



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD
TUESDAY, JUNE 14, 2022, 5:00 P.M. AT THE LAKE LURE TOWN HALL**

PRESENT: Mayor Carol C. Pritchett
Mayor Pro Tem David DiOrio
Commissioner Patrick Bryant
Commissioner Scott Doster
Commissioner Jim Proctor

William Morgan, Jr., Town Attorney
William Hank Perkins, Jr., Town Manager

ABSENT:

I. CALL TO ORDER

Mayor Carol C. Pritchett called the meeting to order at 5:03 p.m. Commissioner Patrick Bryant led the invocation. Council members led the pledge of allegiance.

II. APPROVE THE AGENDA

Commissioner David DiOrio noted that under consent agenda (VIII) item G, the salary grade schedule had been updated since the agenda packets were published and that the Council was voting on the most up-to-date salary grade schedule presented by Town staff. Commissioner DiOrio made a motion to approve the agenda with the addition new business (IX) item G "Communication Tower Discussion" and new business (IX) item H "Project Manager Position Description Discussion." Commissioner Bryant seconded the motion to approve the agenda, with addition of IX item G and IX item H and the motion carried 4-0.

III. MAYOR'S COMMUNICATIONS

**A. RESOLUTION NO. 22-06-14 HONORING THE DEDICATED SERVICE OF FINANCE
DIRECTOR SAM KARR**

Mayor Pritchett announced Finance Director Sam Karr will be retiring on June 24, 2022. Mayor Pritchett noted that Director Karr has been a huge asset to the Town for the past 30 years. Mayor Pritchett presented Resolution No. 22-06-14 Honoring the Dedicated Service of Finance Director Sam Karr.

Director Karr expressed gratitude to have lived and worked in The Town of Lake Lure for the past 30 years. Karr noted his appreciation for his past and current co-workers. Karr noted that he plans to continue to volunteer and be a part of the community.

Commissioner Jim Proctor made a motion to adopt Resolution No. 22-06-14 Honoring the Dedicated Service of Finance Director Sam Karr. Commissioner DiOrio seconded and the motion carried 4-0.

RESOLUTION NO. 22-06-14
HONORING THE DEDICATED SERVICE OF
FINANCE DIRECTOR
Sam Karr

WHEREAS, Finance Director Sam Karr will have completed 30 years exemplary service for the Town of Lake Lure from June 1992 to June 2022;

WHEREAS, Director Sam Karr has improved and maintained critical financial operations within Lake Lure to fiscally preserve the Town for future generations;

WHEREAS, Director Sam Karr demonstrated exemplary leadership and has displayed the highest degree of professionalism and integrity;

WHEREAS, Director Sam Karr has worked closely with, fully supported, and maintained the trust of Town Council; and

WHEREAS, Director Karr has faithfully served the Lake Lure community; now

THEREFORE BE IT RESOLVED, that on behalf of the Lake Lure Town Council and the citizens of the Town of Lake Lure, the Lake Lure Town Council expresses deep and sincere appreciation for Finance Director Sam Karr's dedicated service to the Town of Lake Lure and wishes him the best in his retirement.

READ, APPROVED AND ADOPTED this the 14th day of June, 2022.

III. MAYOR'S COMMUNICATIONS

**B. RESOLUTION NO. 22-06-14A RECOGNIZING REGION C AWARDEE CORPORAL
AARON COLLINS**

Mayor Pritchett presented Resolution No. 22-06-14A Recognizing Region C Awardee Corporal Aaron Collins. Mayor Pritchett thanked Corporal Aaron Collins for his dedicated contributions to protecting the community.

Commissioner Bryant made a motion to adopt Resolution No. 22-06-14A Recognizing Region C Awardee Corporal Aaron Collins. Commissioner Doster seconded and the motion carried 4-0.

