

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, AUGUST 12, 2008, 7:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

PRESENT: Mayor Jim Proctor
Commissioner Wayne Hyatt
Commissioner Jeanine Noble
Commissioner Russ Pitts
Commissioner Linda Turner

Steve Wheeler, Town Manager
J. Christopher Callahan, Town Attorney

ABSENT: N/A

CALL TO ORDER

Mayor Proctor called the meeting to order at 7:00 p.m.

INVOCATION

Attorney Callahan gave the invocation.

APPROVE THE AGENDA

After discussion, Commissioner Hyatt made a motion to approve the agenda as amended. Moving item 13b to be heard before item 8 on the agenda regarding discussion relating to lake issues. Commissioner Turner seconded the motion and the vote of approval was unanimous.

Public Hearing - Proposed Ordinance No. 08-08-12 Amending the Town of Lake Lure Zoning Regulations, Title IX, Chapter 92, Creating Lot Standards for the M-1 Reserved Mountainous Zoning District

Community Development Director Shannon Baldwin gave a brief overview and answered questions pertaining to proposed Ordinance No. 08-08-12 amending the Town of Lake Lure Zoning Regulations, Title IX, Chapter 92, creating lot standards for the M-1 Reserved Mountainous Zoning District.

Mayor Proctor opened the public hearing regarding proposed Ordinance No. 08-08-12 and invited citizens to speak during the public hearing. No one requested to speak during this hearing.

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After discussion, Commissioner Pitts made a motion to close the public hearing. Commissioner Noble seconded the motion and the vote of approval was unanimous.

Adopt Ordinance No. 08-08-12 Amending the Town of Lake Lure Zoning Regulations, Title IX, Chapter 92, Creating Lot Standards for the M-1 Reserved Mountainous Zoning District

Public notices were duly given and published in the Forest City Daily Courier newspaper.

After discussion, Commissioner Pitts made a motion to adopt Ordinance No. 08-08-12 as presented, amending the Town of Lake Lure Zoning Regulations, Title IX, Chapter 92, creating lot standards for the M-1 Reserved Mountainous Zoning District. Commissioner Noble seconded the motion and the vote of approval was unanimous. (Attached is a copy of Ordinance No. 08-08-12.)

Public Hearing - Proposed Ordinance No. 08-08-12A Amending the Town of Lake Lure Subdivision Regulations, Title IX, Chapter 91, Relating to Minimum Yard Requirements for Conservation Design Subdivisions, Creating a New Section 91.45 for Common Amenities, and Section 91.06 Adding a Definition for Common Amenities

Community Development Director Shannon Baldwin gave a brief overview and answered questions pertaining to proposed Ordinance No. 08-08-12A amending the Town of Lake Lure Subdivision Regulations, Title IX, Chapter 91, relating to minimum yard requirements for conservation design subdivisions, creating a new Section 91.45 for common amenities, and Section 91.06 adding a definition for common amenities.

Mayor Proctor opened the public hearing regarding proposed Ordinance No. 08-08-12A and invited citizens to speak during the public hearing. No one requested to speak during this hearing.

After discussion, Commissioner Turner made a motion to close the public hearing. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

Adopt Ordinance No. 08-08-12A Amending the Town of Lake Lure Subdivision Regulations, Title IX, Chapter 91, Relating to Minimum Yard Requirements for Conservation Design Subdivisions, Creating a New Section 91.45 for Common Amenities, and Section 91.06 Adding a Definition for Common Amenities

Public notices were duly given and published in the Forest City Daily Courier newspaper.

After discussion, Commissioner Noble made a motion to adopt Ordinance No. 08-08-12A as presented, amending the Town of Lake Lure Subdivision Regulations, Title IX, Chapter 91, relating to minimum yard requirements for conservation design subdivisions, creating a new Section 91.45 for common amenities, and Section 91.06 adding a definition for common amenities.

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Commissioner Turner seconded the motion and the vote of approval was unanimous. (Attached is a copy of Ordinance No. 08-08-12A.)

Discussion Relating to Lake Level Issues

Commissioner Pitts read into record the following Town of Lake Lure communication release dated Tuesday, August 12, 2008:

The following is a town communication providing an update to the local community and media regarding the current low lake level at Lake Lure.

