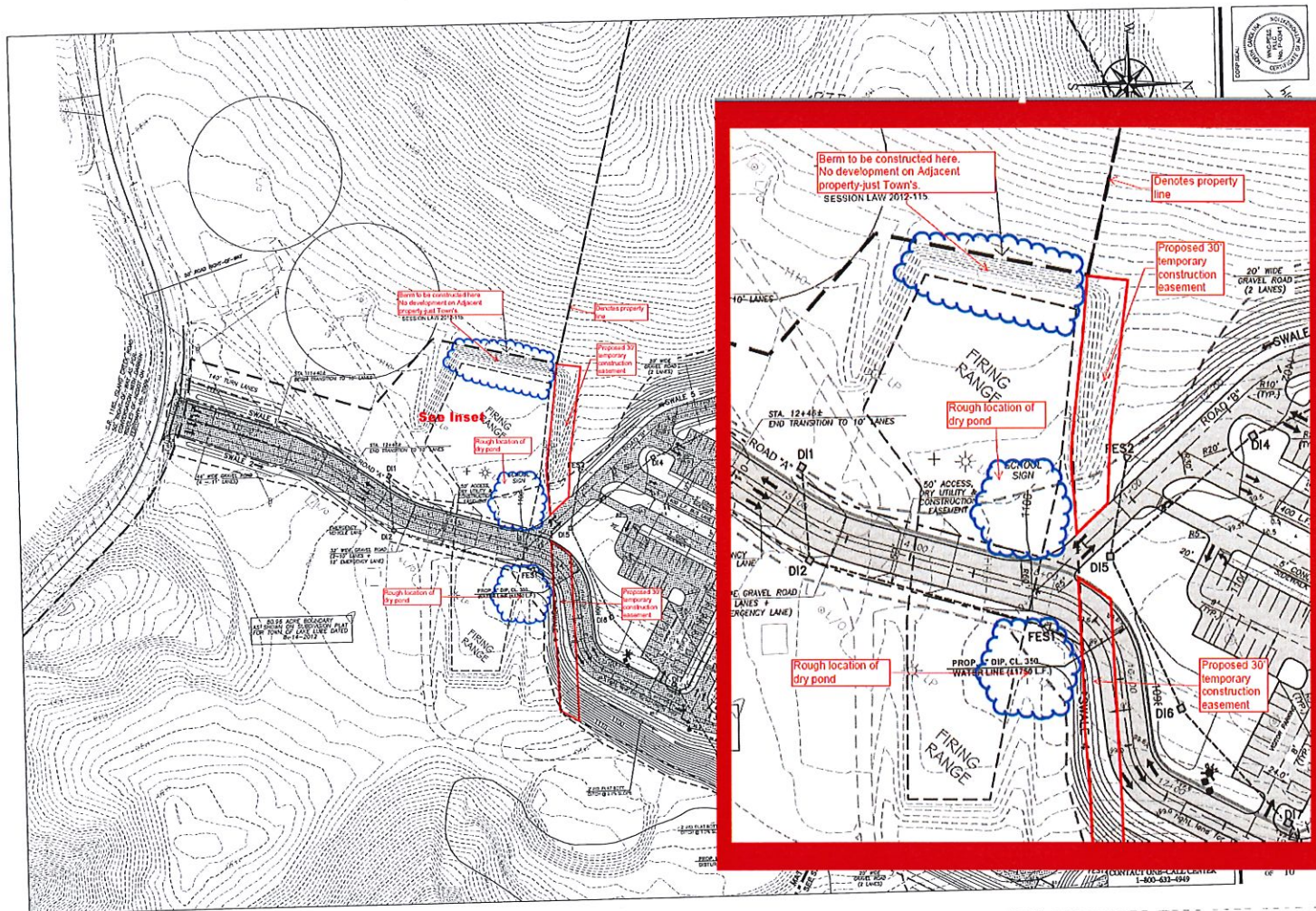
Mediation: The Client and CONSULTANT agree to submit all claims and disputes arising out of this Agreement to non-binding mediation prior to the initiation of legal proceedings. This provision shall survive completion or termination of this Agreement; however, neither party shall seek mediation of any claim or dispute arising out of this Agreement beyond the period of time that would bar the initiation of legal proceedings to litigate such claim or dispute under the applicable law.

CONSULTANT Reliance: CONSULTANT shall be entitled to rely, without liability, on the accuracy and completeness of any and all information provided by Client, Client's consultants and contractors, and information from public records, without the need for independent verification.

Certifications: CONSULTANT shall not be required to sign any documents, no matter by whom requested, that would result in CONSULTANT's having to certify, guaranty, or warrant the existence of conditions that CONSULTANT cannot ascertain.

Third Parties: Nothing contained in this Agreement shall create a contractual relationship with, or a cause of action in favor of, a third party against either the Client or CONSULTANT. CONSULTANT's services hereunder are being performed solely for the benefit of the Client, and no other entity shall have any claim against CONSULTANT because of this Agreement or CONSULTANT's performance of services hereunder.

Consequential Damages: Neither the Client nor the CONSULTANT shall be liable to the other or shall make any claim for any incidental, indirect or consequential damages arising out of, or connected in any way to the Project or this Agreement. This mutual waiver includes, but is not limited to, damages related to loss of use, loss of profits, loss of income, loss of reputation, unrealized savings or diminution of property value and shall apply to any cause of action including negligence, strict liability, breach of contract and breach of warranty.



IX C

**LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION**

Meeting Date: February 13, 2018

SUBJECT: Professional Services Agreement – NC Hydro Group – Lobbying Services

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: C
Department: Administration
Contact: Ron Nalley, Town Manager
Presenter: Ron Nalley, Town Manager

BRIEF SUMMARY: Last year House Bill 589 was signed into law. The new law was touted as an Energy Bill success for North Carolina, however an unintended consequence is that the Bill hurt small hydro operators like the Town of Lake Lure by limiting term contracts and reducing or eliminating capacity payments. At that time, the Town joined 17 other small hydro operators to try and have the new law changed or amended. The attempts were unsuccessful and since that time several operators have been meeting to try and determine the next course of action. It is now recommended that the group engage a lobbyist to help in those efforts. The NC Hydro Group is proposing using the Smith Moore Leatherwood Firm in Raleigh and would like the Town to participate in their expanded efforts.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

1. To agree to participate in the lobbying efforts of the North Carolina Hydro Group with Smith, Moore Leatherwood LLC in an amount not to exceed \$600 per month and to authorize the Town Manager to execute the necessary documents.
2. To approve Budget Amendment 213 to transfer \$5,000 from the Hydroelectric Fund Equity to Contract Services for the North Carolina Hydro Group lobbying efforts.

FUNDING SOURCE: Hydroelectric Fund

ATTACHMENTS: Proposal for Professional Lobbying Services from Smith Moore Leatherwood LLP dated January 22, 2018

STAFF'S COMMENTS AND RECOMMENDATIONS: The proposed cost is based on plant capacity and number of participants. The Town's portion of that cost is estimated to be between \$380 and \$600 a month for 12 to 18 months. Worst case scenario, the total costs to the Town would be between \$6,840 and \$10,800 for the agreement term. When HB589 was first brought to our attention, we calculated the loss of our capacity payments to be around \$100,000 per year. If this holds true, from staff's perspective, this is a small price to pay for protection of the capacity payments. However, as we also know, the small hydro operators may not be successful even after engaging a lobbyist.

January 22, 2018

VIA EMAIL

Jim Price
NC Hydro Group

Dear Jim:

I am submitting this document as a proposed Letter of Agreement between NC Hydro Group ("NC Hydro") and Smith Moore Leatherwood LLP ("SML") for representation in connection with legislative and executive branch activities in the State of North Carolina from January 1, 2018, through December 31, 2018. I am providing NC Hydro with this Letter of Agreement in an abundance of caution given the numerous changes to the State's lobbying and reporting rules in recent years.

My responsibilities as consultant to NC Hydro will be to represent NC Hydro before state legislative and executive bodies on all issues of interest to NC Hydro; to report to NC Hydro on all such legislative or executive actions, including bill introductions, hearings and votes; to register as NC Hydro's representative in the State of North Carolina; to file reports as required by State law and send copies to NC Hydro's designated representative; to advise NC Hydro on its reporting responsibilities; and to provide similar services as mutually agreed upon.

Specifically, the scope of my representation is as follows:

Lobbying Services, as defined in N.C.G.S. § 120C-100(a)(9), provided by SML include the following:

1. Direct lobbying communications and direct lobbying activities with various governmental persons; and
2. Communications or activities intended to build relationships with various governmental persons to assist in lobbying efforts.

Jim Price
NC Hydro Group
January 22, 2018
Page 2

Ancillary Services that support lobbying, as defined in N.C.G.S. § 120C-403(e), provided by SML include the following:

1. Research;
2. Drafting of written communications and time spent preparing communications with NC Hydro to relate information on proposed or pending legislative and/or executive action;
3. Monitoring of proposed or pending legislative and/or executive action which might affect NC Hydro's interests; and
4. Advising and rendering opinions to NC Hydro as to the construction and effect of proposed or pending legislative and/or executive action.

Non-Lobbying Services include the following:

1. Advice regarding election cycles and political candidates;
2. Drafting legislation;
3. Forming coalitions to achieve public policy goals; and
4. Developing and implementing detailed strategies to reach NC Hydro's lobbying objectives.

As compensation for all the services described above during the period of this proposed Letter of Agreement, NC Hydro agrees to pay SML a total of \$36,000.00 as an annual retainer. This fee is payable on the first day of each month through the duration of this Agreement. Monthly payment of \$3,000.00, beginning January 1, 2018, through December 31, 2018, represents full payment for the services outlined above as well as for expenses incurred, including office expenses and travel expenses within the State of North Carolina. It is understood that NC Hydro will reimburse SML for necessary lobbying registration fees and reasonable out-of-state travel expenses incurred at NC Hydro's request.

I will provide advice and assistance to NC Hydro in accordance with this letter and in reliance on information and guidance provided by NC Hydro. I will keep you informed of progress and developments in the matter and will timely respond to your inquiries. To enable me to represent NC Hydro effectively, it is critical that NC Hydro cooperate fully with me in all matters relating to this engagement. I must rely on you to disclose fully, honestly and accurately all facts and documents that may be important to the matter and to provide other information I request. As the matter progresses, I may express opinions, beliefs or assessments concerning the subject of our engagement and the results that might be anticipated. Statements made by me are intended only to be expressions of opinions based on the information available to me at the time and are not, of course, a promise, assurance or guarantee.

As mentioned above, unless otherwise directed, SML will advise NC Hydro on reports that must be filed with the Office of the Secretary of State. I will also prepare all necessary reports for signature by NC Hydro's authorized officer and help NC Hydro ensure proper filing in a timely fashion. Reporting of Lobbying Services and Ancillary Services is done on an annual basis in the last report of the calendar year. Reporting of expenditures by NC Hydro must be made on a quarterly basis, with monthly reporting if expenditures are made while the NC General Assembly is in session. Reportable expenditures generally include expenditures for grassroots lobbying efforts, food and beverage provided to certain governmental persons, and gifts given to certain governmental persons under the statutory exceptions to the gift ban. The reporting rules are complicated, but I am available to handle all the details for NC Hydro, if you so choose.

Under this Letter of Agreement, employees of SML perform the duties and services provided herein as independent contractors. Employees of SML shall not be considered employees of NC Hydro for purposes of the performance of duties and services hereunder or for any other purpose.

It is the intention of the parties to this proposed Letter of Agreement that the services rendered hereunder and the payments made accordingly are not in any way contingent upon the defeat or enactment of any legislative, executive, regulatory or administrative proposal.

This proposed Letter of Agreement terminates on December 31, 2018. However, either NC Hydro or SML may terminate this Agreement with thirty (30) days prior written notice to the other party. In such event, the fee NC Hydro owes, if any, will be prorated as of the date of termination.