RESOLUTION NO. 22-06-14A
RECOGNIZING REGION C AWARDEE
Corporal Aaron Collins

WHEREAS, Corporal Aaron Collins single handedly arrested two individuals who had been stealing copious amounts of diesel fuel from various locations including the Lake Lure Ingles;

WHEREAS, Corporal Aaron Collins has shown exemplary conduct and has executed a diligent and thorough investigation of the case;

WHEREAS, Corporal Aaron Collins has worked alongside the representatives from the District Attorney's Office, the North Carolina State Bureau of Investigations, the South Carolina Law Enforcement Division, numerous city police departments and sheriffs' departments in his dedicated efforts to the investigation;

WHEREAS, The efforts of Corporal Aaron Collins has resulted in numerous felony charges against the two detained individuals and may become a federal case; and

WHEREAS, Corporal Aaron Collins has displayed thoroughness in his work, passion for his career, and dedication to protecting the Town of Lake Lure;

WHEREAS, Police Chief Season Humphries nominated Corporal Aaron Collins for the Region C Award and Corporal Collins' nomination was selected; now

THEREFORE BE IT RESOLVED, that on behalf of the Lake Lure Town Council and the citizens of the Town of Lake Lure, the Lake Lure Town Council expresses deep and sincere appreciation for Corporal Aaron Collins' dedicated service to the Town of Lake Lure and wishes to congratulate him on being awarded the Region C Award for his arrest made and involvement in the investigation of a multi-state felony diesel fuel theft case.

READ, APPROVED AND ADOPTED this the 14th day of June, 2022.

IV. TOWN MANAGER COMMUNICATIONS

Town Manager Hank Perkins reported that the Town continues to make progress on the dam automation project and noted that any questions regarding dam automation can be answered by Public Services Director Dean Lindsey. Manager Perkins announced that the emergency tabletop exercise took place on June 3rd and noted that it was a good experience with beneficial results. Perkins detailed that the Police Department swore in new reserve officer Peter Wan. Manager Perkins expressed that office renovations at the new Parks and Recreation Building look great and detailed that the Town social media exceeded 18,000 viewers in May.

V. PUBLIC HEARING

A. ORDINANCE NO. 22-06-14 ADOPTING THE FISCAL YEAR 2022-2023 BUDGET FOR THE TOWN OF LAKE LURE

Manager Perkins reviewed the Fiscal Year (FY) 2022-2023 budget message. Perkins noted that Ordinance No. 22-06-14 Adopting the Fiscal Year 2022-2023 Budget for the Town of Lake Lure reflects a balanced budget which will begin July 1. Manager Perkins explained the budgeting process and noted that the tax rate is 53 cents and there are no proposed changes to water and sewer rates. Perkins reported that the general fund balanced at \$9,928,110, water and sewer at \$1,650,360, and electric at \$400,150, equating to a grand total of \$11,987,620. It was noted that 47 percent of property tax bill supports Lake Lure and the remaining percentage supports Rutherford County, which Town does not control. Perkins explained that the tax rate of 53 cents is comparable to other municipalities with similar demographics. Manager Perkins explained that the makeup includes 23 cents for municipal services, 11 cents for fire tax, and 19 cents for dam capital reserve funds. Perkins noted that the Town should generate on real, personal, and utility properties assuming the collection rate and noted property values. Perkins noted

that there are no proposed increases in fees and the 2022-2023 fee schedule should be approved tonight. Manager Perkins pointed out that \$1 million has been allotted for dredging as part of a 10 year commitment. Manager Perkins concluded by stating that the proposed budget should reflect the Town's continuation to pursue a new sewer, replacement dam, and valve installation.

Commissioner Proctor made a motion to open the public hearing for the purpose of discussing Ordinance No. 22-06-14 Adopting the Fiscal Year 2022-2023 Budget for the Town of Lake Lure. Commissioner Bryant seconded and the motion carried 4-0.

Mayor Pritchett invited those in attendance to participate in the public hearing.

There were no comments from the public.

Commissioner Proctor made a motion to close the public hearing. Commissioner Doster seconded and the motion carried 4-0.

Commissioner Proctor made a motion to approve Ordinance No. 22-06-13 Adopting the Fiscal Year 2022-2023 Budget for the Town of Lake Lure. Commissioner DiOrio seconded and the motion carried 4-0.