Current Situation:

- * Lake Lure is in the most severe drought ever recorded in the history of the town, as evidenced by the lowest known water flow from the Rocky Broad River and the fact that the Hickory Nut Falls has stopped flowing...something that has reportedly never occurred before in the history of Lake Lure.
- * The level of the lake is now 3 feet below full pond level – *Full lake level occurs at 990 feet above sea level.*
- * The lake level reductions we are seeing today are anywhere from no change to ½ inch a day...this rate varies quite a bit depending on evaporative conditions, flow changes in river, and occasional rain. During the month of July, the rate was over an inch per day, but measures have been taken by the town to reduce the July rate lake reduction to that which we see today (details are provided later in this communication how this reduction was achieved).
- * The dam and associated accessible components related to the dam have been inspected by engineers and found to be in good condition.
- * There are currently no apparent water leaks in and around the dam, beyond those that are known and relatively insignificant.
- * A maintenance inspection of the interior components of the penstock that was planned and budgeted in May has been rescheduled, due to availability of the service provider.
- * Water coming into the lake from the Rocky Broad River was calculated by engineers on August 8, 2008 to be approximately 9.7

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millions of gallons per day (mgd), which appears to be holding for now +/- 1 mgd.

- * Water flowing downstream of the lake on August 8, 2008 was reduced to an adjusted, calculated flow of approximately 9 mgd to support the downstream aquatic life, and the low-flow requirement for the town’s wastewater treatment plant. This is the minimum downstream flow required to support the town’s current wastewater plant operations, and also support downstream eco systems as required by the state and federal regulations.

Our situation is not unique, as other lakes in our NC region are also facing record lows in lake levels. It is important to note that most of these other NC lakes don’t have watersheds in as severe of a drought situation as Lake Lure’s watershed:

1. Lake James is 3 feet below normal	Lake Jocassee is 27 feet below normal
2. Lake Keowee is 5.5 feet below normal	Lake Norman is 3.5 feet below normal
3. Mountain Island Lake is 3.5 feet below normal	Lake Wylie is 3.5 feet below normal

How does water exit the lake?

- * Water exits the lake via passive methods such as: Ground water absorption/recharge, “run-of-the-river” flow designed into certain dam components, infiltration of lake water into sewer collection system, expansion joints in the dam, leakage at the flood gates, and evaporation.
- * Water also exits the lake via active methods such as: Opening the flood and or trash gates on dam, hydro generation of electricity, pumping water out of lake for irrigation and water falls (water moving over rocks increases evaporation), increased use of water wells within approximately a 100 feet or so from the lake.

Why did the lake drop so significantly earlier in the season?

- * The level of water flowing into our lake was and is lower than ever experienced in the history of the lake. In fact, it has been determined by engineers that water now flowing into the lake is lower than flows for which the dam and its various components were designed for.
- * Bald Mountain Lake was lowered in the spring for repairs, which reduced our lake’s watershed by an estimated amount of an 1/8th of our total 90+ square mile watershed

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during the summer dry period. Bald Mountain Lake continues to fill very slowly and there is currently no flow into Lake Lure from this tributary.

- * Although the established flow and release procedures have been sufficient for years, the combination of conditions proved too severe and the daily outflows exceeded inflows, most noticeably in the month of July.
- * The town was receiving water release recommendations from state representatives that encouraged the town to continue following proven historical release approach
- * The town has never needed or utilized flow meters to manage the lake's water level, because there was always sufficient flow to operate as designed using passive release based method. This lack of flow meters hindered the town's ability to recognize and adjust outflows without creating the potential for costly, downstream impacts.
- * Upon recognizing the flow deficit went beyond the severe drought situation, an emphasis was placed on identifying what components and/or release processes could be contributing to the increased rate of lake reduction.
- * Upon detailed analysis and inspection, it was found that the passive based method of allowing the "flow of the river" to occur through the dam components designed for higher flows was allowing more downstream flow to occur than that which was flowing into the lake. This historically proven passive approach was taken offline last week, and a more active approach to controlling water release was established with use of the flood gates.
- * This recent action taken by the town was considered a risky one, that was only attempted after all other options were exhausted, and more importantly enough information was available from joint participation from multiple local, state, and engineering entities. It should be further highlighted that the change was made when engineer-calculated flow measurements could be available to take into account all the complex variables such as wastewater treatment plant, downstream environmental impacts, and the impact of a long-term release reduction.
- * To summarize how we got to where we are today, it took time to find and develop alternatives to address this new low-flow situation that we now face, which cost valuable lake depth. Hopefully our newly established low-flow release approach will minimize future lowering of the lake during drought conditions like we are facing today.

Can we expect the lake level to drop again next year during the peak season?

