

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS OF
THE TOWN OF LAKE LURE
MONDAY, JUNE 10, 1968

A special meeting of the Board of Commissioners was held in the Town Hall at 7:30 o'clock P.M. on the 10th day of June, 1968. The following members of the Board were present: J. Paul Wilson, Mayor; Woodrow Price, Commissioner. Robert B. Jones, Commissioner, was absent. Hollis M. Owens, Jr., Town Attorney was present.

The Mayor, J. Paul Wilson, called the meeting to order and the clerk read the minutes of the last meeting. The minutes were approved as written.

Mayor Wilson advised the Board that the North Carolina Department of Water and Air Resources had asked the Board of Commissioners of the Town of Lake Lure to make certain assurances to said Department in the event of the granting of a license from the Federal Power Commission for the operation of the Lake Lure Hydro-Electric facility. After discussion, Commissioner Price moved, seconded by Mayor Wilson that the following resolution be adopted. The following Commissioners voted in the affirmative: J. Paul Wilson, Mayor, Woodrow Price, Commissioner. The following commissioners voting in the negative: None.

WHEREAS, the Town of Lake Lure has, under protest and with disclaimer of jurisdiction, made application to the Federal Power Commission for a license for the hydro-electric project owned by the Town of Lake Lure and situated on Broad River in Chimney Rock Township, Rutherford County, North Carolina; and

WHEREAS, in connection with said application to the Federal Power Commission, the North Carolina Department of Water and Air Resources has asked the Town of Lake Lure to make certain assurances hereinafter set forth in the event of the granting of a license from the Federal Power Commission for the operation of the aforementioned hydro-electric project; and

WHEREAS, the Board of Commissioners of the Town of Lake Lure wishes to make the assurances requested by the North Carolina Department of Water and Air Resources.

NOW, THEREFORE, BE IT RESOLVED that J. Paul Wilson, Mayor of the Town of Lake Lure, be and he is hereby authorized, empowered and directed to make the following assurances with respect to the operation of the Lake Lure Hydro-Electric Project to the North Carolina Department of Water and Air Resources:

1. That the licensee will discharge a minimum continuous stream flow of 10 C.F.S. (Cubic Feet Per Second).
2. That the discharge of water from the Lake Lure Hydro Electric Project as described in Item 1 above shall include all water flowing from the Lake Lure Hydro-Electric Project, whether from leakage, spillage, generation or otherwise.
3. That for the purpose of checking compliance with the provisions of these assurances, the licensee will provide records from the Stream Flow Gauging Station, existing but not presently operating, located between the dam and

U. S. Highway Number 74. The licensee will be responsible for the costs of re-establishing and maintaining the Station in cooperation with the U. S. Geological Survey.

4. The licensee will increase the minimum continuous discharge from the Lake Lure Hydro-Electric Project to a flow at least as great as the 7 day 10 year minimum if and when additional water is required to maintain quality standards prescribed by the North Carolina Board of Water and Air Resources. Such increase will be made only if the downstream need arises, and upon a showing of such need and justification therefor by the North Carolina Board of Water and Air Resources, and after approval of the Federal Power Commission.

After considerable discussion of the matter of a zoning ordinance for the Town of Lake Lure, Commissioner Price moved, seconded by Mayor Wilson, that the following resolution be adopted said resolution being unanimously passed:

WHEREAS, the Board of Commissioners of the Town of Lake Lure deems it to be in the interest of the public health, safety, morals, comfort and general welfare of said Town and its residents to establish a general plan of zoning for the area embraced by the corporate limits of said Town; and

WHEREAS, the Board of Commissioners has been advised that the North Carolina League of Municipalities provides certain services and assistance to municipalities in the preparation of comprehensive zoning ordinances; and

WHEREAS, the Board of Commissioners has been advised that the minimum fee charged by the North Carolina League of Municipalities for such services is \$300.00 plus travel expenses at the rate of 10¢ per mile, plus the actual room and board expense for one staff member working on said ordinance; and

WHEREAS, the Board of Commissioners of the Town of Lake Lure wishes to engage the services of the North Carolina League of Municipalities for the preparation of a comprehensive zoning ordinance for the Town of Lake Lure.

