



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL  
HELD TUESDAY, NOVEMBER 8, 2022, 5:00 P.M. AT THE LAKE LURE MUNICIPAL  
CENTER**

**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  
Michael Williams, Community Development Director

**ABSENT:** N/A

**I. CALL TO ORDER**

Mayor Carol C. Pritchett called the meeting to order at 5:00 p.m. Commissioner Patrick Bryant led the invocation. Council members led the pledge of allegiance.

**II. APPROVE THE AGENDA**

Commissioner David DiOrio requested to add an item B under Section X "New Business" for the purpose of discussing and considering Budget Amendment #345.

Commissioner Scott Doster made a motion to approve the agenda, as amended. Commissioner DiOrio seconded and the motion carried 4-0.

**III. MAYOR'S COMMUNICATIONS**

Mayor Pritchett thanked all individuals in attendance. Mayor Pritchett noted the upcoming Veterans Day Program, Lighting up Lake Lure event, Lake Lure Great Gatsby Gala, and noted that all other important upcoming dates can be found on the website.

#### **IV. TOWN MANAGER COMMUNICATIONS**

Town Manager Hank Perkins summarized highlights from his Manager's Report for October.

#### **V. PUBLIC HEARING**

##### **A. ORDINANCE NO. 22-11-08 AMENDING ARTICLE I SECTION 36-5, ARTICLE VIII SECTIONS 36-235 - 36-261, AND ARTICLE X SECTION 36-295 OF THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE CODE OF ORDINANCES – GATEHOUSES, GUARDBOUSES, AND SECURITY GATES**

##### **i. STAFF REPORT**

Community Development Director Michael Williams explained that Rumbling Bald Resort was hoping to update their gate entrance, submitted plans to the Town for permitting, and the Community Development Department realized that gatehouses, guardhouses, and security gates were not appropriately addressed in the Code of Ordinances. Director Williams explained that proposed Ordinance No. 22-11-08 will address these factors and allow the Community Development Department to adapt and issue permits. Director Williams noted that the Zoning and Planning Board recommended the approval of Ordinance No. 22-11-08.

##### **ii. PUBLIC HEARING**

Mayor Pritchett opened the public hearing and invited attendees to speak.

There were no participants for the public hearing.

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

##### **iii. COUNCIL DELIBERATION**

Members of Council expressed support for Ordinance No. 22-11-08.

##### **iv. CONSIDERATION OF ORDINANCE NO. 22-11-08**

Commissioner Proctor made a motion to adopt Ordinance No. 22-11-08 Amending Article I Section 36-5, Article VIII Sections 36-235 – 36-261, and Article X Section 36-295 of the Zoning Regulations of the Town of Lake Lure Code of Ordinances – Gatehouses, Guardhouses, and Security Gates. Commissioner Bryant seconded and the motion carried 4-0.

**ORDINANCE NUMBER 22-11-08**

**AN ORDINANCE AMENDING ARTICLE I SECTION 36-5, ARTICLE VIII SECTIONS 36-235 – 36-261, AND ARTICLE X 36-295 OF THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE CODE OF ORDINANCES**

**WHEREAS**, The Town of Lake Lure Code of Ordinances does not adequately define or address gatehouses, guardhouses, or security gates; and

**WHEREAS**, The Town of Lake Lure Town Council has deemed that it is necessary to define and address gatehouses, guardhouses, and security gates; and

**WHEREAS**, The Town of Lake Lure Town Council has determined that Article VIII Section 36-235 should be added to the Zoning Regulations to define and address gatehouses, guardhouses, and security gates; now

**WHEREAS**, The Town of Lake Lure Town Council has also determined that Article X Section 36-295 should be amended to include address gatehouses, guardhouses, and security gates in terms of exceptions to required yards.

**NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, MEETING IN SPECIAL SESSION AND WITH A MAJORITY OF TOWN COUNCIL VOTING IN THE AFFIRMATIVE.**

**SECTION ONE.** Article I Sections 36-5, “Definitions”, is hereby amended as follows:

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~]

Gatehouses, guardhouses and security gates refers to structures, generally associated with resorts or subdivisions, for the purpose of controlling access to a private property, development, resort or subdivision, usually located in or across a road.