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* really depends on whether or not the current drought situation continues through next year. **However, the town has taken steps that will hopefully minimize the impact of future drought situations...**

1. The town has hired an engineering firm to develop flow boards for various points in the Rocky Broad River that will provide a manual method to monitor flows into and out of the lake.
2. The town is looking into the cost of purchasing and installing some flow measurement devices that will allow further refinement of the water release process, which will result in tighter control of downstream water releases that better align to the constantly changing water flowing into the lake.
3. The town is currently formalizing a new “low-flow” release process that will automatically be implemented when the lake reaches a certain number of inches from full pond level. This new process will hopefully reduce the rate of lake level reductions during peak season in the future.
4. Engineering recommended improvements to the town’s waste water treatment plant are occurring, which will improve downstream water quality with less water flow than that which is required today.
5. Lastly, it is hoped that the community will recognize that we all need to be aware of our own actions as related to water usage, and voluntarily change those things that negatively affect lake levels; for example minimizing pumping of water from the lake for irrigation or waterfalls. Every action to reduce water consumption or improve water flows into Lake Lure will make a positive difference for our community and our downstream neighbors.

Copies of the Town of Lake Lure communication release report dated Tuesday, August 12, 2008 were distributed and made available to the public.

Mayor Proctor thanked Commissioner Pitts, town staff members, and Brown Consultants, PA for their work put forth towards the communication release on the status of the lake. Commissioner Pitts said it was a group effort in producing this document.

PUBLIC FORUM

Mayor Proctor invited the audience to speak on any non-agenda item and/or consent agenda topics and the following requested to speak.

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Eric Aschaffenburg representative of the Clean the Broad, Inc. Group, and Bill Breen asked questions relating to the Special Order of Consent (SOC) that allows the Lake Lure wastewater treatment plant to operate and shared their concerns about the water quality in the river downstream below the dam. The Mayor and Council members answered questions regarding the concerns mentioned by Mr. Aschaffenburg and Mr. Breen. Mayor Proctor stated that the town was going to do what is necessary to keep the river clean. The Mayor clarified the record by saying that he did not oppose the Clean the Broad, Inc. Group requesting a public hearing before the state to address the water quality issues in the river. Commissioner Pitts said the town was working toward a strategic solution to get the sewage out of the Hickory Nut Gorge and out of the Broad River as soon as possible. Mr. Pitts said in order to make that happen the town is going to need support at a county level, state level, and all work together. Mr. Pitts said he understands that residents down-stream have rights and the town needs them not to be foes, but to be allies to help make that happen.

David Matheny thanked council members for their efforts with regarding the drought. Mr. Matheny encouraged council members to purchase flow meters for the lake. Commissioner Pitts said the town is already in the process of purchasing flow meters.

Scott Baughman, Daily Courier Staff Writer, asked how the town plans to get the lake level back up to full pond? Commissioner Pitts responded to Mr. Baughman by saying the town will continue a low-flow release approach until the lake level reaches full pond.

STAFF REPORTS

Town Manger Wheeler reported on the council action items log. He made copies of this report available at the meeting for anyone interested. Mr. Wheeler also gave a status report on the fire along wolf creek. He said the fire is still approximately 85% contained due to the extreme terrain and remains at approximately 262 acres inside the lines. The area along Wolf Creek still has some hot spots which are being addressed daily with hand crews and the helicopter drops. This will continue until the fire is completely safe to leave. The hot spots are decreasing daily indicating progress made by efforts of the crews.

Commissioner Pitts suggested that council recognize firefighters acknowledging them for their work and express gratitude to them. Mayor Proctor agreed to draft a proclamation.

Eva Anderson reported that workers of Asplunda were cutting trees and leaving a lot of debris around town.

Paula Jordan reported that there was a dead tree on Buffalo Shoals Road that needed to be removed.

COUNCIL LIAISON REPORTS & COMMENTS

Commissioner Turner reported on the activities of the Parks and Recreation Board.

Commissioner Pitts reported on the activities of the Zoning and Planning Board.

Commissioner Noble reported on the activities of the Lake Advisory Committee and the Golf Course Committee. Commissioner Noble said the Lake Advisory Board recommends that town council consider adopting regulations to: (1) ban the feeding of all waterfowl by residents and/or tourists on town property in an effort to eventually eliminate the geese problem, and (2) look into solutions for long-term geese control.

After discussion, Commissioner Noble made a motion to adopt Ordinance No. 08-08-12C as presented by Attorney Chris Callahan prohibiting the feeding of birds (pigeon, duck, goose, or any other bird) on town property. This ordinance prohibits the dispersing of any food material or other matter edible by pigeon, duck, goose, or any other bird so as to make such material or matter available to pigeon, duck, goose or other birds for ingestion or permit any food to remain on the ground after dispersing or dropping the same. Also, direct the town manager to have signs posted prohibiting the feeding of birds. Commissioner Pitts seconded the motion and the vote of approval was unanimous. (Copy of Ordinance No. 08-08-12C is attached.)