ORDINANCE NO. 22-06-14

AN ORDINANCE ADOPTING THE FISCAL YEAR 2022-2023 BUDGET FOR THE TOWN OF LAKE LURE, NORTH CAROLINA

SECTION 1. In accordance with G.S. 159-13 (a), the Town Council of the Town of Lake Lure adopts this ordinance entitled Town of Lake Lure 2021-2022 Budget.

SECTION 2. This ordinance includes revenues and expenditures in the General Fund, Water/Sewer Fund and Electric Fund. Revenues and expenditures in those funds are as follows:

REVENUES

I. GENERAL FUND

Ad Valorem and Vehicle Taxes	\$4,536,474
State Shared Revenues & Grants	\$2,850,050
Land Use Fees	\$62,804
Cultural and Recreation	\$1,252,800
Miscellaneous Revenues	\$176,992
Transfer from Capital Reserve	\$450,000
Installment Agreement Proceeds	\$57,000

TOTAL GENERAL	\$9,928,110
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II. WATER/SEWER FUND

TOTAL WATER/SEWER	1,650,360
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III. ELECTRIC FUND

Electric Receipts

TOTAL ELECTRIC	400,150
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<u>GRAND TOTAL - ALL FUNDS</u>	11,987,620
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EXPENDITURES

I. GENERAL FUND

Governing Board	35,050
Administration	1, 030,771
IT/Telecommunications	114,120
Police	994,248
Fire	892,371
Sanitation	229,400
Public Works	804,193
Economic Development	107,600
Community Development	471,168
Parks, Recreation & Lake	664,200
Beach & Marina	17,500
Dam/Watershed Protection	23,000
Non-Governmental	172,500
Capital Outlay & Projects	2,359,064
Debt Service	412,925

Transfer to Dam Capital Reserve Fund	1,600,000
TOTAL GENERAL	\$9,928,110
II. WATER/SEWER FUND	
Water Operations	124,500
Sewer Operations	576,800
Capital Outlay	458,500
Debt Service	124,105
Transfer to Fund Balance (Equity)	365,455
TOTAL WATER/SEWER	1,650,360
III. ELECTRIC FUND	
Operations	281,963
Capital Outlay	118,187
TOTAL HYDRO-ELECTRIC FUND	400,325
GRAND TOTAL ALL FUNDS	11,978,620

SECTION 3. To achieve this budget program, the Town Council of the Town of Lake Lure, in accordance with G.S. 159-13 (c), the tax rate shall be 0.53 per \$100.00 of property valuation (municipal services at 0.23 per \$100.00, Dam capital .19 per \$100.00 and fire district tax at 0.11 per \$100.00 of property valuation).

SECTION 4. Pursuant to the authority set forth in Article 20, Chapter 160A of the North Carolina General Statutes, the Town of Lake Lure and Rutherford County have entered into a contractual agreement to provide for centralized and systemized billing and collection of property taxes in Rutherford County. Under this agreement the County will perform for itself and the Town all of the tax collection functions prescribed in Subchapter 50 of Chapter 105 of the North Carolina General Statutes (often referred to as the Machinery Act). This joint tax collection system shall commence with the tax levy for the fiscal year beginning July 1, 2022. In accordance with section V. of this agreement, the Town of Lake Lure hereby adopts the same tax discount schedule as the County for the Town's tax levy for the fiscal year commencing July 1, 2022.

Adopted the 14th day of June, 2022.

VI. COUNCIL LIAISON REPORTS & COMMENTS

Commissioner Scott Doster reported the activities of the Zoning and Planning Board and Utilities Advisory Board. Commissioner Doster announced that the UAB will be dissolved within the coming months.

Commissioner David DiOrio reported the activities of the Lake Advisory Board and the Board of Adjustment / Lake Structure Appeals Board. LAB and LSAB are coordinating to craft an inspection system for lake structures.

Commissioner Jim Proctor reported the activities of the ABC Board.

Commissioner Patrick Bryant reported the activities of the Parks and Recreation Board.

Mayor Pritchett reported that the Lake Lure Steering Committee did not meet.

VII. PUBLIC COMMENT

Mayor Carol C. Pritchett invited the audience to speak.

There were no comments from the public.

