

Town of Lake Lure

P. O. Box 255 • Lake Lure, NC 28746-0255 • 704/625-9983 • FAX 704/625-8371

Incorporated 1927

MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, AUGUST 23, 1994, 7:30 P.M. AT THE LAKE LURE COMMUNITY CENTER

PRESENT: Mayor Max E. Lehner
Commissioner Bill Bush
Commissioner Bill Church
Commissioner Jack Donovan

Paul Wilson, Interim Town Manager
Sam Karr, Finance Director
J. Christopher Callahan, Town Attorney

ABSENT: Mayor Pro-tem Bud Schichtel

CALL TO ORDER

Mayor Lehner called the meeting to order at approximately 7:30 p.m.

INVOCATION

Town Attorney J. Christopher Callahan gave the invocation.

APPROVAL OF MINUTES

Commissioner Bush moved, seconded by Commissioner Church, to approve the minutes of Tuesday, July 26, 1994 Regular Council Meeting, the minutes of Tuesday, August 2, 1994 Special Council Meeting, and the minutes of Tuesday, August 12, 1994 Regular Council Meeting as written. The vote of approval was unanimous.

MAYOR COMMENTS

Mayor Lehner gave an up-to-date report on the flood damage which occurred due to heavy rains last week. Mayor Lehner stated that he wanted to address some false rumors going around Town which included some of the following:

1. The Dam Operator was out of Town. False. Both Interim Town Manager Paul Wilson and Dam Operator William Grimes were working together at the Dam during the storm.
2. The Lake Lure dredge was lost and sank to the bottom of the Lake. False. There was damage to the dredge, but it did not sink.
3. Duke Power controls the floodgates to the Dam. False. The Dam Operator controls the floodgates.

Mayor Lehner announced that if any residents had debris from the flood which needed to be removed to put it on their docks and arrangements will be made for the Town crew to pick it up.

Mayor Lehner introduced the Dam Operator William Grimes and asked Mr. Grimes to give a detailed report on the operations at the Dam during the storm. (Report attached).

AUDIENCE OF CITIZENS

Mayor Lehner invited citizens an opportunity to speak. The following listed signed up to speak:

1. Richard W. Grow, resident of Lake Lure, stated that the Town should have a better warning system (Emergency Plan for flood waters). Mr. Grow said that the National Weather Service warned of heavy rain, and asked Council why didn't anyone notify the property owners. Mr. Grow requested that Council hold a Public Hearing for the purpose of testifying under oath what happened during the storm.

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2. Ed Dittmer, resident of Lake Lure, stated that he agreed with Mr. Grows comments. Mr. Dittmer said that he had just remodeled his house and sustained substantial flood damage. Mr. Dittmer wanted to know why someone was not looking ahead of the storm and would like to know what kind of assurances that something like this won't happen again.

3. Frankie Queen, resident of Lake Lure, stated that she was upset with the performance of how the Dam Operator handled the operations at the Dam during the flood. Ms. Queen said that there was no excuse for not letting the lake down and said that it was announced that a tropical storm was coming. Ms. Queen also wanted to know why only one floodgate was open.

4. John Kilby, resident of Lake Lure, stated that he sustained \$6,000 -- \$8,000 of damage last Wednesday night. Mr. Kilby wanted to know who was going to be responsible for the damage. Mr. Kilby asked why didn't the Dam Operator let the same amount of water coming in the lake to go out of the lake. Mr. Kilby also requested that the Town have a clean-up plan and pay for it. Mr. Kilby wanted to know what are the Town's limits in liability.

5. Alan Moore, owner of the Dam Marina, wanted to know if anyone contacted the Health Department to see if there was any contamination in the water.

6. Berkley Young, resident of Lake Lure, said that he was disappointed in the attitude of some of the Lake Lure residents and would like to see everyone working together instead of jumping to conclusions. Mr. Young said that there was a communication problem within the community. He would like for residents to participate more instead of just complaining.

7. Bill Coger, resident of Lake Lure, said that there should be policies and procedures that should be implemented during emergency situations like the flood.

8. Ann Gaskey, Hickory Nut Falls Campground located in Chimney Rock, stated that she had requested the Lake Lure Community Center to be opened for campers who were stranded during the flood and was denied the request by the Town.

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9. Bruce Lipes, resident of Lake Lure, stated that he had sustained probably the most damage to his property on Highway 64-74 on August 16 and 17, 1994 as a result of the high water level in the lake. Mr. Lipes wanted to know why the community was not warned about the high water and said that residents relied on the Town public officials for information. Mr. Lipes said that there was no warning system. Mr. Lipes recommended that Council have a police boat with a siren going warning residents.

