

MINUTES OF A REGULAR MEETING
OF THE BOARD OF COMMISSIONERS OF THE
TOWN OF LAKE LURE, N.C.
JULY 12, 1977

The regular meeting of the Board of Commissioners was held in the Community Building, July 12, 1977 at 7:30 p.m.. The following members were present: Mayor J. Paul Wilson, Commissioners Claude R. Nelon, A.T. Cashion, Jr., William O. Keller and Martin L. Nesbitt, Jr., Town Attorney was also present.

Mayor Wilson called the meeting to order and asked that the minutes of a regular meeting held on June 14, 1977, be read. Upon completion motion was made by Commissioner Nelon, seconded by Commissioner Cashion they be accepted as read and the vote was unanimous.

Mayor Wilson asked for the minutes of a special meeting held on June 16, 1977 be read. Motion was made by Commissioner Nelon, seconded by Commissioner Cashion and the vote was unanimous they be accepted. Motion was made by Commissioner Keller, seconded by Commissioner Nelon and the vote was unanimous to accept the minutes of special meeting held on June 24, 1977. Motion was made by Commissioner Nelon, seconded by Commissioner Keller and the vote was unanimous to accept the minutes of a special meeting held on June 28, 1977. Copies of all three minutes of special meetings are hereto attached.

Having checked on prices for fire extinguishers for the Community Building, Commissioner Cashion placed in form of a motion that the Town purchase three at a cost of \$25.20 each. Motion was seconded by Commissioner Keller and the vote was unanimous.

Commissioner Nelon reported that the N.C. DOT started work on the Tryon Bay Circle Bridge July 12, 1977, that striping of the parking areas around the Arcade Building had been completed, that two 7,000 watt lights for the shuffleboard area had been installed and that two local youths had been employed under CETA Work Experience Program to work for the Town in Parks and Recreation.

Commissioner Nelon reviewed two incidents in violation of Town Ordinances: (1) The operation of a Public Dance Hall between the hours of 12:00 p.m. and 10:00 a.m. He said that Mr. Jack Biggerstaff alleged ignorance to the ordinance, apologized to the Board and avowed there would be no further violations of the ordinance. (2) The construction of a boathouse in Snug Harbor Cove without a building permit and construction in such a manner as to cause complaint of obstruction from an adjacent property owner. Copy of a letter from Town Attorney to property owner attached. After considerable discussion with the owner of said boathouse, Commissioner Nelon made a motion, seconded by Commissioner Cashion, that further construction stop and that no building permit be issued until the parties concerned come up with a solution satisfactory to the Town Board or the Town Board come up with a solution satisfactory to the parties concerned. The vote was unanimous.

Commissioner Keller gave the police report for the month of June. A copy is hereto attached.

AS THE first order of new business the Chair recognized Mr. Bartruff who asked the Board to adopt an ordinance restricting the number of animals per family and excessive noise. Mayor Wilson informed him that the Town already has an ordinance prohibiting excessive noise and suggested he contact the Health Department. At this point Commissioner Cashion offered to call the Health Department for Mr. Bartruff.

Mayor Wilson introduced Mr. Wallace Earley, Fire Chief for the Bills Creek Volunteer Fire Department and commended him for the work they have done for Lake Lure. Chief Earley gave the following report on calls they have answered for the past two years. It is as follows: 10 houses, 1 trailer, 1 woods fire at the golf course, and one house at the Mountains. Nine of the calls have occurred this year and there have been only four losses. The Department stood by one controlled burning in Lake Lure and have held two fire drills.

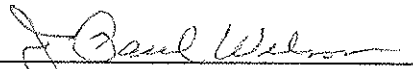
Mrs. Bell asked the Board if it would be possible to install microphones so people in the rear of the Community Building could hear. Mayor Wilson asked Commissioner Keller to check the cost and report to the Board.

Mr. Goodman, Chairman of the Board of Elections reminded the Board it was time to appoint a new committee. The following names were submitted for the Board's approval: Martin Goodman, Johnny Warren, Woody Price, Malee Keller and Bertha Moore.


Chief Burch gave the fire report for the month of June. A copy being attached hereto.