I agree to maintain any information provided by NC Hydro, whether orally or in writing, in the strictest confidence and will retain all documentation in secure file storage. Upon termination of this Agreement, or earlier if requested by NC Hydro, SML shall return to NC Hydro or destroy all confidential information in SML's possession without retaining a copy of same except as required by applicable law.

Modifications to this proposed Letter of Agreement shall be effective only if in writing and signed by authorized representatives of both parties. This proposed Agreement sets forth the entire understanding of the parties with respect to the matters contained herein and shall be governed by the laws of the State of North Carolina.

Jim Price
NC Hydro Group
January 22, 2018
Page 4

If this proposed Letter of Agreement is acceptable to you, please sign and date below and return a copy to me for our file as soon as possible. If you have questions or concerns, please do not hesitate to contact me.

I am honored to represent NC Hydro and am confident that this relationship will be mutually beneficial.

Sincerely yours,

Smith Moore Leatherwood LLP



Michelle L. Frazier

MLF/clj

NC Hydro Group

By: _____
Name: Jim Price

Date

Budget Amendment #_213

**TOWN OF LAKE LURE
BUDGET AMENDMENT**

Be it ordained by the Board of Commissioners of the Town of Lake Lure that the following amendment be made to the budget ordinance for the fiscal year ending June 30, 2018:

Department: Hydro-Electric

Purpose: Appropriate funds for Lobbyist for NC Small Hydro Group

Section 1. To amend the Hydro-electric Fund, the expenditures are to be changed as follows:

Line Item	Account Number	Amount Decrease	Amount Increase	Amended Budget
691	56-720000		\$5,000	\$15,000

To provide the additional revenue for the above, the following expenditure will be decreased:

Account Name: Transfer to Hydro-electric Fund Equity

Account Number: 56-720000-961

Amount: \$10,000 (will leave a \$9,800 budget balance transfer from original \$14,800 budgeted)

Section 2. I certify that the accounting records provide for this budget amendment, and that the revenue source(s) are available:

Finance Officer

Date

Section 3. Copies of this amendment shall be delivered to the Budget/Finance Officer and Town Auditor for their direction.

Adopted this _____ day of _____, 2018.

IX D

**LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION**

Meeting Date: February 13, 2018

SUBJECT: Marina Boat Slip and Dock Evaluation

AGENDA INFORMATION:

Agenda Location: New Business
Item Number D
Department: Lake Operations
Contact: Dean Givens, Lake Operations Director
Presenter: Dean Givens, Lake Operations Director

BRIEF SUMMARY: During the December 2016 Board Retreat and the development of the current fiscal year budget, Town Council expressed interest in expanding the Marina to accommodate a total of 40 new slips. While developing the project scope, it was brought to the Town's attention that a new fire code regarding the need for a fire suppression system on the docks was now required. This increased the project cost by approximately \$85,000. Based on the increased cost, the Board requested that the Lake Operations Director evaluate other areas of the lake for the potential development of new docks whose expansion would not trigger the new fire code requirements.

RECOMMENDED MOTION AND REQUESTED ACTIONS: None at this time pending further direction from Town Council.

FUNDING SOURCE: Not Applicable

ATTACHMENTS: Project Evaluation Report dated February 9, 2018.

STAFF'S COMMENTS AND RECOMMENDATIONS: Following a detailed review of potential sites, staff recommends that Council look at incorporating the dock expansion project into the boardwalk project. The proposed configuration and expansion could potentially create up to 94 additional slips (168 total slips) and generate approximately \$200,000 in additional revenue. As envisioned, this project may help fund the marina and boardwalk projects currently under consideration as part of the Tourism Study by the Rutherford County TDA.



LAKE OPERATIONS OFFICE

To: Ron Nalley, Town Manager

From: Dean Givens, Lake Operations Director

Date: February 9, 2018

Subject: Dock Evaluation

In this year's budget, Council approved expanding the marina by forty slips. The original cost estimate I provided was approximately \$160,000 and this was budgeted to complete the project.

After submitting this figure in the 2017/18 budget, Ron Morgan told me that there are new fire codes that require fire suppression systems that will need to be met on this project. Now that I have this new information and applied it to the marina project, the new estimates are at \$245,000, to be a turnkey project.

At the November 2017 Town Council meeting, Council asked that I look at other possible areas around the lake to see if we could build docks for rental in a cost effective way. The attached documents are my findings.

I evaluated six different locations around the lake starting with Buffalo Shoals Rd., then moved on to Rumbling Bald Resort, Dam area north, Dam area South, ABC Store and finally the Marina Bay Boardwalk. While conducting my study, it became obvious that the Marina Bay Boardwalk area would be the best option for the Town to invest in rental docks. This area scored highest among the six areas in the study in all parameters used.

Please see the completed study attached.

Thanks.

Site Plan Scores

	Buffalo Shoals	Rumbling Bald	Dam North	Dam South	ABC Store	Marina Boardwalk
Utilities	2.5	5	0	0	5	5
Accessibility	2.5	0	2.5	2.5	5	5
Parking	0	5	5	5	5	5
Launch Ramp	0	5	5	5	5	5
Boat Slips	5	5	0	0	5	5
Slope	0	5	5	5	5	5
Zoning	0	5	0	0	5	5
Shoreline	5	5	5	0	2.5	5

Total Score	15	35	22.5	17.5	37.5	40
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Average Score	1.8	4.3	2.8	2.1	4.7	5
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Weighted Score	5	11.6	7.5	5.8	12.5	13.3
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Dock Project Summary

Buffalo Shoals Rd.

This property is comprised of 3 adjoining parcels. Each parcel is non-conforming as to lot size and with greater than 30%-40% slope, the parcels would be subject to Town's MHSD regulations. The slope of all parcels is consistently greater than 30% without a plateau for building structures. There is no city water in this area, and sewer is approx. 500' south of this property. Parking would be difficult along Buffalo Shoals road due to narrow and curvy two lane road and very limited shoulder room at these lots. With approx. 300' of shoreline, floating docks could provide 20+ boat slip rentals, providing revenue to the Town. **Total Score: 15**

Rumbling Bald

This location does not have public access and would require mutual agreement with RBR. This would be a good area with respect to amenities, launch ramp, parking and RBR slip rental waiting list. It would be possible to construct up to 24 slips in this area. The area would need to be dredged to accommodate the slips and boats and would likely require annual dredging. **Total Score: 35**

Dam North

This location is where a Town boathouse is located and has 300' of usable shoreline for floating docks. The slope of the land is between 30-40% slope and only approx. 60' from road to water. Access to the lake would be fairly easy and there is adequate room for parking, however there is no city water or sewer available in this area. There is currently no boat launch ramp in this area but it may be possible to install a deep water launch ramp in this location. **Total Score: 22.5**

Dam South

This location is where the Lake Operations building is located. It has approx. 100' of usable shoreline for a floating dock system. This is the proposed location for the CIP budget requested Town boathouse. No city water or sewer at this location, but does have septic. The well has been tested and cannot be used as potable water due to high levels of bacteria and heavy metals. The shoreline is greater than 30% but only 15' from the top of bank to the edge of water. There is a concept drawing for the entire dam area as a park, drawn by Vic Knight. **Total Score: 17.5**

ABC Store

This location is where the current Town police boathouse and where Lake Ops and Public Works boats are moored. By Pool Creek Park there is a floating dock that allows for temporary mooring of up to four boats. There is enough shoreline to support rental boat slips for approx. 20 boats but would need some maintenance dredging. Suitable parking, proximity to a Town park, utilities, boat launch and slope of the land make this a good project area. **Total Score: 37.5**

Marina Boardwalk

This location has been included in the CIP budget due to the dilapidated nature of the boardwalk. Recent discussions related to improving not only the boardwalk, but also the Lake Lure Tours building with the help of the TDA, as well as the fact that this is where the current Town Marina is, makes this area score high in terms of overall feasibility. This area currently has water and sewer available; it is easily accessed from Memorial Highway; it offers the greatest amount of parking compared to the other sites; it has a launch ramp; and it has a suitable slope for accessing the current and any proposed facilities. With more than 300 feet of shoreline this location could accommodate up to 168 boat rental slips. It would replace the current slip configuration (existing slips could be used) and would provide a good revenue source for the marina projects. **Total Score: 40**

Parameters

Utilities	Water/Sewer	5 Pts.
	Water or Sewer	2.5 Pts.
	Neither	0 Pts.

Accessibility	Hwy/Main Rd.	5 Pts
	Secondary Rd.	2.5 Pts
	Private	0 Pts.

Parking	10 + Cars	5 Pts.
	5-9 Cars	2.5 Pts
	0-4 Cars	0 Pts.

Zoning	Allowed Use	5 Pts.
	Conditional Use	2.5 Pts
	Rezone	0 Pts.

Launch Ramp	Present	5 Pts.
	No Ramp	0 Pts.

Boat Slips	20 +	5 Pts.
	15-19	2.5 Pts.
	0-14	0 Pts.

Slope	0-10%	5 Pts.
	11-20%	2.5 Pts.
	21+	0 Pts.

Shoreline	300' +	5 Pts.
	200-299'	2.5 Pts
	0-199	0 Pts.

Buffalo Shoals Rd.

Utilities:

- City water is not available.
- Town sewer is possible. Closest connection is 500 feet away.

Accessibility:

- Located on a curvy narrow secondary road.

Parking:

- No existing parking is available.

Zoning:

- This land is in 3 different parcels and zoned R-1.
- Individually these lots would be non-conforming due to lot size.
- Would require rezoning from R-1 to GU.

Launch Ramp:

- No ramp currently.

Boat Slips:

- Greater than 20 slips

Slope:

- Two lots are greater than 30%
- One lot is greater than 40%
- Neither lot has a plateau.

Shoreline:

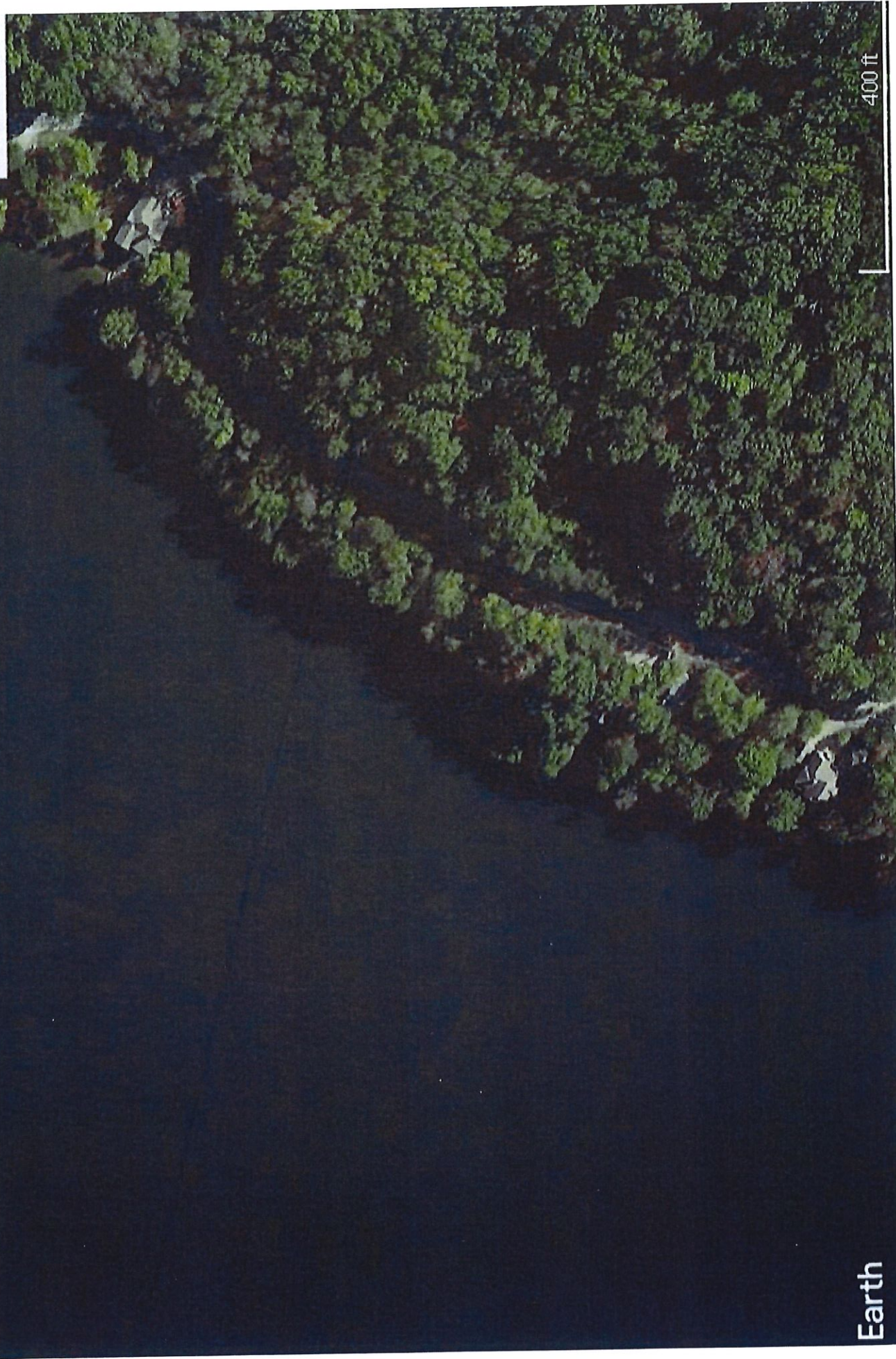
- If lots were combined, there would be approx. 300' of shoreline.

