MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, FEBRUARY 11, 2020, 5:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER

PRESENT: Mayor Carol C. Pritchett
Mayor Pro Tem John W. Moore
Commissioner Patrick Bryant
Commissioner David DiOrio
Commissioner John Kilby

William Morgan, Jr., Town Attorney
Shannon Baldwin, Town Manager

ABSENT: N/A

I. CALL TO ORDER

Mayor Carol C. Pritchett called the meeting to order at 5:02 p.m. and gave the invocation. Council members led the pledge of allegiance.

II. APPROVE THE AGENDA

Commissioner John Kilby proposed adding a closed session for the purposes of discussing a personnel matter as item IV on the Agenda.

Commissioner John Kilby made a motion to approve the Agenda, as amended. Commissioner Patrick Bryant seconded and the motion carried 4-0.

III. MAYOR'S COMMUNICATIONS

Mayor Pritchett welcomed those present. Communications Specialist Laura Krejci presented a video that was prepared and submitted for the HGTV Home Makeover Giveaway. Mayor Pritchett recognized members of the Emergency Management Team who helped to take care of the Town during the recent storm event.

IV. CLOSED SESSION

Commissioner Patrick Bryant made a motion to enter into closed session in accordance with G.S. 143.38-11(a) (6) regarding personnel matters. Commissioner David DiOrio seconded and the motion carried 4-0.

During closed session, Council was briefed on an incident that occurred involving a Fire Department employee.

Commissioner David DiOrio made a motion to leave Closed Session. Commissioner Patrick Bryant seconded and the motion carried 4-0.

V. TOWN MANAGER COMMUNICATIONS

- Executive Director of the Chamber of Hickory Nut Gorge Laura Doster provided an overview on the Hickory Nut Gorge Chamber Memorandum of Understanding (MOU). She stated that the Chamber would work as an alliance with the Town to help in areas such as expanding the commercial tax base, helping to secure funding for economic development, market and stream town events, strengthen tourism, etc. Town Manager Shannon Baldwin stated that a Chamber update would be included on the agenda each month.
- Communications Specialist Laura Krejci reported on town events and handed out an events calendar. She mentioned that town news and events are displayed on the Town's Facebook page and a monthly update sent via email. Ms. Krejci also reported that the Town received an additional $10,000 grant today from FEMA. The Town originally received a $70,000 FEMA grant.
- Parks, Recreation, and Lake Director Dean Givens provided an update on the replacement of the Boardwalk/Marina project noting that demolition of the boardwalk has been completed. He stated that the docks have been ordered and will begin to be delivered on April 7th. The land based walkways to connect to the boardwalk are under construction with a completion date of May 22, 2020. Additionally, a new boat ramp has been built and placed at the Marina. He pointed out that Dock B must be moved because the ramp will come too close to the dock. He also mentioned that the traffic pattern in the Marina parking lot will be changed to one-way only which will keep an area available to be used for boat traffic.
- Mr. Givens then provided an update on dredging. He pointed out that dredging in Rumbling Bald Resort and Firefly Cove have been completed at no cost to the Town. He noted that dredging in the main channel of the lake will continue once the lake is back at full pond. He pointed out that an overflow pond is being considered to help control overflow coming into the Firefly Cove area. He noted that a five year lake drawdown schedule is being worked on.