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 DiOrio made a motion to approve the Consent Agenda, as amended. Commissioner Proctor seconded. Therefore, the Consent Agenda incorporating the following items was unanimously approved and adopted:

- A. Approval of the May 1, 2022 Regular Town Council Meeting Minutes, the May 25, 2022 Town Council Work Session Minutes, and the June 6, 2022 Special Town Council Meeting Minutes
- B. Budget Amendment #333 – To move 2 FY 2022-23 Capital Budget Requests into the Year's Budget. E-Bikes (Fire \$14k) and Docks (\$86k)
- C. Budget Amendment #334 – To Replace Town Boat Motors in Parks, Recreation, and Lake Budget
- D. Budget Amendment #335 – One Time Moving Relocation Expense for New Town Manager

- E. Budget Amendment #336 – TO Recognize Buffalo Creek Parking Lot in the Budget
- F. 2022-2023 Fee Schedule
- G. Salary Grade Schedule (as revised pre-meeting)

IX. NEW BUSINESS

A. RESOLUTION NO. 22-06-14B APPOINTING STEPHEN FORD AS FINANCE OFFICER

Town Manager Hank Perkins read Resolution No. 22-06-14B Appointing Stephen Ford as Finance Officer. Mayor Pritchett noted that salary negotiation is pending but authorized to take place.

Commissioner Bryant made a motion to adopt Resolution No. 22-06-14B Appointing Stephen Ford as Finance Officer. Commissioner DiOrio seconded and the motion carried 4-0.

**RESOLUTION NO. 22-06-14B
APPOINTING STEPHEN FORD
FINANCE OFFICER**

WHEREAS, North Carolina General Statute 159-24 requires that each city government have a finance officer who is legally responsible for establishing the accounting system, controlling expenditures, maintaining cash and other assets, and preparing financial reports;

WHEREAS, the Lake Lure Town Charter and Section 2-80 of the Town of Lake Lure Code of Ordinances requires the Town Council to appoint a Finance Officer;

WHEREAS, the Finance Officer performs the duties required by general statutes, the Town Charter, or by the Council; and

WHEREAS, the duties of the Finance Officer are listed in Section 2-80 of the Lake Lure Code of Ordinances and in G.S. 159-25; now

THEREFORE, BE IT RESOLVED that on behalf of the Lake Lure Town Council and the citizens of the Town of Lake Lure, the Lake Lure Town Council appoints Stephen Ford as the Finance Officer. This Resolution shall become effective on June 25, 2022.

READ, APPROVED AND ADOPTED, this 14th day of June, 2022.

IX. NEW BUSINESS

B. VALVE PROCUREMENT SELECTION

Manager Perkins explained that Jonathan Pittman, PE, with Schnabel Engineering had reviewed the bid submittals for the procurement of a 72" knife gate valve and a 60" jet flow valve. Perkins explained that the Town posted an RFQ for two valves which are bid separately and the Town abided by legal requirements. Manager Perkins concluded that Jonathan Pittman recommended awarding the bid selection for the 72" knife gate valve to DeZURIK, but suggested re-bidding for the 60" jet flow valve.

Commissioner DiOrio asked if the 72" knife gate valve would be American made if DeZURIK was selected. Town Clerk Stewman noted that DeZURIK is an American company.

Commissioner DiOrio made a motion to award the bid selection for the 72" knife gate valve to DeZURIK and re-bid for the 60" jet flow valve. Commissioner Proctor seconded and the motion carried 4-0.

IX. NEW BUSINESS

C. OPTION AGREEMENT WITH EQUINOX ENVIRONMENTAL

Town Manager Perkins referred the item to Parks, Recreation, and Trails Coordinator Dana Bradley. Coordinator Bradley explained that Equinox Environmental had presented information regarding stream restoration to the Town Council in May. Bradley summarized the restoration process and noted that it would be of no cost on the Town's behalf. Coordinator Bradley explained that stream restoration on the lake Lure Green Space property would be beneficial and monitored for 7 years after restoration.

Commissioner Doster asked that if an easement would be necessary if the Town agrees to the project and if a bridge could be added crossing the stream. Coordinator Bradley confirmed that an easement would be put in place and that there should be no issue with constructing a bridge across the stream.