3D Map

Description for your map.

Legend

-  Lake Lure
-  Rumbling Bells



Earth

400 ft

Rumbling Bald Resort

Utilities:

- City water and sewer is available.

Accessibility:

- Private property.

Parking:

- parking is available greater than 10 cars

Zoning:

- RBR is zoned R-3, allowed use.

Launch Ramp:

- Yes.

Boat Slips:

- Greater than 20 slips

Slope:

- 0 – 10%

Shoreline:

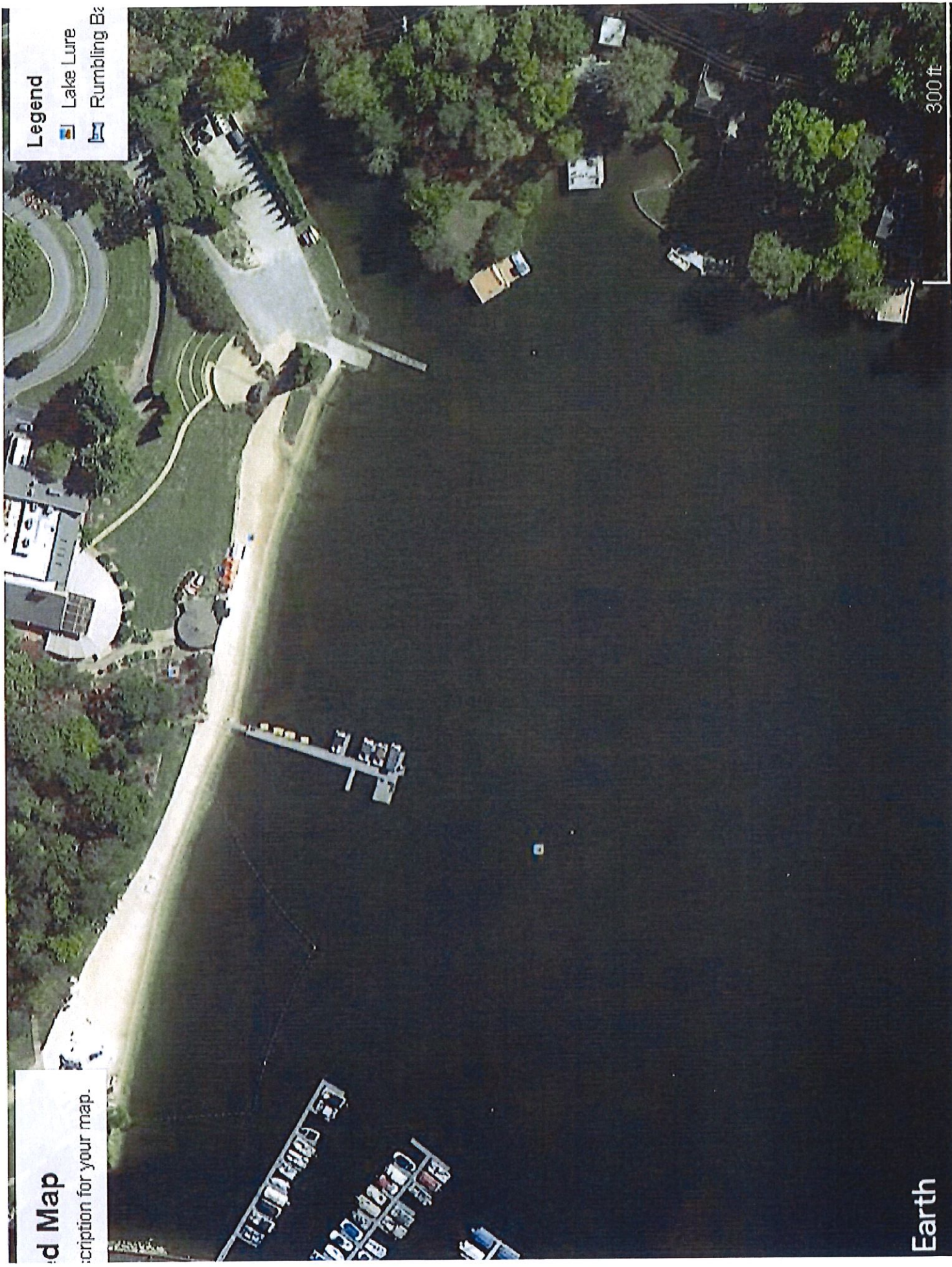
- Greater than 300'

id Map

cription for your map.

Legend

-  Lake Lure
-  Rumbling Bz



Earth

300 ft

Lake Lure Dam North

Utilities:

- No city water or sewer available.

Accessibility:

- Secondary road.

Parking:

- parking is available greater than 10 cars

Zoning:

- Area is zoned CG, allowed use.

Launch Ramp:

- No ramp

Boat Slips:

- Greater than 20 slips

Slope:

- Greater than 21%

Shoreline:

- Greater than 300'

Map

Description for your map.

Legend

-  Lake Lure
-  Rumbling Bells



Earth

100 ft

Lake Lure Dam South

Utilities:

- No city water or sewer available.

Accessibility:

- Secondary road.

Parking:

- parking is available greater than 10 cars

Zoning:

- Area is zoned CG, allowed use.

Launch Ramp:

- No ramp

Boat Slips:

- Greater than 20 slips

Slope:

- Greater than 21%

Shoreline:

- 0-199

Map

description for your map.

Legend

-  Lake Lure
-  Rumbling Be



Earth

ABC Store

Utilities:

- Water and sewer available.

Accessibility:

- Hwy/Main Rd.

Parking:

- parking is available greater than 10 cars

Zoning:

- Area is zoned CG, allowed use.

Launch Ramp:

- Yes

Boat Slips:

- Greater than 20 slips

Slope:

- 0-10%

Shoreline:

- 200-299

id Map

cription for your map.

Legend

-  Lake Lure
-  Rumbling Bz



Earth

Marina Boardwalk

Utilities:

- Water and sewer available.

Accessibility:

- Hwy/Main Rd.

Parking:

- parking is available greater than 10 cars

Zoning:

- Area is zoned CG, allowed use.

Launch Ramp:

- Yes

Boat Slips:

- Greater than 20 slips

Slope:

- 0-10%

Shoreline:

- Greater than 300'

3D Map

Description for your map.

Legend

-  Lake Lure
-  Rumbling Bz



**LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION**

Meeting Date: February 13, 2018

SUBJECT: Appoint Town Representative to Serve on the Technical Advisory Committee (TAC) for Isothermal RPO.

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: E
Department: Administration
Contact: Ron Nalley, Town Manager
Presenter: Ron Nalley, Town Manager

BRIEF SUMMARY: The Technical Advisory Committee (TAC) consists of local elected officials and a North Carolina Board of Transportation member from the Isothermal Rural Planning Organization (RPO) area. The TAC establishes the goals, priorities and objectives of the RPO, reviews and recommends changes to comprehensive transportation plans within its boundaries, reviews and approves an annual plan of work, and reviews and prioritizes transportation improvement projects for submission to NCDOT. Currently, there are nine active, local members of the Transportation Advisory Committee (TAC) and four vacancies including the Town of Columbus, Town of Spindale, Town of Lake Lure and Chimney Rock Village. Each member serves a 2-year term and can be re-appointed. Potential members are required to be elected officials and must comply with the State Ethics requirements.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To appoint _____ to the Transportation Advisory Committee for the Isothermal Rural Planning Organization.

FUNDING SOURCE: Not Applicable

ATTACHMENTS: Email Request from Karyl Fuller, RPO Director, Isothermal Planning and Development Commission

STAFF'S COMMENTS AND RECOMMENDATIONS: Isothermal Rural Planning Organization serves as a voice for transportation planning in the counties of McDowell, Polk and Rutherford. Its mission is to work with individual members to improve transportation within the region. The IRPO, along with local MPOs and NCDOT Division Engineers, also plays a vital role in promoting projects to be placed on the State Transportation Improvement Plan (STIP).

Ron Nalley

From: Karyl Fuller <kfuller@regionc.org>
Sent: Wednesday, January 10, 2018 4:00 PM
To: Scott Webber; Tim Barth; Ron Nalley; Stephen Duncan
Subject: Recruitment Letter for Isothermal RPO's Technical Advisory Committee (TAC)

Follow Up Flag: Follow up
Flag Status: Completed

Good Afternoon:

We are currently recruiting members for the Technical Advisory Committee (TAC) for Isothermal RPO. Isothermal Rural Planning Organization serves as a voice for transportation planning in the counties of McDowell, Polk and Rutherford. Its mission is to work with individual members to improve transportation within the region. The IRPO, along with local MPOs and NCDOT Division Engineers, also plays a vital role in promoting projects to be placed on the State Transportation Improvement Plan or (STIP).

Currently, there are nine active, local members of the TAC. They have worked hard with the Technical Coordinating Committee (TCC) and staff to support the RPO and represent the region for the last year. However, it is important that IRPO have representation from as many of our local municipalities as possible, especially given the changes in transportation funding at the state level in 2013. For more information on the RPO, please visit our website: www.isothermalrpo.org.

Currently, we have four vacancies including the Town of Columbus, Town of Spindale, Town of Lake Lure and Chimney Rock Village. Each member serves a 2-year term and can be re-appointed. Potential members need to be elected officials. In addition, new members of the TAC must comply with Ethics requirements, as summarized below.

Please send an email to me, Karyl Fuller (kfuller@regionc.org), with the name of your appointee, their appointment date and their contact information.

Thank you and I look forward to working with new members. If you have questions, please do not hesitate to contact me.

Sincerely,

Karyl Fuller, GISP
RPO Director
Isothermal Planning & Development Commission
111 W. Court St.
Rutherfordton, NC 28139
(828) 351-2331
f (828) 351-2423

Background on Ethics Requirement:

Technical Advisory Committee (TAC)

- TAC members have to file a Statement of Economic Interest and Real Estate Disclosure Form.

- TAC members *do not* have to take additional ethics education (beyond that which already required).