Council responded to various questions regarding damage to public and private properties, and to recommend actions to minimize such damage in the future.

Mayor Lehner explained to citizens that one floodgate was opened to pass water through, but the Town also had a responsibility to landowners down stream and a second gate would have flooded many of them out completely. Getting the water off Lake Lure any faster would have only made matters worse. If the flood waters were taken off too quickly, the town could have flooded out the waste water treatment system downstream which would cause more damage than last week's rain and the cost would have been much greater than damage to boats and docks.

Mayor Lehner also responded to the question regarding why the use of the Lake Lure Community Center for the Hickory Nut Falls Campground campers was denied. Mayor Lehner said that the Community Center was not equipped for the use of an emergency shelter. He explained that the Town was making future plans for an emergency shelter in the New Government Complex building.

Mayor Lehner assured the audience that Council would take the recommendations under advisement.

APPOINTMENT TO LAKE LURE FIREMAN'S BOARD

Commissioner Donovan moved, seconded by Commissioner Bush, to appoint Mr. Gene Whiteside as the citizen representative on the Board of Directors of the Lake Lure Volunteer Fire Department. The vote of approval was unanimous.

REVIEW VOLUNTEER FIRE DEPARTMENT CONTRACTS

Commissioner Bush moved, seconded by Commissioner Church, to modify and resubmit the contracts between the Town and the four Volunteer Fire Department (Fairfield Mountains VFD, Bill's Creek VFD, Chimney Rock VFD, and Lake Lure VFD) as follows:

Change Paragraph #4 (Contracts for Fairfield Mtns., Bill's Creek, and Chimney Rock) to read:

All funds paid to the Fire Department by the Town of Lake Lure shall be used to provide fire protection within the Town of Lake Lure except as may be otherwise provided through mutual aid agreements.

Change Paragraph #6 (Contracts for all four fire departments) to read:

The Fire Department shall provide to the Town of Lake Lure a financial statement, signed by the President and the Treasurer, no later than August 15 of each year. The financial statement will encompass the fiscal activities for the previous fiscal year.

Change Last Sentence # 9 (Contracts for Fairfield Mtns., Bill's Creek, and Chimney Rock) to read:

The bylaws of the Fire Department shall have reasonable provisions enabling citizens of the Fire District to participate in the affairs of the Fire Department.

The vote of approval was unanimous.

**CALL FOR PUBLIC HEARING REGARDING PROPOSED
AMENDMENTS TO THE ZONING ORDINANCE AND TO THE
SUBDIVISION REGULATIONS OF THE TOWN OF LAKE LURE**

Mary Lynne Ray, Deputy Zoning Administrator, read aloud a memorandum of August 2, 1994 addressed to Council regarding proposed amendments to the

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Lake Lure Subdivision Regulations and Zoning Ordinance as recommended by the Lake Lure Zoning and Planning Board. (Memorandum attached).

Commissioner Donovan moved, seconded by Commissioner Church, to hold a Public Hearing on Tuesday, September 27, 1994, 7:30 p.m. at the Bald Mountain Club at Colony Lake Lure Resort to consider recommended amendments at the regular Town Meeting. The vote of approval was unanimous.

REVIEW OF FLOOD DAMAGE

Interim Town Manager Paul Wilson gave an up-to-date report on the flood damage and explained what happened at the dam during the flood.

OTHER NEW BUSINESS

Commissioner Bush moved, seconded by Commissioner Donovan, to approve a request by Detective Reva Cook of the Sheriff's Department to allocate \$438.00 as the Town's share for the formation of a county-wide coordinated Child Abuse Response Team. The vote of approval was unanimous.

Commissioner Bush moved, seconded by Commissioner Church, to hold a public hearing on Tuesday, September 13, 1994, 9:30 a.m. at the Lake Lure Community Center to consider the proposed adoption of a resolution to establish a verifiable percentage goal for participation by Minority Business in the awarding of building construction contracts awarded pursuant to N.C.G.S 143-128. The vote of approval was unanimous.

Attorney J. Christopher Callahan agreed to draft a Minority Business Resolution and make arrangements for advertising the public hearing scheduled for Tuesday, September 13, 1994.

STAFF REPORTS

Finance Director Sam Karr announced that the tax statements will be mailed out next week.

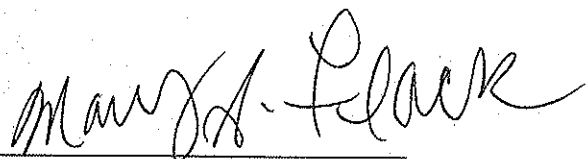
COUNCIL COMMENTS

Mayor Lehner announced that Architect Luther E. Smith will be attending the Regular Council meeting Tuesday, September 13, 1994, 9:30 a.m. at the Lake Lure Community Center to review the plans for the Gazebo and anyone who would like to attend is invited.