Commissioner DiOrio asked would be needed from Council today if it is decided to allow Equinox proceed with the planning and memorandum. DiOrio asked for assurance that the memorandum does not require the Town to make any commitment in regard to easement, official plan design. Town Attorney William Morgan explained that the memorandum provided by Equinox Environmental included an option agreement but not an easement.

Commissioner DiOrio made a motion to authorize Town executives the ability to sign the memorandum of option agreement with Equinox Environmental for the rehabilitation of the Lake Lure Green Space stream. Commissioner Doster seconded and the motion carried 4-0.

IX. NEW BUSINESS

D. ORDINANCE NO. 22-06-14A AMENDING THE TOWN OF LAKE LURE CODE OF ORDINANCES TO DECRIMINALIZE CERTAIN ORDINANCES AND OTHERWISE TO BRING SAID CODE INTO COMPLIANCE WITH SENATE BILL 300 (S.L. 2021-138) REGARDING THE USE OF MISDEMEANOR CHARGES TO ENFORCE CODE VIOLATIONS

Town Attorney William Morgan explained the historical background of Senate Bill (SB) 300. Attorney Morgan explained that SB 300 takes away the ability for local governments to have “catch all provisions” that any code violation can be charged as misdemeanor. Morgan expanded that local governments must now specify if a violation may be charged as a misdemeanor per individual ordinance. Attorney Morgan explained that he reviewed the existing Code of Ordinances and that the adoption of Ordinance No. 22-06-14A would bring the Town Code into compliance with SB 300. Attorney Morgan noted that SB 300 also contains areas in which the Town cannot criminally impose. Attorney Morgan stated that Code compliance with SB 300 was to take place on December 1, 2021, so Town Staff was advice to refrain from issuing any misdemeanors until the Town Code was brought into compliance.

Commissioner Doster made a motion to approve Ordinance No. 22-06-14A Amending the Town of Lake Lure Code of Ordinances to Decriminalize Certain Ordinances and Otherwise Bring said Code into Compliance with Senate Bill 300 (S.L., 2021-138) Regarding the use of Misdemeanor Charges to Enforce Code Violations. Commissioner DiOrio seconded and the motion carried 4-0.

**ORDINANCE NO. 22-06-14A
AN ORDINANCE AMENDING THE TOWN OF LAKE LURE CODE OF
ORDINANCES TO DECRIMINALIZE CERTAIN ORDINANCES AND OTHERWISE
TO BRING SAID CODE INTO COMPLIANCE WITH SENATE BILL 300 (S.L. 2021-
138) REGARDING THE USE OF MISDEMEANOR CHARGES TO ENFORCE CODE
VIOLATIONS**

WHEREAS, the North Carolina General Assembly recently enacted Senate Bill 300 (also known as S. L. 2021-138) and the Governor signed the same into law; and,

WHEREAS, PART XIII of S.L. 2021-138, titled Decriminalization of Certain Ordinances, removes the current presumption that all local ordinances may be enforced criminally (G.S.160A-175) and states that ordinances may be enforced criminally as provided in G.S. 14-4 "only if the city specifies such in the ordinance;" and,

WHEREAS, said law also includes a list of statutory sections in which cities cannot adopt ordinances with criminal enforcement and that list of topic areas are as follows: planning and regulation of development; stream clearing programs; regulating businesses and trades; outdoor advertising; solar collectors; cisterns and rain barrels; taxis; setback lines; curb cut regulations and ordinances regulating trees; and,

WHEREAS, S.L. 2021-138 requires a number of amendments to the Town of Lake Lure Code of Ordinances;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS FOR THE TOWN OF LAKE LURE AS FOLLOWS:

Section 1. Section 1-10(1) (“Remedies”) and Section 1-10(2) (“Penalties”) of the Town of Lake Lure Code of Ordinances is hereby amended to read as follows with additions shown as underlined text and deletions shown as struck-through text:

Sec. 1-10. - Enforcement and penalties.

Unless another town ordinance either previously or hereafter adopted provides within that section additional or alternative means of enforcing those provisions, a violation of any town ordinance may be enforced by any one, all, or a combination of the remedies set forth in subsections (1) and (2) of this section.