Additional information on the Ethics requirements can be found here: <http://canons.sog.unc.edu/?p=7186>
<http://www.ethicscommission.nc.gov/>

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**LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION**

Meeting Date: February 13, 2018

SUBJECT: Utility Advisory Board Member Appointment

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: F
Department: Administration
Contact: Michelle Jolley, Interim Town Clerk
Presenter: Michelle Jolley, Interim Town Clerk

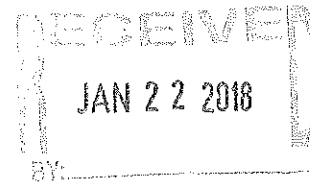
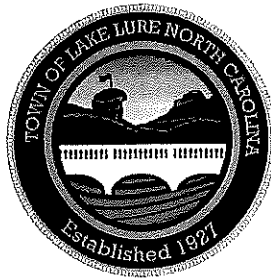
BRIEF SUMMARY: Steve Miller resigned from the Utility Advisory Board in November, leaving only four current members. Recently, an applicant has applied to be considered to fill the unexpired term of Mr. Miller, which ends on December 31, 2018.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To appoint David Diorio to the Utility Advisory Board to fill the unexpired term of Steve Miller which ends on December 31, 2018.

FUNDING SOURCE: None

ATTACHMENTS: Volunteer Application Form and List of Current Utility Advisory Board Members

STAFF'S COMMENTS AND RECOMMENDATIONS: The Utility Advisory Board consists of seven members serving staggered, three-year terms. You will note from the Board roster that they also have two additional vacancies that need to be filled.



VOLUNTEER APPLICATION FORM

Name: DAVID R DIORIO
Address: 145 NEIGHBORLY DRIVE Lake Lure Resident for 3 years
Home Phone: 757 248-2125 Cell Phone: 757 248-2125 Email: diorio.capt@gmail.com
Employer: Dept of Defense Address: 7800 Hampton Blvd, Norfolk, VA 23511

PLEASE CHECK THE APPROPRIATE BOX AND INDICATE A PREFERENCE IF CHECKING MORE THAN ONE

☐

Board of
Adjustment &
Lake Structure
Appeals Board

☐

Zoning &
Planning Board

☐

Lake Advisory
Board

☐

Parks &
Recreation
Board

☐

ABC Board

☒

Utility
Board

☐

Asset
Management
Task Force

Rationale and qualifications for serving: Certified nuclear engineer with 26 years
service in US Navy as submarine officer. Also achieved
Ph.D in Public Policy and Administration. I desire to
provide service to my community after completing 40 years of service
Other volunteer activities in which you are currently involved, including other Boards or Committees: to our
None. Recently moved to Lake Lure full time. nation.

Other information you feel might be pertinent, including current or prior occupation or resume:

Moved to full time Lake Lure resident in July 2017 and
will fully retire from federal service in May 2018.

Signature: David R Diorio Date: 1/10/18

See attached resume.

David R. DiOrio, Ph.D.

Professor of Public Policy and Administration, National Defense University

Captain, United States Navy (Retired)

145 Neighborly Drive - Lake Lure, NC - 28746 - Phone (757) 218-2125 - Email diorio.capt@gmail.com

Areas of Expertise:

- | | |
|--|--------------------------------------|
| ➤ Public Policy and Administration | ➤ Nuclear Engineering |
| ➤ Organizational Leadership and Design | ➤ Talent Management and Personnel |
| ➤ Major Program Business Management | ➤ Budgeting and Financial Management |
| ➤ International Relations and Negotiations | ➤ Strategic and Operational Planning |

Academic Leadership and Teaching Experience - Federal Executive Level

2016 - Present **National Defense University - Joint Forces Staff College** **Norfolk, VA**
Professor - Joint Professional Military Education

- Instructed multiservice, multiagency, and multinational security professionals in global geo-politics, joint operational planning, homeland security, and government interagency coordination.
- Developed faculty and conducted curriculum redesign with innovative blended teaching methodologies including synchronous and asynchronous distance education integrated with classical Socratic teaching methodology.

2011 - 2016 **National Defense University - Joint Forces Staff College** **Norfolk, VA**
College Chief of Staff - and - Associate Dean of Administration

- Directed College operations and provided academic oversight.
- Supervised 240 faculty/staff to deliver congressionally mandated Joint Professional Military Education to over 1400 students per year including current senior officers in the U.S. military.
- Led command (executive) group in decision-making, problem solving, organizational design, and strategic planning.
- Implemented \$22M annual budget to deliver education within 4 schools and multiple campuses.
- Developed college operational plan and coordinated with federal, state, and community stakeholders.

2006 - 2011 **Joint Forces Staff College** **Norfolk, VA**
Academic Dean and Faculty - Joint and Combined Warfighting School

- Directed all school operations and activities including faculty development and management, curriculum development, academic policy and accreditation, and academic implementation.
- Developed faculty and conducted curriculum redesign with innovative teaching methodologies.
- Developed and taught operational case studies (Harvard model) to over 3000 senior military officers.
- Designated Joint Instructor of the Year 2010 - a peer recognition as the top all-service education instructor across the Department of Defense presented by the Military Officer Association of America.

Senior Military Leadership and Major Program Management Experience

2003 - 2006 **U.S. Submarine Force Headquarters** **Norfolk, VA**
Director of Submarine Strategic Operations, Trident Sub Conversion, and Undersea Mobility

- Supervised \$3.2 Billion submarine (SSGN) conversion program.
- Directed the actions and activities of the Navy undersea enterprise during the conversion.
- Authored and implemented the Navy's SSGN Concept of Operations that guides ship operations and maintenance.
- Assessed schedule risk and identified SSGN milestone gaps, then drove collaborative solutions
- Championed nuclear posture changes, strategic policy, and new security measures. Developed innovative operational employment methods to provide the President of the United States with more strategic options.

Business and Production Management Experience

2000 - 2003

Navy Submarine Torpedo Facility

Yorktown, VA

Commanding Officer and Production Manager

- Applied solid management techniques to revitalize a 160 person military/civilian intermediate maintenance facility to achieve 100% of the Atlantic Fleet's torpedo requirements.
- Improved production output 22% and reliability 9% while undergoing a 27% manpower reduction.
- Spearheaded a Torpedo Efficiency Optimization effort that achieved the highest plant performance in a decade during a workforce transition to a new and efficient civilian-military cooperative team.
- Established a new Navy Torpedo Training Center Yorktown that produced better skilled technicians in less time; a flagship facility for the Naval Education/Training Command and the Navy's Torpedo Enterprise.

1999 - 2000

Naval Submarine Squadron Three

Pearl Harbor, HI

Deputy Submarine Squadron Commander

- Provided oversight and coordinated efforts of several government contractors in the operation, maintenance and testing of seven U.S. submarines including two in long-term overhaul.
- Prepared submarines for overseas deployment. Supervised all shipyard maintenance, tactical training, and certified readiness.
- Pioneered submarine squadron advisory team support of deployed Navy carrier battle-groups.

Military Leadership and Technical Experience – Nuclear Trained Submarine Officer

1997-1999

U.S. Strategic Command - Special Assistant to the Commander

Omaha, NE

- Advised four-star senior military Commanding General regarding military strategy, strategic force structure, submarine operations, arms control, and counter-proliferation of nuclear weapons.
- Served as the Commander's primary speechwriter and command briefer. Prepared strategy briefings for top U.S. officials and dignitaries and prepared Commander's congressional testimony.

1995-1997

USS Pittsburgh (SSN 720) - Executive Officer

Groton, CT

- Second in Command of U.S. submarine for three overseas deployments including offensive operations against global terrorist activity and Islamist militancy. Supervised nuclear submarine operations and training.
- Developed and implemented all administrative, operational, and training programs to prepare a submarine crew for multi-mission joint and interagency operations.

1991-1995

USS Springfield (SSN 761) - Combat Systems Officer

Groton, CT

- Provided quality control and testing oversight of all shipboard systems during submarine construction at General Dynamics/Electric Boat Division. Served as Senior Supervisor during complex reactor testing.

1988-1991

United States Naval Academy - Company Officer

Annapolis, MD

- Supervised the academic, professional, and physical development of 320 Naval Academy midshipmen.

1984-1988

USS Henry M. Jackson (SSBN 731) - Division Officer

Bangor, WA

- Nuclear submarine officer who supervised ship operations as deck officer and the nuclear propulsion system as a nuclear propulsion engineer officer. Completed six strategic deterrent patrols.

Education:

1. 2016 Walden University Minneapolis, MN; Ph.D. in Public Policy and Administration
2. 1995 Naval War College Newport, RI; Master of National Security and Strategic Studies
3. 1983 U.S. Naval Academy Annapolis, MD; Bachelor of Science - Physical Oceanography

Qualifications:

- 2016 - Completed doctoral degree (Ph.D.) in Public Policy and Administration
- 2011 - Titled Professor of Practice by National Defense University
- 1999 - Qualified for Command of a Nuclear Power Submarine
- 1988 - Certified Nuclear Engineer Officer by U.S. Department of Energy (Naval Reactors)

Utilities Board

Wayne Hyatt, Chairman
308 Bluebird Road
Lake Lure, NC 28746

625-8373 (Home)
704-641-2721 (Cell)

waterwizard@bellsouth.net

3 year term

Appointed

Term Expire
December 31, 2018

January 12, 2016

Vacant - remainder of Steve Miller's Term

**Term Expire
December 31, 2018**

Richard Glassen
231 Sunset Cove Rd.
Lake Lure, NC 28746

704-232-2194 (Cell)

glassennc@gmail.com

Term Expire
December 31, 2018

January 12, 2016

John Chapman
274 Firefly Cove
Lake Lure, NC 28746

828-436-7009 (Home)
813-892-1519 (Cell)

jechap@verizon.net

Term Expire
December 31, 2017

January 12, 2016

Don Cason
910 Main Street
Chimney Rock, NC

625-2999 (Home)
865-548-2297 (Cell)

donwcason@gmail.com

Term Expire
December 31, 2019

December 13, 2016
(original appt 9/13/16)

vacant

**Term Expire
December 31, 2020**

vacant

**Term Expire
December 31, 2020**

Staff Liaison: Linda Ward
Town Council Liaison: Commissioner Bob Cameron

**Town of Lake Lure
Capital Improvement Program
Fiscal Years 2018-2023**

What is a Capital Improvement Program?

- Flexible Financial Planning Tool
- Forecasts equipment, building and infrastructure needs
- Identifies potential funding sources
- Upon adoption of the Plan, the first year of the CIP becomes the list of capital items that are included in the proposed budget for the coming fiscal year
- Not merely a “wish list”

What is included in a CIP?

- Items with a life expectancy of greater than one year and a value of greater than \$5,000
- May at times contain some projects that don't meet that criteria
- Don't be confused – for budgetary and accounting purposes, our definition of a capital item is greater than \$500
- Normally items below \$5,000 are considered routine and not included in the CIP

Why have a CIP?

- Allows a community to provide for the orderly replacement of capital facilities and equipment
- Plans for future identification of equipment, buildings and infrastructure that will be needed in order to accomplish particular objectives
- Projection of revenue sources
- Identifies alternative funding sources
- Makes borrowing easier – could result in lower bond ratings and lower interest rates
- Financial and physical planning tool – proper planning and coordination for acquisition and development of assets

How do you Prioritize CIP Projects?

- Addresses a health or safety issue – “A” ranking
- Addresses a mandate by some federal or state agency – “B” ranking
- Replacement of an existing item – “C” ranking
- Is an expansion item – “D” ranking
- Criteria are placed in rank order – so a project addressing a health or safety need is considered most important while an expansion item is determined to be of lesser importance
- Projects in the first year receive a numerical ranking – top project is listed as number one and the remaining projects follow in descending order
- In remaining years of the CIP, projects are given an alphabetic ranking that reflects need based upon the above hierarchy

How are projects developed for inclusion in the CIP?

- CIP explained and public meeting – request input from public
- Department heads identify their departmental capital needs
- Town Manager ranks requests against the relative needs of the organization
- Priorities are presented to the Board and public – input from public and Board received
- Board holds public hearing
- Board adopts final plan

How are project costs determined and how are projects scheduled?