- Town Engineer Kurt Wright provided a brief overview of the schedule timeline. He mentioned that three items associated with the Hydroelectric Facility will be completed by December 2020. After 2022, he's proposing a five year inspection and then eventually every eight years. Mr. Wright also briefed on the long-term lake drawdown schedule of events for Lake Operations and the Wastewater System. This proposed schedule results in a drawdown for the next three years. Mr. Baldwin noted that this is a draft in progress and could change based on LaBella's design components. Once finalized it can be brought back to Council for adoption and then will be made public so that the community can make plans accordingly. Mr. Baldwin pointed out that the new boardwalk will be self-funded by proceeds from rented boat slips. The new boardwalk will be aluminum and will not deteriorate like wood.
- Mr. Baldwin reported on the dam rehabilitation mentioning that by the end of this month we will have a model of life expectancy and costs associated with dam rehabilitation and phasing. He noted that a conference call is scheduled today with Schnabel Engineering, LaBella Associates, and the USDA to discuss types of loans needed and the phasing process.
- Public Works Director David Arrowood provided an update on hydroelectric plant repairs reporting that major repairs were made to the penstock. The lower turbine bearing was replaced and a few more repairs are needed before the generator is back up and running.
- Mr. Arrowood reported on sludge at the Waste Water Treatment Plant. He mentioned that he spoke with Republic Services in South Carolina about removing the sludge from the Plant. They informed him that they could not remove the sludge before May or June because everything is too wet and saturated at this time to be able to do so. He explained that the Town is at their mercy because there is nowhere else to take the sludge.
- Mr. Wright reported that LaBella engineers have completed their technical memo and have received comments from various individuals who have reviewed it and given back to Reese Walsh. A proposal for the new task order will be submitted. He mentioned that conference calls will be held with NCDEQ to develop the Special Orders by Consent (SOCs). Mr. Baldwin provided a brief background. The SOCs is a legal document the Town has entered into with NC DEQ listing timeframes and fines issues by the State. The Town has been receiving fines because out treatment plant is noncompliant. The SOCs will help to stop those fines as we work to fix the issues. Mr. Wright stated that the State is protecting the Town from the EPA with the SOCs. The SOCs show that the Town is working on the noncompliance issues so that the EPA does not step in and take over.

V. PRESENTATIONS

A. CENSUS 2020

Erin Miller, 2020 Census Recruiter, reported on the importance of the Census and the need for Census takers in the Lake Lure area. She explained that the Census is to gather the population for the representation in the House of Representatives. The Governor believes we have enough population to gain another seat in the House and has tasked people within each County to help ensure that everyone fills out the Census. If we do not have a complete count then we will not have the information for businesses in the area, information for the kinds of roads we need, or the kinds of schools we need. She explained that the count helps with the amount of money provided to the County. In mid-March a letter will be mailed out which will provide an option to fill out the Census online or by call. A select population will receive paper copies; typically areas with no internet access. Mobile units will also be available in certain areas to help people fill out the Census. Ms. Miller explained the requirements of the census taker job noting that another 20 applicants are needed for the Lake Lure area. Mr. Baldwin noted that the Town will receive additional revenue from the State if we get our numbers up and everyone is counted for.

VI. COUNCIL LIAISON REPORTS & COMMENTS

Commissioner DiOrio reported the activities of the Utilities Advisory Board.

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

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

Commissioner Patrick Bryant reported the Board of Adjustment and the Lake Structure Appeals Board and noted that the Parks and Recreation Board did not meet based on the weather.

VII. PUBLIC FORUM

Mayor Carol C. Pritchett invited the audience to speak and no one requested to speak at this time.

VIII. CONSENT AGENDA

Mayor Carol C. Pritchett presented the Consent Agenda and asked if any other items should be removed before calling for action.

Commissioner John Moore made a motion to approve the Consent Agenda, as presented. Commissioner Patrick Bryant seconded. Therefore, the Consent Agenda incorporating the following items was unanimously approved and adopted:

A. Adopt the January 7, 2020 Special Meeting Minutes, the January 8, 2020 Special Meeting Minutes, the January 14, 2020 Regular Meeting Minutes, and the January 28, 2020 Special Town Council Work Session Minutes

B. Adopt the January 7, 2020 Closed Session Minutes and the January 14, 2020 Closed Session Minutes

C. Martin Starnes & Associates' Contract to Audit

D. Ordinance No. 20-02-11 – Capital Project Ordinance for the Marina Expansion and Boardwalk Replacement

E. Resolution No. 20-02-11 – Supporting US 74 to an Interstate Quality Corridor

RESOLUTION NO. 20-02-11
SUPPORTING THE DESIGNATION OF US-74 BETWEEN I-26 AND I-85 TO A FUTURE INTERSTATE QUALITY CORRIDOR

WHEREAS, the need to improve US-74 to an Interstate status from Asheville to Wilmington to improve freight movement and in-state access through southern North Carolina has been identified in previous studies and,

WHEREAS, an Interstate quality US-74 Corridor will provide better connectivity, business planning, transportation safety, and resource efficiency from I-26 to I-85; and,

WHEREAS, every county that borders Rutherford County (Polk, Henderson, Buncombe, McDowell, Burke, Cleveland, Cherokee SC and Spartanburg SC) has a federally designated Interstate corridor that traverses their counties; and,