NOW, THEREFORE, BE IT RESOLVED that Hollis M. Owens, Jr., Attorney for the Town of Lake Lure, be, and he is hereby, authorized and directed to request the North Carolina League of Municipalities to begin work on a comprehensive zoning ordinance for the Town of Lake Lure as soon as possible, and to advise said League that the Board of Commissioners of the Town of Lake Lure agrees to pay the fee charged by said League for such services, plus travel expenses at the rate of 10¢ per mile, plus the actual room and board expenses for one staff member working on said ordinance.

Upon motion made, seconded and unanimously passed, the Clerk was instructed by the Board to write off the 1957 Town of Lake Lure taxes as provided by law.

Upon motion made, seconded and passed, the Board approved payment to Cecil Bolick, C. P. A., the sum of \$400.00 for auditing the books of the Lake Lure Hydro-Electric Power Facility.

The 1968-1969 Budget was discussed and approved, and the Clerk was instructed to post a notice for 20 days to the effect that the said budget was on file in the Town office for examination by any interested citizen.

- M. That the Applicant will demonstrate to the satisfaction of the Commissioner that he has or will have a fee simple or such other estate or interest in the site of the project, including necessary easements and rights-of-way, as the Commissioner finds sufficient to assure undisturbed use and possession for the purposes of construction and operation for the estimated life of the project;
- N. That the declarations, assurances, representations and statements made by the Applicant in the application, and all documents, amendments and communications filed with the Federal Water Pollution Control Administration by the Applicant in support of its request for a grant will be fulfilled;
- O. That the applicant will permit the Administration or its authorized agents to have access to the project and the records pertaining to its operation at any reasonable time following completion of construction for the purpose of inspecting the operation and maintenance of the project;
- P. The Applicant agrees to construct the project or cause it to be constructed to final completion in accordance with the application and plans and specifications approved by the Commissioner.

This Resolution shall become effective immediately upon its passage.


The following Commissioners voting in the affirmative:

J. Paul Wilson
Woodrow Price

The following Commissioners voting in the negative:

None

There being no further business, the meeting adjourned at 10:00 o'clock P. M.


Town Clerk


Mayor

Mayor Wilson advised the Board that as a result of the application made by him on behalf of the Town of Lake Lure for combined grants under Section 212 and Section 214 of the Appalachian Regional Development Act of 1965, for the purpose of constructing sewage disposal facilities for the Town of Lake Lure the Town had received an offer of a Federal Grant not to exceed \$118,160.00 and consisting of \$44,310.00 under Section 212 and \$73,850.00 under section 214, respectively, of the Appalachian Regional Development Act of 1965. Mayor Wilson also called the Boards attention to certain conditions to which the grant offer is subject and to certain assurances the Town of Lake Lure will have to make to the Commissioner of the Federal Water Pollution Control Administration in order to accept said grant offer. After discussion Commissioner Price moved, seconded by Mayor Wilson that the following resolution be adopted:

WHEREAS, pursuant to the authority granted to him by a resolution adopted by the Board of Commissioners of the Town of Lake Lure, North Carolina, on May 4, 1967, J. Paul Wilson, Mayor of the Town of Lake Lure, did, on May 5, 1967, make application on behalf of the Town of Lake Lure for combined grants under Section 212 and Section 214 of the Appalachian Regional Development Act of 1965, in the amount of \$44,310.00 and in the amount of \$73,850.00, respectively, for the purpose of constructing a Sewage Lift Station, Outfall and Secondary Waste Water Treatment plant for the Town of Lake Lure; and

WHEREAS, the Board of Commissioners of the Town of Lake Lure has been notified that an offer of a Federal Grant for an amount not to exceed \$118,160.00 and consisting of \$44,310.00 under Section 212 and \$73,850.00 under Section 214, respectively, of the Appalachian Regional Development Act of 1965, has been made to the Town of Lake Lure, subject to the following conditions:

1. Approval of final plans and specifications.
2. Information which satisfactorily demonstrates the availability of funds other than Federal Grant funds to pay the remaining cost of the project.
3. Submission of an opinion from an Attorney that the necessary site and easements and/or rights of way have been obtained, and that they are free of any restrictions or encumbrances that might restrict their use for the purpose intended. This opinion must be submitted for approval prior to the award of construction contracts.
4. That preference in employment on the project will, insofar as practicable, be given to qualified local labor; and

WHEREAS, the Board has been advised that in order for the Town of Lake Lure to accept said Federal Grant offer it will be necessary for the Town to make certain specified assurances to the Commissioner of the Federal Water Pollution Control Administration; and

WHEREAS, the Board of Commissioners of the Town of Lake Lure

desires to accept the Federal Grant offer and to make the assurances necessary to accept the same.

NOW, THEREFORE, BE IT RESOLVED:

1. That J. Paul Wilson, Mayor of the Town of Lake Lure, be and he is hereby authorized, empowered and directed to accept the said Federal Grant offer and he is also authorized, empowered and directed to sign any documents necessary in making said acceptance.

2. That in accepting the said Federal Grant offer, J. Paul Wilson, Mayor of the Town of Lake Lure, is hereby authorized, empowered and directed to give, on behalf of the Town of Lake Lure, the following assurances to the Commissioner of the Federal Water Pollution Control Administration:

- A. That actual construction work will be performed by the lump sum (fixed price) or unit price contract method, that adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract, and that the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid;
- B. That the project will not be advertised or placed on the market for bidding until the final plans and specifications have been approved by the Commissioner and the appropriate State agency, and the Applicant has been so notified;
- C. That the construction contract will require the Contractor to furnish performance and payment bonds, the amount of which shall each be in an amount not less than fifty percentum (50%) of the contract price, and to maintain during the life of the contract adequate fire, and extended coverage, workmen's compensation, public liability and property damage insurance;
- D. That any change or changes in the contract which make any major alteration in the work required by the plans and specifications, or which raise the cost of the project above the latest estimate approved by the Commissioner will be submitted to the Commissioner for prior approval;
- E. That the construction of the project, including the letting of contracts in connection therewith, shall conform to the applicable requirements of State, territorial and local laws and ordinances;
- F. That the construction contract will provide that the representative of the Federal Water Pollution Control Administration and the State will have access to the work wherever it is in preparation or progress and that the contractor will provide proper facilities for such

access and inspection;

- G. That the Applicant will provide and maintain competent and adequate engineering supervision and inspection at the project to insure that the construction conforms with the approved plans and specifications;
- H. That adequate accounting and fiscal records will be maintained which fully disclose the amount, receipt, and disposition of the grant assistance provided, the total cost of the project in connection with which the grant has been offered, the amount and identification of that portion of the cost of the project supplied from other sources, and such other records as the Commissioner may prescribe to facilitate an effective audit;
- I. That all funds granted pursuant to the Federal Water Pollution Control Act shall be expended solely for carrying out the approved project;
- J. That the Commissioner and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the grantee that are pertinent to grants received under the Act, and the grantee shall submit to the Commissioner or the Comptroller General of the United States such documents and information as they may require in connection with the project;
- K. That the construction contract will require the contractor to comply with the regulations of the Secretary of Labor made pursuant to the Davis-Bacon Act of March 3, 1931, as amended (40 U.S.C. 276a through 276a-5), the Anti-Kickback Act of June 3, 1934 (40 U.S.C. 276c), and the Contract Work Hours Standards Act of August 31, 1962 (40 U.S.C. 327-330), and any amendments or modifications thereto, to cause appropriate provisions to be inserted in sub-contracts to insure compliance therewith by all sub-contractors subject thereto, and to be responsible for the submission of statements required of subcontractors thereunder, except as the Secretary of Labor may specifically provide for reasonable limitation, variations, tolerances, and exemptions from the requirements thereof;
- L. That the Applicant will demonstrate to the satisfaction of the Commissioner his ability to pay the remaining cost of the project;