As the last order of business the Board discussed the acceptance of a State Grant under the Clean Water Bond Act. Motion was made by Commissioner Nelon, seconded by Commissioner Cashion and the vote was unanimous to adopt the resolution hereto attached.

There being no further business motion was made by Commissioner Keller, seconded by Commissioner Nelon the meeting be adjourned.



J. Paul Wilson, Mayor



Mary T. Ficker, Clerk

REYNOLDS, FOWLER & NESBITT, P. A.

ATTORNEYS AT LAW

1405 NORTHWESTERN BANK BUILDING
ASHEVILLE, NORTH CAROLINA 28801

PHONE 253-1886

JOSEPH C. REYNOLDS
EARL J. FOWLER, JR.
MARTIN L. NESBITT, JR.
DONALD O. MAYER

7/7/77

Ms. Edith J Black
55 School Road
Asheville, North Carolina

Dear Ms. Black:

This is to inform that I represent the Town of Lake Lure as Town Attorney. The Town has been informed that a boathouse is being constructed in Snug Harbor Cove, for which no building permit has been issued, and is being constructed in such a manner as to obstruct adjacent property owners.

The tax records indicate that you are the owner of this property in question, and if this is in fact the case, I would request that you contact officials of the Town of Lake Lure within at least five (5) days to discuss this matter so that further action on my part will not be necessary.

Very truly yours,

REYNOLDS, FOWLER, NESBITT
CRAWFORD & MAYER

Martin L. Nesbitt, Jr.

MLNjr/cjb

cc: Commissioner Claude Nelon
Mr. Curtis Jones

Town of Lake Lure

LAKE LURE, N. C. 28746

S. R. SWARINGEN
Chief of Police

704/625-9396

Police Report For The Month Of June, 1977 For One Officer

Total Miles Patrolled -----	2,500.00 Mil
Calls Answered -----	195 Calls
Traffic Accidents Investigated -----	5
Breaking And Entering And Larceny -----	1
Total Loss -----	\$373.00
1 Vehicle Stolen, Estimated Value -----	\$800.00
1 Vehicle Recovered, Value -----	\$800.00
Hours Worked on Lake -----	106 Hours
Total Hours Worked -----	432 Hours

Town of Lake Lure

LAKE LURE, N. C. 28746

7-12-77

Report to the Commissioners, Town of Lake Lure
From William H. Burch, Chief, Lake Lure Vol Fire Dept

The department answered one fire call at the home of Miss Annette Duchain. Hickory Nut Gorge and Bill's Creek also responded. The damage was about \$1,500 to property and contents worth about \$175,000.

There have been two other public service calls, one to drag the beach for the commissioners and one to help fill a swimming pool to see where the leaks were so they could be repaired.

No new equipment for the department has come since the last report. The equipment that we are told was authorized at the last meeting is said to have been ordered but the suppliers had not received orders as of yesterday.

Arrangements were made so the town could acquire 8 new military type tires for the older, small grader at a cost of about \$43. per tire. This is against a retail cost of over \$100. per tire. In addition there was considerable steel and brake parts for military type equipment.

One complaint was received from the supplier of the radio. He had not been paid the balance due a month after supplying the radio.

Respectfully submitted



William H. Burch, Chief,
Lake Lure Vol Fire Dept.

RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE TOWN OF LAKE LURE

WHEREAS: the Town of Lake Lure has need for and intends to construct a water supply system project described as Water System Improvements for the Town of Lake Lure, and

WHEREAS: we applied for a State Grant under the Clean Water Bond Act, to aid in financing construction of a water supply system, and


WHEREAS: the Board reviewed the Offer and Acceptance Form concerning terms, conditions, and assurances.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

(1) That the Town of Lake Lure does accept the grant and agrees to the terms set down by the State of North Carolina Department of Human Resources, Division of Health Services.

(2) That the Mayor is hereby authorized to execute and file the Offer and Acceptance Form on behalf of the Town of Lake Lure, with the Division of Health Services.