- Scheduling of projects is done in accordance with relative need, coordination with other projects and the availability of appropriate funding
- Project justifications and cost estimates are far more detailed and accurate for items scheduled for funding in an earlier fiscal year
- Projects are expressed in today's dollars without inflationary factors
- Projects scheduled for later years are likely to change in scope and/or acquisition costs
- Projects may be pushed back from year to year

About the Plan

- Format designed to give you increasingly better knowledge of the capital needs of the Town
- Arranged to that the further you read into the document, the greater the detail
- Projects are divided into three funds – General, Water and Sewer and Electric
- Revenue and Expenditure Summaries for each Fund
- Departmental Summaries – revenue and expenditure summary
- Departmental Worksheets – description, justification, cost and timeline

Summary

- Important to prioritize capital projects/needs
- Limited public resources
- Encourages public support and involvement
- Plan assesses needs, together with resources, and places emphasis on the communities particular goals and objectives

Town of Lake Lure
Capital Improvement Program 2018-2023 - Water and Sewer Fund
Town Manager Project Recommendations as of February 13, 2018
Approved _____

	Project	Department	Year One		Total Cost Of Project	Expenditure Classification	Revenue Classification
			FY 18-19 Cost				
1	Firefly Cove Well System	Water	\$	10,000	\$	85,000	Current Revenue
2	Pump Station Equipment	Sewer	\$	12,000	\$	12,000	Current Revenue
3	Bar Screen Replacement	Sewer	\$	20,000	\$	20,000	Current Revenue
4	Sewer Line Replacement	Sewer	\$	1,000,000	\$	10,500,000	Other
5	Water Line Replacement	Water	\$	150,000	\$	980,000	Current Revenue
Total Year One Projects			\$	1,192,000	\$	11,597,000	

Town of Lake Lure
Capital Improvement Program 2018-2023 - Electric Fund
Town Manager Project Recommendations as of February 13, 2018
Approved _____

	Project	Department	Year One		Total Cost		Expenditure Classification	Revenue Classification
			FY 18-19 Cost		Of Project			
1	Head Gate Hoist Replacement	Electric	\$	40,000	\$	40,000	Construction	Current Revenue
2	Penstock Repairs	Electric	\$	30,000	\$	30,000	Construction	Current Revenue
3	Relocation of Propane Tank	Electric	\$	25,000	\$	25,000	Construction	Current Revenue
4	Butterfly Valves Automation	Electric	\$	25,000	\$	25,000	Equipment	Current Revenue
5	Dredge Tailrace	Electric	\$	10,000	\$	10,000	Construction	Current Revenue
Total Year One Projects			\$	130,000	\$	130,000		

Town of Lake Lure

Capital Improvement Program 2018-2023 - General Fund

Town Manager Project Recommendations as of February 13, 2018

Board Revisions as of _____

Approved _____

Project			Year One		Total Cost	Expenditure	Revenue
Department			FY 18-19 Cost	Of Project	Classification	Classification	
1	SCBA Apparatus Replacement	Fire	\$ 35,000	\$ 70,000	Equipment	Current Revenue	
2	Marina and Boardwalk	Lake Operations	\$ 300,000	\$ 3,700,000	Planning/Design/Engineering	Current Revenue	
3	Police Vehicle Replacement	Police	\$ 40,000	\$ 250,000	Equipment	Current Revenue	
4	TOLL-CRV Connector	Community Development	\$ 105,000	\$ 1,175,000	Planning/Design/Engineering	Current Revenue/Other	
5	Radio Replacement	Police	\$ 5,600	\$ 11,200	Equipment	Current Revenue	
6	Website Update/App Development	Administration	\$ 10,000	\$ 15,000	Hardware/Software	Current Revenue	
7	Trash Receptacle Replacement	Parks and Recreation	\$ 12,000	\$ 12,000	Equipment	Current Revenue	
8	Cart Path Repair	Golf	\$ 5,000	\$ 20,000	Construction	Current Revenue	
9	Toro 648 Aerifier	Golf	\$ 5,400	\$ 27,000	Equipment	Lease/Purchase	
10	Local Street Paving	Public Works	\$ 185,000	\$ 902,000	Construction	Current Revenue/Powell Bill	
11	Vehicle and Boat Replacement	Lake Operations	\$ 22,800	\$ 114,000	Equipment	Current Revenue	
12	Mower Replacement	Public Works	\$ 10,000	\$ 10,000	Equipment	Current Revenue	
13	Public Safety Facility	Fire and Police	\$ 165,000	\$ 5,787,000	Planning/Design/Engineering	Current Revenue	
14	Small Area Recreational Study	Parks and Recreation	\$ 20,000	\$ 20,000	Planning/Design/Engineering	Current Revenue	
15	Town Center Islands	Community Development	\$ 5,000	\$ 15,000	Planning/Design/Engineering	Current Revenue	
16	Utility Terrain Vehicle	Fire	\$ 12,000	\$ 12,000	Equipment	Current Revenue	
17	Picnic Pavilion	Parks and Recreation	\$ 10,000	\$ 93,000	Planning/Design/Engineering	Current Revenue	
18	Clubhouse Remodel	Golf	\$ 11,500	\$ 16,500	Construction	Current Revenue	
19	Septic System Replacement	Golf	\$ 20,000	\$ 20,000	Construction	Current Revenue	
20	Tryon Bay Storm Drain	Public Works	\$ 45,000	\$ 45,000	Construction	Current Revenue	
21	Rocky Broad River Walkway	Community Development	\$ 5,000	\$ 62,000	Planning/Design/Engineering	Current Revenue	
22	Street Light Replacement	Community Development	\$ 40,000	\$ 120,000	Equipment	Current Revenue	
23	Lake Operations Boathouse	Lake Operations	\$ 21,300	\$ 213,000	Planning/Design/Engineering	Lease/Purchase	
24	Main Beach House Repairs	Beach and Marina	\$ 20,000	\$ 20,000	Construction	Current Revenue	
25	Organizational Study	Commission	\$ 20,000	\$ 20,000	Planning/Design/Engineering	Current Revenue	
26	Bucket Truck	Public Works	\$ 45,000	\$ 45,000	Equipment	Current Revenue	
27	Town Center Vision Book	Community Development	\$ 50,000	\$ 50,000	Planning/Design/Engineering	Current Revenue	

Total Year One Projects

\$ 1,225,600

\$ 12,844,700

SUMMARY OF CONCLUSIONS & RECOMMENDATIONS

Phase II Dam Safety Inspection Lake Lure Dam and Appurtenances Town of Lake Lure, North Carolina Project No. ME – 16 – 006

Introduction

Leaders in the discipline of Civil Engineering; associated sub-disciplines; and businesses of dam design, construction, operation, maintenance, and safety have reached general agreement on loading conditions that should be used to determine factors of safety of dams and the numerical values of factors of safety that are acceptable for various loading conditions.

The currently accepted loading conditions for determination of factors of safety of dams include, but are not limited to, the following:

- **Normal Loading** – Often referred to as “Sunny Day”- Loading
Conditions: Normal Water Surface Elevation (NWSE); No Storm Conditions; No Maintenance or Construction Activities; and No Earthquake or Geological Conditions.
- **Unusual Loading** - Generally associated with a pre-determined Flood event based upon the Hazard Classification of the dam [Spillway Design Flood (SDF); or Inflow Design Flood (IDF); etc.]
- **Extreme Loading** - Pre-Determined Design Magnitude Earthquake

The currently accepted minimum values for factors of safety for each of the loading conditions are as follows:

- Normal Loading Condition - Minimum Factor of Safety = 3.0
- Unusual Loading Condition - Minimum Factor of Safety = 2.0
- Extreme Loading Condition - Minimum Factor of Safety = 1.0

Consideration must also be given to anticipated modes of failure for various types of dams. Quite obviously, a concrete gravity dam is not going to fail as a result of a slope failure in the downstream slope because there is no earthen downstream slope. Conversely, an earthen dam is not likely to fail by overturning since the dam embankment does not exhibit sufficient internal strength to act as structural component. But, concrete slab and buttress dams such as Lake Lure Dam may be subject to failure by sliding along the contact of the foundation and foundation bearing material. Likewise, a concrete dam of any type may be subject to failure as a result of inadequate strength or quality of the concrete, reinforcement steel, or configuration of a structural element. Furthermore, both a concrete dam and an earthen dam may be subject to failure as a result of inadequate spillway capacity to safely pass the Design Spillway Flood (DSF). As such, the dam engineer must assess the dam in question to determine conditions that must be evaluated in the dam safety analyses of a particular dam. These evaluation considerations fall into at least three (3) categories of dam behavior. These categories include, but may not be limited to, the following categories depending upon the type or composition of the dam:

a) component considerations (overturning, sliding, slope failure, etc.);

b) integrity considerations (internal strength and quality of materials);

and; c) performance and operation (erosion, leakage, seepage & aging).

The primary categories of dam safety evaluations used for Lake Lure Dam consisted of stability or component evaluations associated with overloading of the slab-and-buttress systems thus resulting in overturning of specific buttresses or sliding of particular buttresses as a result of overloading, loss of strength of foundation bedrock with age, or build-up of excess hydrostatic uplift pressure as a result of joint and fraction system deterioration with age. Stability analyses and evaluations of safety factors are presented in tabular form in the following section of this report. Factors of safety are presented in the order of Normal, Unusual, and Extreme where multiple factors of safety are presented for a given location.

The presentation of analytical evaluations will begin at the left abutment (facing downstream) and continue to the right abutment. There are a few; but not many, dam components and/or locations that require no maintenance or remediation construction; however, these areas will be included with a minor comment so that there will be less likelihood that other locations that do require some upgrade construction are not left out of the presentation progression.

The ratings for priority of remediation or construction are High, Medium, Low, and Long-Term. A High priority rating means that remediation construction work shall be initiated within the next year (2019). Medium priority work shall be completed within the next two (2) years (2020). Low priority work shall be completed within the next three (3) years (2021), and Long-Term priority work shall be initiated within the next four (4) years (2022). In no case shall a lower priority activity be scheduled ahead of a higher priority rated activity.

<u>Location/Component</u>	<u>Factors of Safety</u>	<u>Priority</u>
• Left Abutment Wingwalls	3.06; 3.05; & 1.35	Medium
• Ogee Spillways/Flood Gates	3.0; 3.0; & 2.0	Long-Term
• Left Abutment Access Road	N/A	High
• Spillway Channel Realignment	N/A	Medium
• NCDOT Buffalo Shoals Bridge	N/A	High

- Buttress No. 4 Extension N/A Medium
- Bay No. 4, Buttress No. 5 2.12; 1.93; & 1.25 High
- Bay No. 5; Buttress No. 6 N/A Sewer Line
- Powerhouse 3.5; 3.1; & 2.8 High Safety
- Electrical Bay No. 8 Earthquake Shear Incipient Failure
- Bays No. 9, 10, 11, & 12 All F.S. = 1.05-1.15 Incipient Failure
- Main Access Road @ Dam Recent Failure High – Access
- Overall Joint Leak Grouting N/A Medium
- Operation & Maintenance Plan N/A High

There is no doubt that Lake Lure Dam is currently in an advanced state of neglect as a result of a long period of improper care, maintenance, operation, and update. As such, the remediation of this dam is not going to be a simple or inexpensive undertaking. The coordination and planning of the overall remediation design and construction within itself is going to be a major project effort because of the complexity of the prioritization of current critical dam safety issues and deficiencies. For example, both the potential failure of Buffalo Shoals Bridge and Buttress No. 9 are in such advanced/incipient potential failure conditions that both components of the dam exhibit the same remediation priorities, but do not exhibit the same degree of potential failure impact relative to loss of life. Failure of the entire Buttress No. 9 is likely to cause multiple deaths whereas failure of a portion of the Buffalo Shoals Bridge might involve the death of only one or two individuals, but may do so if a partial failure of the bridge occurs before failure of the dam. Any way you try to evaluate this and similar situations involving potential failure of equally prioritized failure mechanisms is getting into the application of probability of failure which has no place in the entire philosophy of dam safety. With this said, the author of this report is professionally obligated to advise the Town Council of Lake Lure to the best of his ability the likelihood of failure of Lake Lure Dam or its appurtenances. Dr. Marks is of the opinion that Lake Lure

Dam and its appurtenances (Buffalo Shoals Road Bridge) cannot withstand another major storm event such as either Hurricane Francis or Hurricane Ivan in 2004, or an earthquake event having a Richter Magnitude of approximately 5.0 that would be about two (2) points higher than the 2007 Magnitude 3.1 earthquake event.