WHEREAS, local governments and businesses within the corridor collaboratively seek to build a responsive, regional economic development infrastructure to increase trade and industry and to promote opportunity recognizing that these efforts are hampered in Rutherford County due to the lack of a federal interstate designation along this corridor; and,

WHEREAS, North Carolina's federal legislative delegation has the authority to submit legislation granting a Future US-74 Interstate status from I-26 to I-85; and,

WHEREAS, because a section of Highway 74 east of Charlotte has a federal interstate designation, the section between I-26 and I-85 would require a different Interstate name.

NOW, THEREFORE, BE IT RESOLVED that on behalf of the citizens of the Town of Lake Lure, that the Lake Lure Town Council supports federal legislation to secure a Future Interstate designation for the section of US-74 from I-26 to I-85.

READ, APPROVED AND ADOPTED, this 11th day of February, 2020.

F. Amend the 2020 Town Council Meeting Schedule

TOWN COUNCIL MEETING SCHEDULE FOR 2020

DATE	LOCATION	TIME	TYPE
January 14, 2020	Lake Lure Municipal Center	5:00 p.m.	Regular
February 11, 2020	Lake Lure Municipal Center	5:00 p.m.	Regular
February 26, 2020	Lake Lure Conference Room	8:30 a.m.	Work Session
March 10, 2020	Lake Lure Municipal Center	5:00 p.m.	Regular
March 25, 2020	Lake Lure Conference Room	8:30 a.m.	Work Session
April 14, 2020	Lake Lure Municipal Center	5:00 p.m.	Regular
April 29, 2020	Lake Lure Conference Room	8:30 a.m.	Work Session
May 12, 2020	Lake Lure Municipal Center	5:00 p.m.	Regular
May 27, 2020	Lake Lure Conference Room	8:30 a.m.	Work Session
June 9, 2020	Lake Lure Municipal Center	5:00 p.m.	Regular
June 24, 2020	Lake Lure Conference Room	8:30 a.m.	Work Session
July 14, 2020	Lake Lure Municipal Center	5:00 p.m.	Regular
July 29, 2020	Lake Lure Conference Room	8:30 a.m.	Work Session
August 11, 2020	Lake Lure Municipal Center	5:00 p.m.	Regular
August 26, 2020	Lake Lure Conference Room	8:30 a.m.	Work Session
September 8, 2020	Lake Lure Municipal Center	5:00 p.m.	Regular
September 30, 2020	Lake Lure Conference Room	8:30 a.m.	Work Session
October 13, 2020	Lake Lure Municipal Center	5:00 p.m.	Regular
October 28, 2020	Lake Lure Conference Room	8:30 a.m.	Work Session
November 10, 2020	Lake Lure Municipal Center	5:00 p.m.	Regular
November 25, 2020	Lake Lure Conference Room	8:30 a.m.	Work Session
December 8, 2020	Lake Lure Municipal Center	5:00 p.m.	Regular
December 30, 2020	Lake Lure Conference Room	8:30 a.m.	Work Session

* Regular Town Council meetings are held on the 2nd Tuesday of each month.
*Work Session Meetings are held on the last Wednesday of each month.

G. BA# 266 – Sale of Commercial Center

H. BA# 268 – Dam and Hydroelectric Plant Director

X. UNFINISHED BUSINESS:

There was no unfinished business items to discuss.

IX. NEW BUSINESS:

A. RESOLUTION NO. 20-02-11A QUIT CLAIM DEED – GARLON PREWITT

Community Development Director Brad Burton stated that Garlon and Cynthia Prewitt, 180 Tryon Bay Circle, are interested in asking for a quit claim of 540 square feet of accreted land. Mr. Burton explained that a severe storm event in 2013 resulted in a landslide with high-velocity mudflow on two properties on Tryon Bay Circle. The real property of Garlon and Cynthia Prewitt, located at 179 Tryon Bay Circle, was one of these affected parcels. Mr. Prewitt has re-established his house foundation by the construction of a large two-tiered combination seawall and retaining wall. This wall has been built on accreted land from the 2013 storm event. The walls are located outside of Prewitt's established property boundary – specifically built upon property that was once lake area and Town-owned property. Mr. Prewitt paid for a survey and his lawyer created a quit claim deed.