Adopted this the 16 day of Aug. 1977



J. Paul Wilson, Mayor



STATE OF NORTH CAROLINA

DEPARTMENT OF HUMAN RESOURCES

Division of Health Services

JAMES B. HUNT, JR.
GOVERNOR

SARAH T. MORROW, M.D., M.P.H.
SECRETARY

JACOB KOOMEN, M.D., M.P.H.
DIRECTOR

P. O. Box 2091

Raleigh 27602

June 27, 1977

1877
One Hundred Years
of Public Health
in North Carolina
1977

The Honorable J. Paul Wilson
Mayor of the Town of Lake Lure
Post Office Box 255
Lake Lure, North Carolina 28746

Re: Water Supply Grant Application
Project Number SBH-453
Town of Lake Lure
Rutherford County

Dear Mayor Wilson:

Your application for a State grant under the Clean Water Bond Act, to aid in financing construction of a water supply system project, has been assigned a priority sufficient to qualify for a grant within the funds available in this fiscal year.

Transmitted herewith is an Offer and Acceptance Form, Part A. Please review this document and if the applicant wishes to accept the grant offer under the terms, conditions and assurances contained therein, have the acceptance section signed by the authorized representative and return one copy to this agency not later than the date indicated in the offer.

Also enclosed is a set of procedures to be followed by the applicant from receipt of the Grant Offer and Acceptance, Part A, through request for final payment of the State grant.

If there should be any questions regarding this matter, please contact us.

Very truly yours,

A handwritten signature in cursive script that reads "Marshall Staton".

Marshall Staton, Chief
Sanitary Engineering Section

Enclosures

N. C. DEPARTMENT OF HUMAN RESOURCES
DIVISION OF HEALTH SERVICES

Requirements of a Project Audit
Water Supply System Projects

Section 19.0 of the Rules and Regulations Governing State grants states that an audit shall be required for each project for which a State grant has been made.

The required audit can be one which a Federal agency making a grant to a project is required to make, one which is made by qualified State personnel or one which is made by qualified independent auditors. The Federal audit may be accepted at the discretion of the State agency. It has been determined that qualified State personnel are not available beyond their regular duties to perform these audits. Therefore, it can be audited by qualified independent auditors. We have been advised by the Local Government Commission that qualified independent auditors would include the firm that regularly audits the applicant's books.

All audits, of projects for which a State grant has been made, should include as a minimum all costs attributable to the project for the entire period of the project. These costs should be identified by purpose and payee. In addition, the audit shall reflect all sources and amounts of revenue used to pay all project costs and include a balance sheet of the project fund as of the date of the audit.

State sales tax reimbursements available shall be identified as an offset to the final amount of contracts or purchases.

Noneligible costs, eligible costs, and the costs not included in the original project should be identified separately. Any unpaid items at the time of the audit should be so noted.

Included with the audit should be a statement that examination of the records have been made in accordance with generally accepted auditing standards and that, in the auditor's opinion, the project costs are fairly stated in accordance with generally accepted accounting principles.

Final construction costs approved by the consulting engineer and invoices for technical, legal, fiscal and administrative costs must be substantiated by the amounts shown for each item in the audit before the State approval of the final payment of the State grant.

STATE OF NORTH CAROLINA

PROCEDURES TO BE FOLLOWED BY APPLICANT FOR A STATE GRANT FOR
WATER SUPPLY SYSTEM PROJECTS UNDER THE CLEAN WATER BOND ACT OF 1971, AS AMENDED,
FROM RECEIPT OF GRANT OFFER AND ACCEPTANCE, PART A, THROUGH REQUEST FOR FINAL PAYMENT

1. OFFER AND ACCEPTANCE FORM, PART A - OFFER

If the offer Part A is to be accepted, the designated representative, authorized by the resolution submitted with the application, will sign and date in the space provided under Section III of page 4. This offer must be accepted and returned, if it is to be accepted, by the date shown on page 2 or the offer will no longer be valid.

Should the applicant not wish to accept the offer, the designated representative should notify this agency by letter.

2. OFFER AND ACCEPTANCE FORM, PART B - SUPPLEMENTAL PROJECT INFORMATION

After Part A has been accepted, arrangements for financing the project have been completed, final plans and specifications have been approved and construction bids received, the governing body has, by resolution, awarded contracts for construction of the project, and the contract documents have been signed, the applicant will complete Part B and send one copy signed by the designated representative to the Water Supply Grants Unit with one copy of the following documents:

- Bidder Assn
To Handle*
- A. Tabulation of all bids received.
 - B. Certified copy of resolution by governing body awarding contract(s).
 - C. Signed construction contract(s) including the bidder(s) signed proposal as accepted.
 - D. Attorney's opinion as to adequacy of real property interests acquired.
 - E. Letter from agency approving erosion and sedimentation control plan.
 - F. Any executed or planned change orders.