The first step in preparation for emergency action has already been taken without emphasis on the degree of emergency preparedness necessary. Mr. Donnie McCraw, Operator of Lake Lure Power Plant requested Mr. Charles Mierek and Dr. Marks to prepare Operation & Maintenance (O&M) Plans for both the Hydroelectric Power Generation Facilities; and Lake Lure Dam and Its Appurtenances. At the time of this request, Mr. McCraw did not know the critical state of the dam and hydroelectric power generation plant. As such, the requested O & M Plans must be elevated to include an Emergency Operation and Inspection Section of the document. This effort must be initiated immediately and implemented by April 1, 2018.

The next sequential tasks to be completed in the overall remediation of Lake Lure Dam and its appurtenances shall consist of a series of repetitive activities involving dam remediation design and dam remediation construction. This major remediation project has been divided into a minimum of four (4) approximately one-year phases. The first phase of the project design shall begin as soon as practical but no later than April 2018. This should allow sufficient time for preparation of the Phase I Construction Plans and Specifications and approval by the North Carolina Dam Safety Engineer by August 2018. This schedule should allow sufficient time for selection of a Contractor that can begin work on the Phase I Construction Project by September 2018. The Phase I Dam Remediation Construction Project would extend through August or September 2019 when the Phase II Dam Remediation Construction Project would have been approved for initiation of project work. This sequential, repetitive design/construction process will be continued through the minimum four (4) construction phases by Fall 2022, or Winter 2023.

The anticipated scope of work for each of the phases of construction is presented in the following section of this report. Changes in the scope of work for each phase of a project involving as many activities and spanning as long of a time period as anticipated for the Lake Lure Dam Remediation Construction Project are surely to occur; however, maintaining control over the number and significance of changes in scope of work will be one of the major challenges for the Project Engineer/Consultant.

Phase I Dam Remediation Construction Activities (2018-2019)

- **Modification of the Main Entrance Road at the Dam**
- **Pressure Injection Grouting of Bays No. 9, No. 10, and No. 11**
- **Install Subsurface Drainage Systems (Bays No. 9 – No. 11)**
- **Modify Surface Water Drainage in Bays No. 12 & No. 13**
- **Miscellaneous Repairs of Powerhouse Floor Slabs and Walls**
- **Construction of Restroom Facilities in Bay No. 8**
- **Reinforcement of Buttress No. 9 in Bay No. 8 (Shear Crack)**
- **Coordination with NCDOT Installation of Six (6) Safety Nets**
- **Finalize Negotiation of Bridge Transfer from NCDOT**

Phase II Dam Remediation Construction Activities (2019-2020)

- **Construction of Downstream River-Crossing of Access Road**
- **Construction of Left Abutment Access Roadway**
- **Construction of Spillway Discharge Outlet Channel**
- **Pressure Injection Grouting of Powerhouse Penstock Room**
- **NCDOT Transfer of Buffalo Shoals Bridge to Lake Lure**

Phase III Dam Remediation Construction Activities (2020-2021)

- **Stabilization of Left Abutment Wingwalls**
- **Pressure Injection Grouting of Bay No. 4**
- **Extension of Buttress No. 4 & Beginning of Spillway Channel**

- **Surface Water Drainage Improvements at Right Abutment**
- **Install Two (2) Safety Nets over Powerhouse & one (1) Net in Each of Two (2) Bays on Each side of the Powerhouse**

Phase IV Dam Remediation Construction Activities (2021-2022)

- **Pressure Washing & Injection Grouting of All Joints**
- **Pressure Injection Grouting of Bay No. 5 (Sewer Line)**
- **Installation of any Remaining Safety Nets**
- **Dredging of Tailrace (Powerhouse to River Crossing)**
- **Construct Thickened Reinforced Concrete Bridge Deck**

2022 Dam Safety Inspection and Subsequent Five (5) – Year Inspections

Completion of the Lake Lure Dam Remediation Project will mark the fifth (5th) Anniversary of the 2017 Dam Safety Inspection of Lake Lure Dam. This 5th Anniversary plus the successive five-year anniversaries for the next twenty five (25) years shall be marked by conducting an Independent Consultant Dam Safety Inspection of Lake Lure Dam. The currently recommended dam remediation construction project is anticipated to provide desirable operations and performance for about fifty (50) years (until about 2068). However, the next major action to be taken with Lake Lure Dam will likely be to replace the existing dam with a dam located downstream of the existing dam. Replacement of a dam of the magnitude and cost of Lake Lure Dam will require a significant amount of lead time to make decisions about dam type, exact location, purchase of property, and design of the dam and its appurtenances. As such, conducting detailed inspections on a five (5) year time interval is not an unusually long period of time to monitor the performance of a dam that had to be remediated from a very low level of stability and performance to gain the additional life span.

One of the most, if not the most important concept for the Project Engineer/Consultant to be constantly cognizant of throughout both design and construction is the benefit – to – cost ratio as related to the planned and/or accomplished extended service life of the dam, its appurtenances, and supported capital facilities such as water supply, hydroelectric generation, or aquatic product markets. For example, it is not an economical benefit to utilize low quality materials and construction methodologies that are less costly but have no chance of lasting through the extended service period. These types of mistakes can put an undesirable strain on the operation and maintenance budget and the project becomes unbalanced as a result of unnecessary major variances in dam remediation construction costs. Conversely, some Project Managers, Project Engineers, and Consultants often go beyond wise expenditure of funds and purchase materials and equipment that will long outlast the predicted extension of service life. This practice has a reverse effect on the project by using construction fund beyond the actual need thus putting the long-term or ending budget in jeopardy thus forcing the utilization of cheaper low-quality products.

Dr. Marks has attempted to walk the middle ground in providing cost estimates for construction of the required dam remediations. In addition, he is confident that he has planted the right seed with the NCDOT to modify the Buffalo Shoal road bridge over Lake Lure Dam, prior to turning the bridge over to the Town of Lake Lure with a bonus of at least \$500,000.00 to assist the Town in making future repairs and maintaining the bridge as a closed-road structure. If this comes to fruition, the bridge could be closed to traffic and made into a pedestrian toll-walkway retrofitted to allow individuals and group to come and observe dam remediation construction work. This is a project that the citizens of Lake Lure could undertake during the four-year construction phase. There will be hundreds that come to watch the equipment operate. Adding a couple of telescopes or spotting scopes to each side of the bridge would likely raise the ante to \$5.00 a person per hour. Obviously, cold drinks and water in the summer would be great along with hot coffee and cocoa in the winter.

After the projects were completed, another group of citizens could convert the construction watching theme into “A Walk Through History” highlighting the dam, its construction, and the people that pulled it all together. These are some thoughts thrown in to reply to a question by Mr. Ron Nalley on February 2, 2018 paraphrased as “Can you think of some ideas that citizen groups could do to contribute to the dam remediation.” In both instances a one-way lane could remain open to allow access to the gates at the left abutment of the dam.

Estimation of construction costs prior to development of dam remediation plans is somewhat of a tough assignment. Fortunately, the dam remediation procedures and methodologies that will be used at Lake Lure Dam will likely be some of the same types of construction that are used quite frequently to remediate older dams. As such, the costs of most of the required procedures that will have to be utilized in the Lake Lure Dam remediations are known from experience on other dam remediation projects. Presented below are the ranges of construction costs anticipated for each phase of the overall project along with the average of the range of estimated costs and a running total of the average costs for each of the phases of the overall project.

Marks Enterprises is of the opinion that we can do the engineering design for a cost of about seven (7) percent of the estimated construction cost as opposed to the normal rate of ten (10) percent used by the Town Council for estimation of construction cost. Similarly, a cost of eight (8) percent of the construction costs was used for estimation of construction services fees as opposed to ten (10) percent currently used. Construction services during construction of the project will entail regular monitoring and inspection of critical construction activities, sampling and testing of materials, and providing technical review of requested field changes proposed by the Contractor during the course of construction. In addition to these activities, the Project Engineer with assistance from the Contractor, will prepare a set of Drawings-of-Record to be submitted to the Town of Lake Lure and to the Regional Office and Central Office of the State Dam Safety Program. Marks Enterprises will make every effort to maintain engineering fees within the presented limits.

Estimated Dam Remediation Construction Costs for Lake Lure Dam

- **Phase I Dam Remediation Costs (September 2018 through August 2019)**

\$ 1,350,000.00 to \$ 1,550,000.00 Average: \$ 1,450,000.00

- **Phase II Dam Remediation Costs (September 2019 through August 2020)**

\$ 1,500,000.00 to \$ 1,800,000.00 Average: \$ 1,650,000.00

Running Total Average: \$ 3,100,000.00

- **Phase III Dam Remediation Costs (September 2020 through August 2021)**

\$ 900,000.00 to \$ 950,000.00 Average: \$ 925,000.00

Running Total Average: \$4,025,000.00

- **Phase IV Dam Remediation Costs (September 2021 through August 2022)**

\$ 375,000.00 to \$ 525,000.00 Average: \$ 450,000.00

Running Total Average: \$4,475,000.00

Total Range of Entire Project: \$4,125,000.00 to \$4,825,000.00

Potential Contribution by NCDOT: \$ 500,000.00 to \$ 1,000,000.00

**LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION
Meeting Date: February 13, 2018**

SUBJECT: Professional Services Contract – Sewer Manhole

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: G
Department: Public Works
Contact: David Arrowood, Public Works Director
Presenter: David Arrowood, Public Works Director

BRIEF SUMMARY: While dredging, a main sewer line was uncovered in the river showing that the line did not cross Morse Park in the location and direction originally thought. Based on the new location of the main sewer line, it is important to provide an access point in case the line becomes blocked. First identified in the Capital Improvement Plan last year, funding for completion of this project was set aside in the current fiscal year budget.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To approve the Proposal for Engineering Services with Odom Engineering in an amount of \$1,250 and to authorize the Town Manager to execute the necessary documents.

FUNDING SOURCE: Water and Sewer Capital Outlay Fund – Manhole Project

ATTACHMENTS: Proposal for Engineering Services with Odom Engineering dated February 6, 2018

STAFF'S COMMENTS AND RECOMMENDATIONS: The completion of the engineering work will be necessary to proceed with the final site work.



Odom
Engineering PLLC

169 Oak Street • Forest City, NC 28043
office 828.247.4495 • fax 828.247.4498

February 6, 2018

David Arrowood, Public Works Director
Town of Lake Lure
PO Box 195
2950 Memorial Hwy
Lake Lure, NC 28746

RE: Proposal for Engineering Services for Design and Permitting of a Manhole near the Lake Lure Town Hall

Dear David:

We appreciate the opportunity to provide you with this proposal for ***Design and Permitting of a Manhole near the Lake Lure Town Hall*** (PROJECT). This proposal, if accepted, also serves to document the agreement between Odom Engineering, PLLC (ENGINEER) and The Town of Lake Lure (OWNER). More specifically, the Engineer will:

We propose to provide the engineering services for the following fee: \$1,250*

** Please note that the above fee does not include any permit or review fees required by regulatory agencies, surveying or any other additional monies beyond the proposed scope of the services rendered.*

Bi-weekly payment requests will be made to the OWNER. This document and the attached Consultant Contract Provisions represents the entire understanding between the ENGINEER and the OWNER in respect of the PROJECT and may only be modified in writing signed by both parties. If it satisfactorily sets forth your understanding of our agreement, please sign in the space provided below.