(1) Remedies. Any or all of the following procedures may be used to enforce provisions of this Code:

- a. Injunction. Any violation of the Code of the town or of any condition, order, requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by any other appropriate proceedings permitted by state law.
- b. ~~and remedies~~ Civil penalties. Any person, corporation or legal entity who violates any provisions of this Code shall be subject to the assessment of a civil penalty under the procedures provided in subsection (2)b of this section.
- c. Criminal prosecution. Where specifically set forth within a specific ordinance provision that a violation is punishable as a misdemeanor, violations of the ordinances of the town may also be enforced by criminal prosecution as a Class 3 misdemeanor as provided in G.S. 14-4, punishable upon conviction by a maximum fine not to exceed \$500.00 for each separate violation or by imprisonment not to exceed 30 days pursuant to the authority of G.S. 14-3(a)(3).

(2) Penalties.

- a. Criminal penalties. If a violation of any ~~of specific the~~ ordinance of the town is enforced by criminal prosecution as a Class 3 misdemeanor, the penalties shall be pursuant to G.S. 14-4, by a maximum fine not to exceed \$500.00 for each separate violation or by imprisonment not to exceed 30 days as set forth in G.S. 14.3(a)(3).

Section 2. Section 6-27 (“Alternative Remedies”) subsection (b) of the Town of Lake Lure Code of Ordinances is hereby amended to read as follows with additions shown as underlined text and deletions shown as struck-through text:

Sec. 6-27. - Alternative remedies.

(b) In addition to the remedies provided for herein, an owner or party of interest may be subject to a misdemeanor as provided in NCGS 14-4(a) for any violation of the terms of this article. In addition, violations of this article may shall subject the violator to civil ~~the~~ penalties as set forth in section 1-10.

Section 3. Section 6-29 of the Town of Lake Lure Code of Ordinances is hereby amended to read as follows with additions shown as underlined text and deletions shown as struck-through text:

Sec. 6-29. - Violations.

In addition to the conditions, acts or failures to act that constitute violations specified in this article, it shall be a violation of this article for the owner of any dwelling or dwelling unit to fail, neglect or refuse to repair, alter or improve the same, or to vacate and close or vacate and remove or demolish the same, upon order of the code enforcement officer duly made and served as herein provided, within the time specified in such order. It shall be a violation of this article for the owner of any dwelling, with respect to which an order has been issued pursuant to section 6-23, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing, or vacation and removal or demolition. Violations of this section are punishable as a misdemeanor as provided by G.S. 14-4. In addition, violations of this article may subject the violator to civil penalties as set forth in section 1-10.

Section 4. Section 20-1 of the Town of Lake Lure Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-1. - Discharge of firearms.

(a) It shall be unlawful for any person to fire or discharge any rifle, gun, pistol, pellet gun, air gun, air pistol, or air rifle within the town, on or off his premises, in sport or amusement. A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.

(b) Any person who shall knowingly and willfully permit his minor child under 18 years of age to discharge, fire, shoot, or operate within the town any such air rifle or pellet gun, shall be guilty of a misdemeanor punishable as a misdemeanor as provided by G.S. 14-4.

Section 5. Section 20-2 of the Town of Lake Lure Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-2. - Disturbing public meetings.

It shall be unlawful to behave in a boisterous or indecent manner or to create any disturbance at or near any public entertainment or meeting. A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.

Section 6. Section 20-3 of the Town of Lake Lure Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-3. - Injuring town property.

It shall be unlawful to trespass upon, damage, deface, break, or injure any property belonging to the town. A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.

Section 7. Section 20-4 of the Town of Lake Lure Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-4. - Possession of firearms on certain municipal property.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Firearm means a handgun, shotgun, or rifle which expels a projectile by action of an explosion.

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Handgun means a pistol, revolver, or other gun that has a short stock and is designed to be held and fired by the use of a single hand.

(b) The possession of firearms, carried openly or concealed, is hereby prohibited within the following municipal buildings:

(1) The town police department located at 2950 Memorial Highway, Lake Lure, N.C.

(2) The town alcoholic beverage control (ABC) store located on Memorial Highway, Lake Lure, N.C.