Council members agreed to schedule a special meeting to be held on Thursday, August 21, 2008, 2:00 p.m., at the Lake Lure Municipal Center and a special marine commission meeting at 2:30 p.m. to hold discussion regarding the 4th annual 2008 Olympiad event.

Commissioner Hyatt reported on the activities of the Board of Adjustment.

Mayor Proctor made an announcement about the annual Ride for Kids fund-raiser event sponsored by the Pediatric Brain Tumor Foundation being held on August 24, 2008. Mr. Proctor encouraged individuals to support this worthy cause and make donations.

CONSENT AGENDA

Mayor Proctor presented the consent agenda and asked if any item should be removed before calling for action.

Commissioner Noble moved, seconded by Commissioner Hyatt, to approve the consent agenda items as presented. Therefore, the consent agenda, incorporating the following items were unanimously approved:

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- a. minutes of the July 8, 2008 (regular meeting and close session), July 17, 2008 (special meeting and close session), August 4, 2008 (special meeting and close session); and
- b. a request from Bob Keith to: (1) hold the 4th annual 2008 olympiad event on town property (Morse Park, Beach, Municipal Hall, and Youth Center) on September 4-7, 2008, (2) waive the rental fees for the use of town facilities and sign permit fees during this event, (3) suspend the town's peddling ordinance in order to sell food, concessions, raffle tickets for a fund-raiser, and miscellaneous items during this event, (4) waive the boat permit fees for dragon boats participating in the boat parade/dragon boat races, and (5) use of the Rocky Broad River on September 6, 2008 for dragon boat races.

End of Consent Agenda.

UNFINISHED BUSINESS:

a. Other Unfinished Business

There was no other unfinished business for discussion.

NEW BUSINESS:

a. Consider a Request from the Zoning and Planning Board for an Extension on the Deadline Date to Complete Amendments to the Zoning Regulations and Subdivision Regulations to Add Standards for the Development of Properties on Mountains and Hillsides

Community Development Director Shannon Baldwin reviewed a memorandum dated July 18, 2008 from the Zoning and Planning Board regarding mountain and hillside development regulations.

After discussion, Commissioner Pitts made a motion to approve: (1) the request from the zoning and planning board for an extension on the deadline date to complete amendments to the zoning regulations and subdivision regulations to add standards for the development of properties on mountains and hillsides, (2) authorize the zoning and planning board to hold a public informational workshop meeting with stakeholders (property owners covered by the "Protected Mountain Ridges" map, adjoining property owners, engineers, developers, architects, landscape architects, builders/contractors, and representatives of Chimney Rock State Park) on September 16, 2008 to discuss this ordinance with the community, (3) schedule a public hearing to be held on November 11, 2008, 7:00 p.m. or thereafter, in the town council meeting room of the Municipal Center to consider the adoption of this ordinance, (4) direct the community development director to publicize these meetings by mail, e-mail, town website, and town newsletter, and (5) direct the community

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development director to post on the town website a draft summary of the proposed ordinance. Commissioner Turner seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

b. Consider a Request from William James Jones on Behalf of Lago Vista Regarding Additional Allocation of Sewer Service


William James Jones with Carolina Civil Design Associates, P.A., answered questions regarding his request on behalf of Lago Vista for additional allocation of sewer service.


After discussion, Council members agreed to deny approval of the request from William James Jones on behalf of Lago Vista for additional allocation of sewer service.

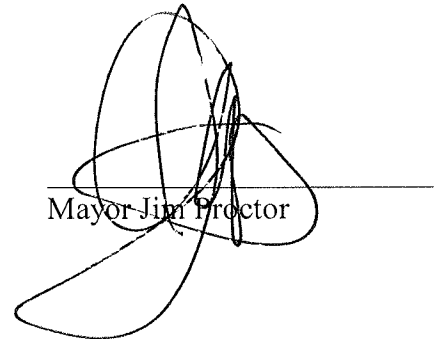
ADJOURN THE MEETING

With no further items of discussion, Commissioner Noble made a motion to adjourn the meeting at 9:05 p.m. Commissioner Pitts seconded the motion and the vote of approval was unanimous.

ATTEST:




Mary A. Flack, MMC
Town Clerk


Mayor Jim Proctor