Sincerely,

David Odom

Accepted this day ____ of _____, 20____

(Signature)

(Printed Name)

(Title)

CONSULTANT CONTRACT PROVISIONS

1. **CONTRACT** – These Contract Provisions and the accompanying Proposal constitute the full and complete Agreement between the parties and may be changed, amended, added to, superseded, or waived only if both parties specifically agree in writing to such amendment of the Agreement. In the event of any inconsistency between these Contract Provisions and any proposal, contract, purchase order, requisition, notice to proceed, or like document, these Contract Provisions shall govern.

2. **RIGHT OF ENTRY** – When entry to property is required for the CONSULTANT to perform its services, the Client agrees to obtain legal right-of-entry on the property.

3. **DOCUMENTS** – All reports, notes, drawings, specifications, data, calculations, and other documents, including those in electronic form, prepared by CONSULTANT are instruments of CONSULTANT's service that shall remain CONSULTANT's property. The Client agrees not to use CONSULTANT-generated documents for marketing purposes, for projects other than the project for which the documents were prepared by CONSULTANT, or for future modifications to this project, without CONSULTANT's express written permission.

Any reuse or distribution to third parties without such express written permission or project-specific adaptation by CONSULTANT will be at the Client's sole risk and without liability to CONSULTANT or its employees, subsidiaries, independent professional associates, subconsultants, and subcontractors. Client shall, to the fullest extent permitted by law, defend, indemnify, and hold harmless CONSULTANT from and against any and all costs, expenses, fees, losses, claims, demands, liabilities, suits, actions, and damages whatsoever arising out of or resulting from such unauthorized reuse or distribution.

4. **DISPOSAL OF SAMPLES** – CONSULTANT will discard samples upon completion of the work covered under this Agreement, unless the Client instructs otherwise in writing.

5. **HAZARDOUS MATERIALS** – The scope of CONSULTANT's services for this Agreement does not include any responsibility for detection, remediation, accidental release, or services relating to waste, oil, asbestos, lead, or other hazardous materials, as defined by Federal, State, and local laws or regulations.

6. **CONSTRUCTION PHASE SERVICES** – If CONSULTANT performs any services during the construction phase of the project, CONSULTANT shall not supervise, direct, or have control over Contractor's work. CONSULTANT shall not have authority over or responsibility for the construction means, methods, techniques, sequences or procedures or for safety precautions and programs in connection with the work of the Contractor. CONSULTANT does not guarantee the performance of the construction contract by the Contractor and does not assume responsibility for the Contractor's failure to furnish and perform its work in accordance with the Contract Documents.

7. **STANDARD OF CARE** – CONSULTANT and its employees, subsidiaries, independent professional associates, subconsultants, and subcontractors will exercise that degree of care and skill ordinarily practiced under similar circumstances by design professionals providing similar services. Client agrees that services provided will be rendered without any warranty, express or implied.

CONSULTANT shall exercise usual and customary professional care in its efforts to comply with applicable codes, regulations, laws rules, ordinances, and such other requirements in effect as of the date of execution of this Agreement.

8. **OPINION OF PROBABLE COSTS** – When required as part of its work, CONSULTANT will furnish opinions of probable cost, but does not guarantee the accuracy of such estimates. Opinions of probable cost, financial evaluations, feasibility studies, economic analyses of alternate solutions, and utilitarian considerations of operations and maintenance costs prepared by CONSULTANT hereunder will be made on the basis of CONSULTANT's experience and qualifications and will represent CONSULTANT's judgment as an experienced and qualified design professional. However, users of the probable cost opinions must recognize that CONSULTANT does not have control over the cost of labor, material, equipment, or services furnished by others or over market conditions or contractors' methods of determining prices or performing the work.

9. **SUSPENSION OF WORK** – The Client may, at any time, by written notice, suspend further work by CONSULTANT. The Client shall remain liable for, and shall promptly pay CONSULTANT for all services rendered to the date of suspension of services, plus suspension charges, which shall include the cost of assembling documents, personnel and equipment, rescheduling or reassignment, and commitments made to others on Client's behalf.

Client shall pay CONSULTANT pursuant to the rates and charges set forth in the Proposal. CONSULTANT will submit monthly invoices to Client for services rendered and expenses incurred. If Client does not pay invoices within thirty (30) days of submission of invoice, CONSULTANT may, upon written notice to the Client, suspend further work until payments are brought current. The Client agrees to indemnify and hold CONSULTANT harmless from any claim or liability resulting from such suspension.

10. **CHANGES OR DELAYS** – Unless the accompanying Proposal provides otherwise, the proposed fees constitute CONSULTANT's estimate to perform the services required to complete the Project. Required services often are not fully definable in the initial planning; accordingly, developments may dictate a change in the scope of services to be performed. Where this occurs, changes in the Agreement shall be negotiated and an equitable adjustment shall be made.

Costs and schedule commitments shall be subject to renegotiation for unreasonable delays caused by the Client's failure to provide specified facilities, direction, or information, or if CONSULTANT's failure to perform is due to any act of God, labor trouble, fire, inclement weather, act of governmental authority, failure of transportation, accident, power failure, or interruption or any other cause beyond the reasonable control of CONSULTANT. Temporary work stoppage caused by any of the above may result in additional cost beyond that outlined in the accompanying Proposal.

11. **LIABILITY** – To the fullest extent permitted by law, the total liability, in the aggregate, of CONSULTANT and CONSULTANT's officers, directors, employees, agents, and consultants to Client and anyone claiming by, through or under Client, for any and all injuries, claims, losses, expenses, or damages whatsoever arising out of or in any way related to CONSULTANT's services, the Project or this Agreement, from any cause or causes whatsoever, including but not limited to, negligence, strict liability, breach of contract or breach of warranty shall not exceed the total compensation received by CONSULTANT under this Agreement, or the total amount of \$50,000.00, whichever is greater.

12. **CONFLICTS OF INTEREST** – This assignment may involve parties with adverse interests to clients with whom CONSULTANT has current or past relationships. It is CONSULTANT policy to make reasonable attempts to identify such relationships prior to acceptance of a professional assignment, but CONSULTANT cannot assure that conflicts or perceived conflicts will not arise, and CONSULTANT does not accept responsibility for such occurrences.

13. **REIMBURSABLE EXPENSES** – CONSULTANT will bill direct nonpayroll expenses at cost plus 10%. Direct expenses include all reasonable expenses resulting from required responses to subpoenas or court orders related to work under the Contract.

14. **MISCELLANEOUS**

Governing Law: The laws of the state in which the CONSULTANT office executing this Agreement is located shall govern the validity and interpretation of this Agreement.

Invalid Terms: In the event any of these Contract Provisions are found to be illegal or otherwise unenforceable, the unenforceable Contract Provision will be stricken. Striking such a Contract Provision shall have no effect on the enforceability of the remaining Contract Provisions and those remaining Contract Provisions shall continue in full force and effect as if the unenforceable Contract Provision were never included in the Agreement.

Mediation: The Client and CONSULTANT agree to submit all claims and disputes arising out of this Agreement to non-binding mediation prior to the initiation of legal proceedings. This provision shall survive completion or termination of this Agreement; however, neither party shall seek mediation of any claim or dispute arising out of this Agreement beyond the period of time that would bar the initiation of legal proceedings to litigate such claim or dispute under the applicable law.

CONSULTANT Reliance: CONSULTANT shall be entitled to rely, without liability, on the accuracy and completeness of any and all information provided by Client, Client's consultants and contractors, and information from public records, without the need for independent verification.

Certifications: CONSULTANT shall not be required to sign any documents, no matter by whom requested, that would result in CONSULTANT's having to certify, guaranty, or warrant the existence of conditions that CONSULTANT cannot ascertain.

Third Parties: Nothing contained in this Agreement shall create a contractual relationship with, or a cause of action in favor of, a third party against either the Client or CONSULTANT. CONSULTANT's services hereunder are being performed solely for the benefit of the Client, and no other entity shall have any claim against CONSULTANT because of this Agreement or CONSULTANT's performance of services hereunder.

Consequential Damages: Neither the Client nor the CONSULTANT shall be liable to the other or shall make any claim for any incidental, indirect or consequential damages arising out of, or connected in any way to the Project or this Agreement. This mutual waiver includes, but is not limited to, damages related to loss of use, loss of profits, loss of income, loss of reputation, unrealized savings or diminution of property value and shall apply to any cause of action including negligence, strict liability, breach of contract and breach of warranty.

Spruce Hill and Knight Hollow Way

2-12-18

I met with a contractor from Tri-City Paving at Spruce Hill. The cost for fixing the entrance to this is a estimated 6,900.00. There is a total of 24 lots and the Town of Lake Lure owns 10 of them. If this cost was split between all property owners this cost would be 2,875.00 to the town for their portion of the repairs.

Me and Ron Nalley met Richard Knight out on Knight Hollow Way. After talking with him and me going into Storm Drain pipe we found this to be a pretty expensive repair. This is a estimated cost of 8000.00 dollars. This price came from Steepe Construction. There is a total of 8 lots on this drive. The town only has 2 propertys that touch this Drive. If this cost was split between all property owners this cost would be 2000.00 to the Town for their part.

Thanks, David Arrowood

FROM: RICHARD & SHIRLEY KNIGHT

AT: 202 KNIGHT HOLLOW WAY (FORMALLY ISAAC WALTON CT.)

TO: LAKE LURE TOWN COUNCIL MEMBERS

I, Richard Knight have owned property at Luremont section, Lot # 8 in Lake Lure for 14 yrs. I have lived here permanently for the past 12 yrs. Shirley and I married in 2007, so she has permanently lived here for 10 yrs. We have been completely supportive of the Lake Lure City and Community. We are both retired since 2012. I do however drive a school bus for Lake Lure Academy and have for 5 yrs. (currently on medical leave due to cancer therapy). We absolutely love this community and plan to live out our retirement right here.

Shortly after I built my cabin here my cousin, Corrine Bray visited from Florida, loved it, and bought the last buildable site (lot # 11) on Isaac Walton Ct. She soon built a home there and has lived there for the past 11 yrs. (she is now in her 70's and in poor health). Her son, Jim Ruckman and wife live there with her for the past 10 yrs.

Upon my cousin building her very steep concreted driveway and knowing it would wash out the gravel Knight Hollow Way road (Isaac Walton Ct.) during heavy rains, she planned on extending the concrete across Knight Hollow to prevent washouts. City Manager, Chuck Place at the advice of Maintenance Mgr., Tony Hennessee, told her she couldn't put permanent pavement on that portion of the abandoned Knight Hollow because it belong to the city. She offered to use black top. They refused that as well and made her follow their design of a French drain under Knight Hollow with rip rap on the opposite side to filter mud before the main drainage ditch running

along side of Memorial Hwy. that eventually dumps into the Lake via a small settling pond. I personally told Chuck and Tony this would not prevent washouts, as did my cousin's contractor. (I worked 42 yrs as a CONST. ENGR. in heavy CONST., including 30 yrs in site prep & underground utilities).

After the first big rain and washout, I ask Chuck to meet me there. At that time in 2004, Chuck and I entered into a handshake deal that the city would maintain what he called "their part of the road" which included the entire U-shaped "eyebrow" around the city's triangle shaped property adjacent to Memorial Hwy. (see attached plot plan). I would maintain the remaining 200' of the abandoned Knight Hollow Way road up to my cabin. (at the time I actually had a security chain between 2 trees across the driveway right at this location which he and I agreed to as the break point). From that day for the next 4 yrs, whenever the washout area got very hazardous I would call Tony at Town Maintenance and he would send a couple guys with a rubber tired backhoe and crusher run stone and fix it. They even left a pile of stone near the area for future fixes.