(c) The possession of firearms, carried openly or concealed, is hereby prohibited within the following municipal buildings; however, this subsection shall not apply to a person who is legally carrying a concealed handgun and has a concealed handgun permit that is valid under G.S. 14, art. 54B (G.S. 14-415.10 et seq.), or who is exempt from obtaining a permit pursuant to that article. Open carry is still prohibited:

(1) Town hall located at 2948 Memorial Highway, Lake Lure, N.C.

(2) Lake operations located on Buffalo Shoals Road, Lake Lure, N.C.

(d) Appropriate decals or signs indicating that firearms are prohibited within, shall be conspicuously displayed at each entrance by which the general public can access the municipal buildings specified in subsections (b) and (c) of this section. Decals or signs shall not be posted at or on municipal properties not identified herein, or where no prohibitions exist.

(e) If this section or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given separate effect and to that end the provisions of this section are declared to be severable. All ordinances or parts of ordinances in conflict with this section are hereby repealed.

(f) This section shall be effective immediately upon adoption by majority vote of the town council.

(g) A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.

Section 8. Chapter 20, Article II (“Noise Regulation”) Section 20-37 (“Enforcement”) of the Town of Lake Lure Code of Ordinances is hereby amended to read as follows with additions shown as underlined text and deletions shown as struck-through text:

Sec. 20-37. - Enforcement.

- (a) Violations of the provisions of this article shall be punishable as a misdemeanor as provided by G.S. 14-4. ~~subject to the criminal and civil penalties set forth in section 1-10.~~ Violations of the provisions of this article shall also subject the offender to the civil penalties set forth in Section 1-10. In addition to the penalties set forth therein, second or subsequent violations of the provisions of this article by the same person for the same activity occurring within one year of the first such violation shall be subject to civil penalties per section 1-10 as follows:

EXPAND

<i>Violation</i>	<i>Penalty</i>
First violation	\$50.00

<i>Violation</i>	<i>Penalty</i>
Second violation	\$100.00
Third violation	\$200.00
Fourth or subsequent violation, per offense	\$300.00

Section 9. Chapter 18 (“Nuisances”) Section 18-4 (“Abatement Procedures”) of the Town of Lake Lure Code of Ordinances is hereby amended to read as follows with additions shown as underlined text and deletions shown as struck-through text:

Sec. 18-4. - Abatement procedure.

If the owner of any property fails to comply with a notice given pursuant to this chapter, within 15 days after the service of such notice, he shall be subject to prosecution for violation of this chapter punishable as a misdemeanor as provided in G.S. 14-4 ~~in accordance with law~~ and each day that such failure continues shall be a separate offense. In addition, the town may have the condition described in the notice abated, removed or otherwise corrected and all expenses incurred thereby shall be chargeable to and paid by the owner of the property and shall be collected as taxes and levies are collected. All such expenses shall constitute a lien against the property on which the work was done.

Section 10. A new Section 24-28 is hereby adopted and codified in Chapter 24 (“Solid Waste”) Article II (“Garbage and Refuse Collection and Disposal”) to read as follows:

Sec. 24-28. Penalty.

Any person, firm, or corporation violating any provision of this article shall, upon conviction, be guilty of a misdemeanor and shall be punished in accordance with G.S. 14-4. . In addition, violations of this article may subject the violator to civil penalties as set forth in section 1-10.

Section 11. A new Section 26-11 is hereby adopted and codified in Chapter 26 (“Streets, Sidewalks and Other Public Properties”) Article I (“In General”) to read as follows:

Sec. 26-11. Penalty.

Any person, firm, or corporation violating any provision of this article shall, upon conviction, be guilty of a misdemeanor and shall be punished in accordance with G.S. 14-4. In addition, violations of this article may subject the violator to civil penalties as set forth in section 1-10.

Section 12. Section 32-29 (“Unauthorized Use of Water”) is hereby amended to read as follows with additions shown as underlined text and deletions shown as struck-through text:

:

Sec. 32-29. - Unauthorized use of water.

Only authorized town employees may connect or reconnect water service. If water is found to be in use without being turned on by an authorized town employee, or if water is used for any

other purpose than that paid for, the consumer of the water shall be guilty of a ~~violation of this chapter~~ misdemeanor punishable in accordance with G.S. 14-4.