Part B cannot be accepted unless the amounts shown in the estimate are substantiated by the resolution and the signed contract documents, including change orders, if applicable.

3. GRANT PAYMENTS

After notification that Part B has been accepted, requests for payment may be made. A request for State grant payment may be made on the basis of work completed. State grant payments will be made, in general, in accordance with Section 16.0 of the Rules and Regulations. Progress payments may be requested at approximately 25, 50, 75 and 100 percent completion. Progress will be measured by the cost of eligible construction work completed, plus other eligible costs incurred, in relation to the total estimated eligible cost of the project, shown in Item 6, Part B, as accepted. The gross amount of construction completed and material stored on site is used as the basis for State grant payment.

Requests for grant payments shall be made by the designated representative of the applicant. Supporting documents shall include one copy of the following:

- A. For eligible construction costs (note that sales tax is not deducted from construction cost until total tax is available at final grant payment):
 - (1) latest estimate for the amount of work completed and the cost of materials delivered and stored on the site;

- (2) certification by the applicant's consulting engineer that the estimate is correct;
 - (3) executed change orders (if not previously furnished) for any change order work for which payment is requested.
- B. For technical services: invoices describing the type of services and basis of payment so as to be identified with provisions of the contract.
- C. For legal, fiscal, and administrative services
- (1) invoices describing the type of services and basis of payment;
 - (2) copies of contracts for such services where existing and not previously furnished.

The letter by the designated representative requesting grant payment based on the documents attached thereto is considered evidence of approval of the documents for payment.

4. FINAL PAYMENT

The actions described below must be completed in order for this agency to approve final payment of the State grant for a water supply system project. Five percent of the grant will be withheld for this payment until all requirements for such a payment are met.

- A. The designated representative shall make a request for final payment and send with the request one copy of the following documents as soon as they are available, and in the same letter state when the project audit report will be available (the letter request by the designated representative is considered evidence of approval for payment of the documents enclosed therewith):
- (1) approved final estimates for each contract, together with any change orders not previously submitted;
 - (2) approved final invoices for all eligible technical, legal, fiscal and administrative costs;
 - (3) letter reports by the respective contractors for each contract and fiscal year period stating the amount of sales tax paid for which the City can be reimbursed by the Department of Revenue (if tax is paid to another State include State and amount).
- B. An inspection of the completed project must be made by a representative of this agency. The applicant must notify this agency when the project is sufficiently complete for such inspection. This agency will then arrange for the inspection in coordination with the applicant and his consulting engineer. This inspection normally would be made prior to the request for final payment.
- C. The project audit report required by Section 19.0 of the rules and regulations, and the attached supplemental instructions, must be received and accepted by this agency.

Enclosure

If there should be any questions concerning these instructions, please contact Water Supply Grants Unit, Sanitary Engineering Section, Division of Health Services, Department of Human Resources, Post Office Box 2091, Raleigh, N. C. 27602, telephone (919) 829-2460.

STATE OF NORTH CAROLINA
DEPARTMENT OF HUMAN RESOURCES
DIVISION OF HEALTH SERVICES

OFFER AND ACCEPTANCE OF STATE GRANT FOR WATER SUPPLY SYSTEMS PROJECTS UNDER THE NORTH CAROLINA CLEAN WATER BOND ACT OF 1971, AS AMENDED, AND THE RULES AND REGULATIONS ADOPTED PURSUANT THERETO	Project Number SBH-453
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PART A SECTION I - OFFER

Legal Name and Address of Applicant	Town of Lake Lure Post Office Box 255 Lake Lure, North Carolina 28746
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Total Estimated Project Cost	\$ 52,800
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Estimated Project Cost Eligible for State Participation	\$ 52,800
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STATE GRANT OFFERED \$ 13,200

Rutherford County Allocation \$13,200

To be disbursed in lump sum payment.

Description of Project

The project consists of the construction of a new well and well house, and the installation of 5000 linear feet of 4-inch water pipeline and other necessary water system appurtenances.