Commissioner John Kilby made a motion to adopt Resolution No. 20-02-11A quit claim of Town property of Garlon and Cynthia Prewitt. Commissioner John Moore seconded and the motion carried 4-0.

A RESOLUTION TO QUITCLAIM TOWN PROPERTY
DUE TO ACCRETION OF LAND
RESOLUTION 20-02-11A

WHEREAS, J. Garlon Prewitt and wife Cynthia Lee Prewitt are the owners of a 0.11 acre tract or parcel of land located in the Town of Lake Lure, which tract or parcel of land is known as Lot 26 and part of Lot 25 of the Cane Creek Development, Plat Book 5, Page 35 and also depicted in Deed Book 677, Page 377, Rutherford County Registry; and,

WHEREAS, due to a major storm event that occurred in 2013, approximately 544 square feet of sedimentation has accreted to the shoreline of the Prewitt property as shown by the attached Plat attached as Exhibit A and the proposed quitclaim Deed attached hereto as Exhibit B, which description is incorporated herein for reference as fully set forth; and,

WHEREAS, this same storm event did significant damage to real property owned by J. Garlon Prewitt and wife Cynthia Lee Prewitt, requiring construction of seawall/retaining wall system in order to support the home located on the property; and,

WHEREAS, J. Garlon Prewitt and wife Cynthia Lee Prewitt received approval from the Town through permits ZP-201379, SSP-2013005, and LDP-2013044 to construct these new seawall/retaining wall systems as shown on Exhibit A, and did indeed construct these structures with such valid governmental approval; and

WHEREAS, J. Garlon Prewitt and wife Cynthia Lee Prewitt have requested the Town of Lake Lure to quitclaim any interest of the town for the 544 square feet of accreted shoreline, where these wall structures are located and as shown on Exhibit A; and,

WHEREAS, J. Garlon Prewitt and wife Cynthia Lee Prewitt has prepared, through their legal counsel, a Quitclaim Deed of Conveyance, and the resultant instrument has been reviewed and approved in form by the Town of Lake Lure's attorney; and,

NOW, THEREFORE, the Board of Commissioners of the Town of Lake Lure hereby resolves to execute and thereby convey the tract or parcel of land set forth in the proposed Quitclaim Deed to J. Garlon Prewitt and wife Cynthia Lee Prewitt.

Adopted this 11th day of February, 2020

X. NEW BUSINESS:

C. LAKE LEVEL DISCUSSION

Town Manager Shannon Baldwin reported that Town Council mandated the lake begin rising February 10, 2020. Work on the lake is on schedule and going smoothly. Mr. Arrowood noted that the lake is currently five feet below full pond and has been rising about a foot a day as a result of the rain.

Mr. Baldwin reported that he is seeking Council's approval to hire a Hydroelectric Plant Director. The Town is looking for someone with experience in this field to bring in a level of professionalism and help take some responsibility from Public Works Director David Arrowood so that he can focus on other things he has been tasked with.

Commissioner John Kilby made a motion to approve the Dam and Hydroelectric Plant Director position, as presented. Commissioner David DiOrio seconded and the motion carried 4-0.

CLOSED SESSION

Commissioner Patrick Bryant made a motion to go into closed session in accordance with G.S. 143-318.11(a) (3) for the purpose of discussion an attorney client privilege matter. Commissioner David DiOrio seconded and the motion carried 4-0.

Attorney William Morgan provided an update on Brown Consultants. During the closed session it was reported that the Town received a letter from the Van Winkle Law Firm, on behalf of Brown Consultants, indicating a potential civil lawsuit against the Town regarding a breach of contract dispute.

Commissioner John Kilby made a motion to return to open session. Commissioner Patrick Bryant seconded and the motion carried 4-0.

ADJOURN THE MEETING

With no further business, Commissioner Patrick Bryant made a motion to adjourn the meeting at 7:40 p.m. Commissioner David DiOrio seconded and the motion carried 4-0.

ATTEST:

Michelle Jolley

Michelle Jolley,
Town Clerk

Carol C. Pritchett

Mayor Carol C. Pritchett

TOWN OF LAKE LURE NORTH CAROLINA CORPORATE SEAL