Section 13. Section 29-32 (“Injury to Property and Fixtures”) is hereby amended to read as follows with additions shown as underlined text and deletion shown as struck-through text:

Sec. 32-33. - Injury to property and fixtures.

It shall be unlawful for any person to injure, deface, or destroy the building, machinery, fences, trees, or other property of the town water system, or in any way to contaminate the town water supply. Violations of the provisions of this article shall be punishable as a misdemeanor as provided by G.S. 14-4.

Section 14. Section 32-34 (“Tampering with Meters”) is hereby amended to read as follows with additions shown as underlined text and deletions shown as struck-through text:

Sec. 32-34. - Tampering with meters.

It shall be unlawful for any person, after the water has been turned off for failure to pay the water bill, to turn the water on at the meter or to bypass the meter or in any manner to obtain water at no cost. Violations of the provisions of this article shall be punishable as a misdemeanor as provided by G.S. 14-4.

Section 15. All provisions of any town ordinance inconsistent with the language herein adopted are hereby repealed.

Section 16. This Ordinance shall become effective upon adoption.

IX. NEW BUSINESS

E. BOARD OF ADJUSTMENT / LAKE STRUCTURE APPEALS BOARD MEMBER APPOINTMENT

Commissioner DiOrio explained that there is a vacancy on the Board of Adjustment and Lake Structure Appeals Board. Commissioner DiOrio noted that with the recent decision to disband the Utility Advisory Board (UAB), there are good former UAB members that may be beneficial on other boards.

Commissioner DiOrio nominated Rick Spruill to serve as an alternate member for the Board of Adjustment and Lake Structure Appeals Board. Commissioner DiOrio informed the Council of Mr. Spruill’s qualifications and exemplary efforts serving the UAB.

DiOrio made a motion to appoint Rick Spruill to serve as an alternate member for the Board of Adjustment and Lake Structure Appeals Board. Commissioner Proctor seconded and the motion carried 4-0.

Director Williams noted that Rumbling Bald is also in contact with AT&T regarding the procurement of antennas located in that area of Town.

IX. NEW BUSINESS

H. PROJECT MANAGER DESCRIPTION

Town Manager Perkins explained that Town Council and staff had already authorized for the creation of the Project Manager position, but expressed that Town Council should approve of a Project Manager Job description. Manager Perkins looked into project manager descriptions from locations with similar projects and found that the Town of Leland. Manager Perkins expressed that this reasoning led him to use the Town of Leland's description as a template and that he had made the description specific to Lake Lure. Manager Perkins stated that he would like approval, if Council agrees, to proceed with search using the description provided.

Commissioner Proctor made a motion to approve the Project Manager Job description, as presented, and to allow the Town Manager to proceed with the Project Manager search. Commissioner Bryant seconded and the motion carried 4-0.

XI. CLOSED SESSION

Commissioner Proctor made a motion to enter closed session in accordance with G.S. 143-318.11(a) (3) for the purpose of discussing attorney client privilege or legal claims. Commissioner DiOrio seconded and the motion carried 4-0.

During closed session, Council approved past closed session minutes, deliberated in regard to ongoing legal claims, and discussed a past motion made in regard to gravel on 2nd Avenue.

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

Upon returning to open session, Commissioner Proctor made a motion to add new business (IX) item I to discuss gravel on 2nd Avenue. Commissioner DiOrio seconded and the motion carried 4-0.

IX. NEW BUSINESS


I. GRAVEL ON 2ND AVENUE

Commissioner Proctor made a motion to rescind a past decision made by the Town Council at the September 14, 2021 regular Town Council meeting in which a motion passed to approve the Chimney Rock Ridge Homeowner's Association, Inc. request regarding street improvements (2nd Avenue). Commissioner DiOrio seconded and the motion carried 4-0.

X. ADJOURNMENT

With no further business, Commissioner Proctor made a motion to adjourn the meeting at 7:02 p.m. Commissioner Doster seconded and the motion carried 4-0.

ATTEST:


Olivia Stewman, Town Clerk


Mayor Carol C. Pritchett