Consideration having been given by the Division of Health Services to (a) the application submitted by the Applicant pursuant to the North Carolina Clean Water Bond Act of 1971, as amended, and the rules and regulations adopted pursuant thereto (b) the public benefits to be derived by the construction of this project, (c) the relation of the ultimate cost of constructing and maintaining the system to the public interest and to the public necessity for the system, and (d) the adequacy of the provisions made or proposed by the Applicant for assuring proper and efficient operation and maintenance of the system after completion of the construction thereof; and it having been determined by the Division of Health Services that the applicant is eligible and the project (a) meets the criteria for State grants as prescribed in the Act and the Rules and Regulations adopted pursuant thereto and (b) is compatible with applicable local, areawide, or regional planning and (c) is in conformity with the State's general program of water supply planning; and the Division of Health Services, having further determined that the project is entitled to priority over other projects eligible for consideration during the same priority period;

The Division of Health Services acting in behalf of the State of North Carolina, hereby offers:

To make a State grant to the above named Applicant subject to the assurances included in this document as Section II, in order to aid in financing the construction of the project pursuant to the North Carolina Clean Water Bond Act of 1971. The amount of the State grant will not exceed the appropriate percentage of the estimated eligible portion of the reasonable construction cost of the project, as established by the Act; and, in the event the actual eligible portion of the reasonable construction cost, as determined by the Division of Health Services upon completion of construction, is less than the estimated eligible portion of the reasonable construction cost upon which the grant offer is based, such actual eligible cost shall be used to determine the amount of the State grant; and the grant payment shall be reduced as necessary to conform with the limitations hereinabove cited.

In addition, this offer is made subject to completion of Part B of this Offer and Acceptance, and to the following conditions:

1. 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 Division of Health Services and the Applicant has been so notified.
2. Applicant will furnish information which satisfactorily demonstrates the availability of funds, other than State grant funds, to pay the remaining costs of the project.
3. Submission of an opinion from an attorney that the necessary sites, 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 Offer must be accepted, if at all, on or before (date)

AUG 27 1977

For the Division of Health Services

Marshall Staton

Date

JUN 27 1977

Name and Title

Marshall Staton, Chief
Sanitary Engineering Section

SECTION II - ASSURANCES

The Applicant hereby gives assurance to the Division of Health Services:

- 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 construction contract(s) will require the contractor to furnish performance and payment bonds, the amount of which shall each be in an amount not less than fifty percent (50%) of the contract price, and to maintain during the life of the contract(s) adequate fire, and extended coverage, workmen's compensation, public liability and property damage insurance.
- C. That any proposed change or changes in the contract or contracts, which make any major alteration in the work required by the plans and specifications will be submitted to the Division of Health Services for prior approval.
- D. That complete signed copies of all change orders will be submitted to the Division of Health Services as issued.
- E. That the construction of the project, including the letting of contracts in connection therewith, shall conform to the applicable requirements of State and local laws and ordinances.
- F. That the construction contract(s) will provide that the representatives of the State will have access to the work whenever 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 have and will be maintained during the construction of the project and these records will be retained and made available for a period of at least two (2) years following completion of the project.
- I. That all funds granted pursuant to the Clean Water Bond Act shall be expended solely for carrying out the approved project.
- J. That any books, documents, papers and records of the grantee pertinent to grants received under the Act shall be made available to State personnel or their duly authorized representatives for the purpose of audit and examination.
- K. That the declarations, assurances, representations and statements made by the Applicant in the application, and all documents, amendments and communications filed with the Division of Health Services by the Applicant in support of its request for a grant, will be fulfilled.
- L. 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 Division of Health Services.

- M. That the facility will be maintained and operated in accordance with the requirements of the Division of Health Services pertaining to water supply systems.
- N. That the applicant will permit the Division of Health Services 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.

SECTION III - ACCEPTANCE

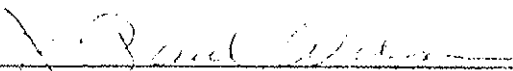
On Behalf Of (Legal Name of Applicant)

TOWN OF LAKE LURE

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this offer and make the assurances contained therein.

Signature of Representative

Date



7/14/77

Name and Title of Representative (Type or Print)

PAUL Wilson, Mayor