In 2009, while Steve Wheeler was City Mgr., I was told that he had told Tony not to fix our washouts again. I met with Steve Wheeler at the location and explained the history and agreement. He allowed the current washout to be fixed by city workers but suggested that I go to the Town Council and get this clarified so I wouldn't have to deal with it every time there's a new City Mgr. I

did this on 1/13/09. During my time speaking, explaining the history involved at that meeting, my cousin, Corrine was there and verified that she had been told emphatically by the City Mgr. that the "eyebrow" portion of Knight Hollow Way at the end of her drive belong to the city. Likewise Rudy Esposito, owner of Lake Lure Cabins (Lot #12) stated that he had also been told by City Officials that he could not pave his parking lot because part of it was city property and they would not allow permanent pavement, (Note: That area is exactly where the current sinkhole is located). I was given an audio copy of my portion of this Town Council meeting which I presented to the current City Mgr, Ron Nally. On this tape there is an unsolicited statement from a City Official clearly stating that this "eyebrow" road portion is the city's and are planning to utilize it in the future when developing the city reserve/park land adjacent to it. Also clearly stated on this tape is the City's legal advisor stating that the fact is that Mr. Knight's request for city maintenance here is unlike any others in the city records and a clear precedence has been established here with at least 3 or 4 city performed maintenance repairs due to a handshake agreement. He suggested that this go no further until it could be investigated. That abruptly ended my talk. I have my copy of this Audio available to any Council member.

In November 2017, my cousin, Corrine's water line broke near where the sink hole is now. A few weeks later in December it broke again only this time the sink

hole had started to appear approx. 15' off Memorial Hwy. in Knight Hollow Way road. Subsequently it was found that the 55' long 48" diameter C.M.P. (corrugated metal Pipe) culvert had started to fail. (see pict. of sink hole & C.M.P. interior), UN fortunately the sink hole which is now approx. 7' in diameter and 9' deep encompasses my cousin's and my underground utilities. My sewer, water, electric & cable and Corrine's water lines are all in midair across the 7' wide sink hole. Upon me calling both city and state officials to the site, not knowing whose culvert it was, both immediately denied ownership. The state official, Kelly Burnette, called me back a few days later and said he had checked all state records and verified it was not the state's culvert. No one from the city has verified it not to be their culvert, both the City Mgr. and City Maintenance Mgr. simply say they don't know whose it is, but since it's deemed a private road they can't work on it.

This Luremont Subdivision/section was plotted in 1927 for the City. The City owned the land and through the years sold it off in lots. I found out from a previous lot owner that the culvert was there prior to 1959. I also know that when I bought lot #8 in 2004 that there had initially been a 10' wide road excavated with an approx. 40' diameter cul-de-sac at the upper end of Isaac Walton with an 18" C.M.P. culvert under it. By 2004 the road had 20" dia. trees growing in it. Obviously the excavations were decades before. Since these facts show that the City owns the property adjacent

to the "eyebrow" road and since they owned all the subdivision land to start, any reasonable person would conclude that the city or city's developer placed both culverts and excavated the initial road to enhance this property to sell lots. Certainly lot owners would not have done this since the 1st permanent buildings were done in 2003 and 2004. (Rudy's : mine). Furthermore and most swaying as to whose responsibility the culvert is, I was told by Chuck Place back in 2004 that when the city abandons a public road like Isaac Walton Ct. that by city ordinance the adjacent land owners then become owners and maintainers of that road portion touching their property up to the centerline of that road. City Mgr. Ron Nally confirmed that with me yesterday (2/15/18) when we met at the sink hole. Rudy Esposito honored this by adding a 20' section of 48" C.M.P. to the upper end of the culvert to extend the entrance and parking lot of his business. (NOTE: The plot plan for Isaac Walton shows a 40' right-of-way). Corrine and I have honored this ordinance for the uphill side of this 10' road by maintaining all 10' of it. Now it's the city's turn to honor their ordinance by maintaining their 20' of adjacent road to their property which is the north side of the "eyebrow". (see attached Plot Plan); You see this entire sink hole and failing C.M.P. is within 15' of the road's centerline opposite Rudy's property and 20' extended C.M.P.

I believe and trust that as loyal residents, tax-paying business and homeowners and Lake Lure citizens; Corrine Bray, Jim, Margot & Summelinde Ruckman, Rudy & Susan Esposito and

Richard & Shirley Knight don't deserve the city officials denying ownership and responsibility of the 48" culvert and sinkhole. I'm told by Steppe Construction's, Myron Steppe that the easy fix would be to slide a smaller C.M.P. pipe through the 48" pipe before it collapses further and put a precast concrete head wall and the upper end, rip rap at the lower end and back fill the sink hole. But once the 48" C.M.P. collapses further there is no easy fix. All would have to be dug up and replaced including all underground utilities. So time is critical!! I've been warning city officials for almost 3 months now. The winter freeze has helped to stabilize things considerably THANK GOD, but that will soon end.

PROBABLE RAMIFICATIONS — ① DRAINAGE will stop spilling mud & debris into Memorial Hwy & eventually the Lake

② Sinkhole will expand possibly undermining Memorial Hwy, City utilities or nearby power pole (guy wires are within 10' of sinkhole)

③ Unsuspecting vehicle driver, person, wild or animal will fall into sinkhole. (I'm only one that has taken any safety precautions with cones and ribbons). I asked the city Mgr who he thought attorney would come after should a curious child fall into this 9' deep hole. I was told the city has liability protection limits for such things.

Please repair this culvert before there are much more serious outcomes.

THANKS
YOUR CITIZENS

#1



#2



#3



4



#5



#6

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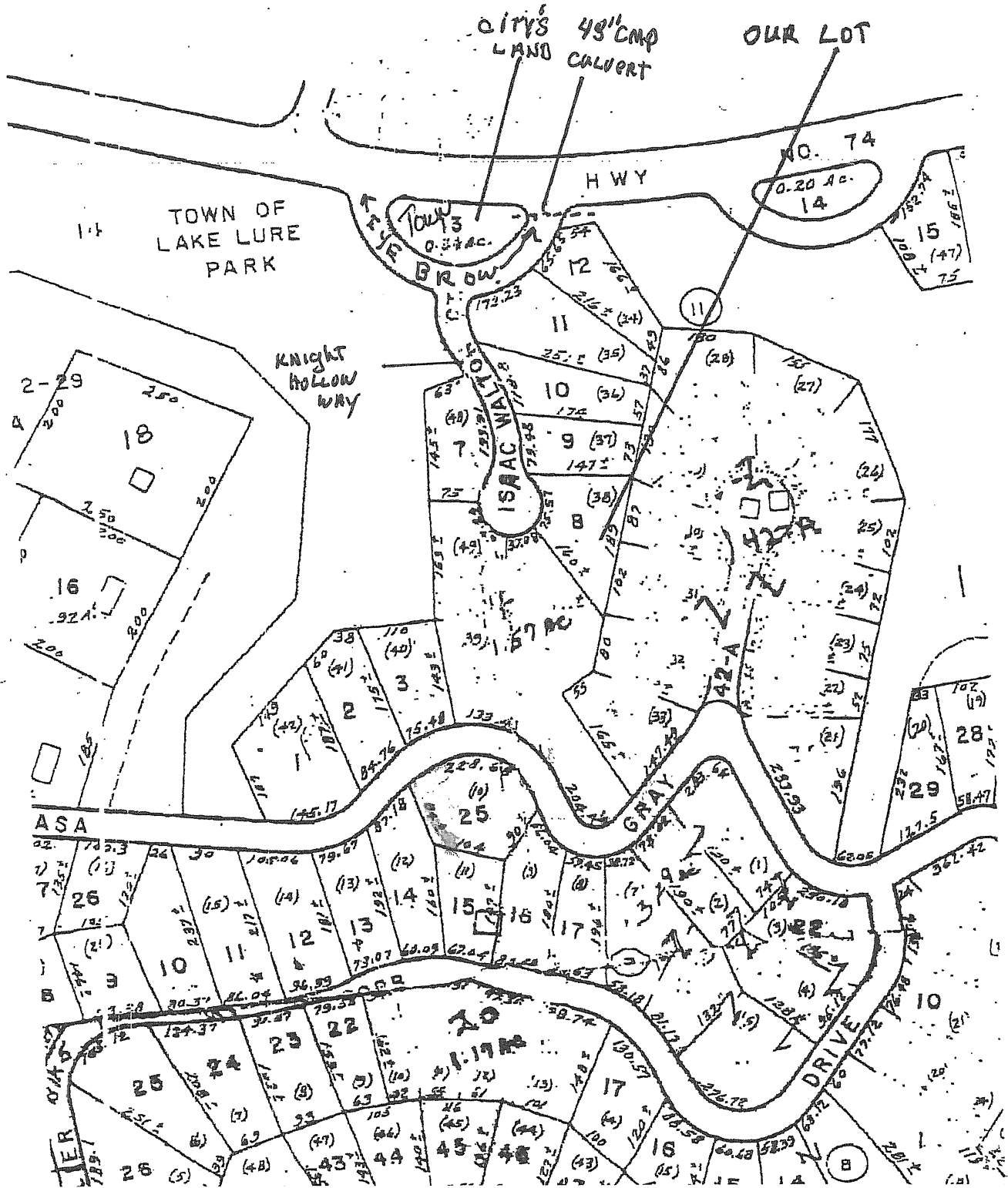
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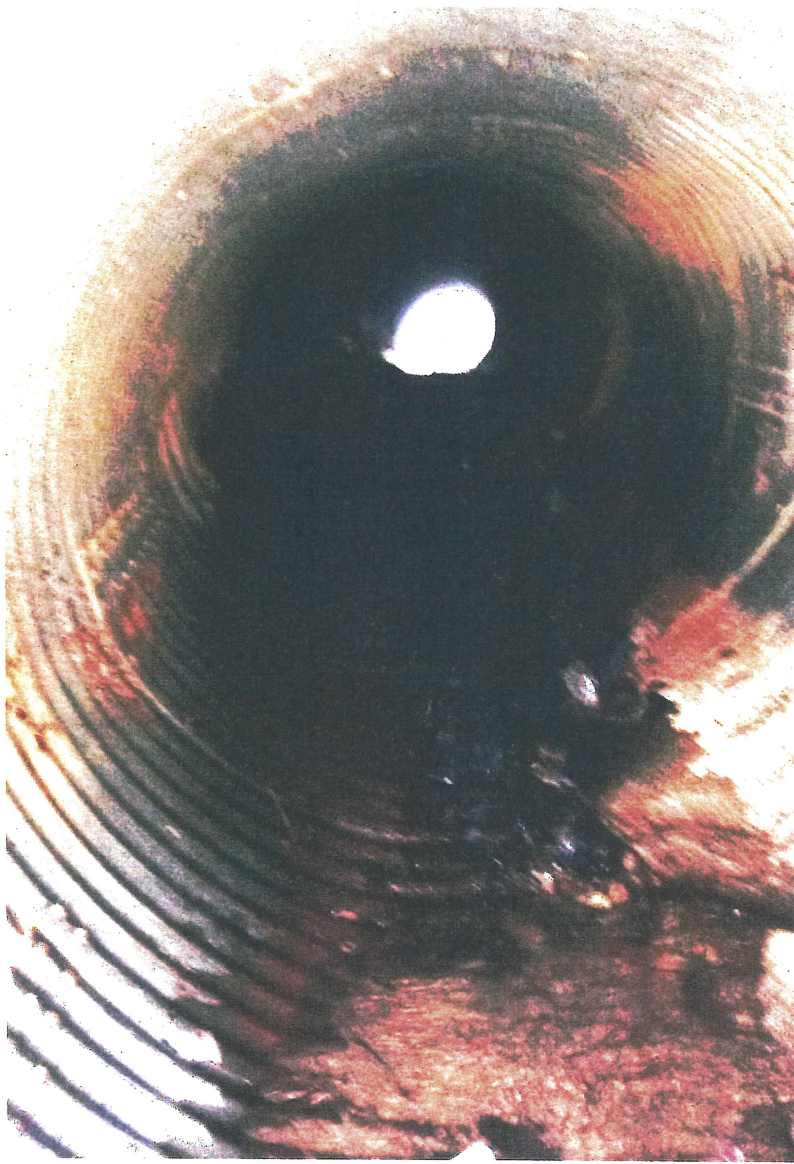
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