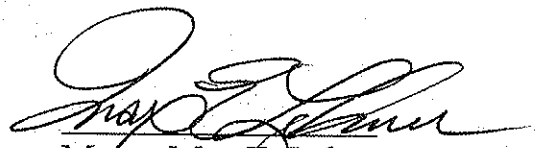
Mayor Lehner also invited all citizens to celebrate the Pavilion/Gazebo dedication to be held on Saturday, October 1, 1994, 2:00 p.m (rain date Sunday, October 2, 2:00 p.m.). Mayor Lehner said that it would be an "Old fashion family fun" with music, softball, volleyball, clowns, food, and etc.

With no further items of discussion, Commissioner Bush moved, seconded by Commissioner Church to adjourn the meeting. The vote of approval was unanimous.

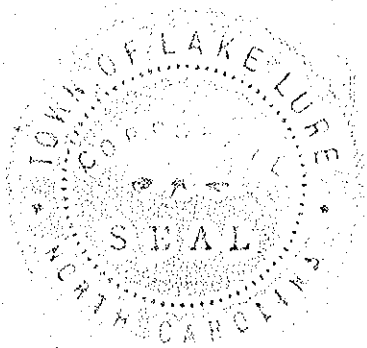
ATTEST:



Mary A. Flack, CMC/AAE
Town Clerk



Mayor Max E. Lehner





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Town of Lake Lure

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MEMORANDUM

TO: Mayor Max Lehner
Commissioner Bill Bush
Commissioner Bill Church
Commissioner Jack Donovan
Commissioner Bud Schichtel

FROM: Town of Lake Lure Zoning and Planning Board

SUBJECT: Amendment to Subdivision Regulations to Include a Certification for Dedication to the Public of Street Rights-of-Way and Other Areas

DATE: August 2, 1994

Developers in the Town of Lake Lure have the option of designating streets in their subdivisions as either private or public. The Town's subdivision regulations currently provide a "Certificate of Ownership and Maintenance of Private Streets" in the case of private roads. However, if the developer chooses to designate the streets as public, no certificate is currently provided to dedicate the streets to the Town for ownership and maintenance.

To correct this, the Town of Lake Lure Zoning and Planning Board voted at their August 2, 1994 regular meeting to recommend that Section 604 of the Subdivision Regulations be amended to include the following Certifications of Dedication to the Public.

The first certificate would dedicate only street rights-of-way to the Town. The second would allow the developer to dedicate alleys, walks, parks, open space, and easements, as well as streets, to the Town. In addition, the "Certificate of Ownership and Maintenance of Private Streets" would still allow the developer the option to designate streets in his

Memorandum
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development as private.

The Zoning and Planning Board recommends that all three certificates be made available in Section 604 of the Subdivision Regulations so that the developer may choose the certificate suited to his particular situation.

If this amendment is adopted, Section 604 of the Town of Lake Lure Subdivision Regulations would read as follows:

Section 604. Final Plat.

604.2 (11) (d)

One of the following certificates regarding ownership and maintenance of streets and street rights-of-way in the subdivision must be lettered or rubber stamped on the final plat indicating whether streets are to be private or dedicated to the public.

(i) Certificate of Ownership and Maintenance of Private Streets

I hereby certify that the streets shown on this plat of the subdivision entitled _____ are private streets, and the responsibility for ownership and maintenance shall not be with the Town of Lake Lure.

Date

Owner

(ii) Certificate of Dedication to the Public

I hereby certify that the rights-of-way and design of all streets represented on this plat have been approved by the Town of Lake Lure and that said streets have been or will

be constructed in accordance with Town requirements for public streets. I hereby dedicate said rights-of-way to the Town for use as public streets. Further, until such time that the Town, by resolution, accepts said dedication, the responsibility for maintenance shall rest with

_____.

Date

Owner

(iii) Certificate of Dedication to the Public

I hereby certify that I dedicate to the public use all areas shown on this plat as streets, alleys, walks, parks, open space, and easements, except those specifically indicated as private. I hereby certify that the rights-of-way and design of all streets represented on this plat have been approved by the Town of Lake Lure and that said streets have been or will be constructed in accordance with Town requirements for public streets. All property shown on this plat as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by law when such other use is approved by the Town of Lake Lure Town Council in the public interest. Further, until such time that the Town, by resolution, accepts said dedication, the responsibility for maintenance shall rest with

_____.

Date

Owner

The Town of Lake Lure Zoning and Planning Board respectfully requests that the Town Council schedule a public hearing for this proposed amendment.

Dick Washtburn