**Sec. 36-235. Gatehouses, guardhouses and security gates**

**SECTION TWO.** Article VIII Sections 36-235 – 36-261, “Reserved”, is hereby amended as follows:

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~]

**Sec. 36-235. Gatehouses, guardhouses and security gates**

- a. Gatehouses, guardhouses and security gates may be permitted provided that:
  1. it is not located on a publicly dedicated street or street right-of-way; and

2. the project proposal is reviewed and approved by the Fire Chief, Police Chief and any other authority having jurisdiction (AHJ).
- b. Gatehouses, guardhouses and security gates are exempt from yard setback requirements but for applications other than personal dwellings:
  1. shall be setback sufficiently far from public road access to allow for the stacking of at least three (3) vehicles out of the public travel lanes on the public road;
  2. shall have an additional setback in front of the gate to allow a vehicle which is denied access to safely turn around and exit onto a public road;
  3. shall provide adequate gate width and alignment of approach and departure areas, on both sides of gate, to allow free and unimpeded passage of emergency vehicles;
  4. where the gate crosses a travel way, such gate shall open so as to provide a minimum width of 18 feet of passage for two-way travel; or minimum width of 12 feet of passage for one-way travel.
- c. Gatehouses, guardhouses and security gates shall provide unfettered and immediate access to all private roads by emergency and law enforcement vehicles and reasonably guarantee access to all private roads by Town, County and State of North Carolina employees operating within the scope of their official duties to perform governmental regulatory activities, and to all public utility companies to perform installation and maintenance activities of public utility infrastructure. If an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle if applicable, shall be the responsibility of the owner or operator of the gate. A statement to this effect shall be filed with the Town of Lake Lure Police Department and appear on the final plat of all new development.

~~Secs. 36-235—36-261. Reserved.~~

Secs. 36-236—36-261. Reserved.

**SECTION THREE.** Article X Section 36-295, “Exceptions to required yards”, is hereby amended as follows:

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~]

In all zoning districts, yards, as defined in section 36-5, shall be as established by this chapter provided the following shall be permitted in any yard:

1. Access structures to connect the principal structure to the street or shoreline, provided said structures are constructed above grade at an elevation no greater than reasonably required by topography.

2. Fences, walls, hedges, and retaining walls under the provisions of section 36-231.
3. One masonry column located on each side of a driveway to define entrance to a property or to support a gate across a driveway, provided that such columns shall not exceed 36 inches in width and eight feet in height.
4. Entrance gates, gatehouses or guardhouses as defined in section 36-5 and under the provisions of section 36-235.

**SECTION FOUR.** The Town of Lake Lure Town Council deems Ordinance No. 22-11-08 to be consistent with the Lake Lure comprehensive plan because it enhances and clarifies land use and zoning definitions.

**SECTION FIVE.** The Town of Lake Lure Town Council deems Ordinance No. 22-11-08 to be reasonable and in the public interest because it provides clarification in regard to regulating gatehouses, guardhouses, and security gates.

**SECTION SIX.** All provisions of any Town ordinance inconsistent with the language herein adopted are hereby repealed.

**SECTION SEVEN.** This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately from after the date of its final passage and adoption.

## **V. PUBLIC HEARING**

### **B. ORDINANCE NO. 22-11-08A REPLACING ARTICLE III SECTION 36-72(5) OF THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE CODE OF ORDINANCES – MOBILE FOOD VENDORS**

#### **i. STAFF REPORT**

Director Williams noted that existing ordinance addressing mobile food vendors is restrictive and out dated. Director Williams explained that proposed Ordinance No. 22-11-08A, crafted with Town Attorney William Morgan and the Zoning and Planning Board, would allow mobile food vendors to operate in certain zoning districts as a primary or accessory use. Director Williams summarized that mobile food vendors will essentially be allowed to operate in districts where restaurants are permitted to operate. Director Williams detailed the proposed permitting process.

#### **ii. PUBLIC HEARING**

Mayor Pritchett opened the public hearing.

Richard Amatriain, Gerton, North Carolina, explained that he met a Michelin chef who he is working with to open a food truck in Gerton and expressed that he would like to operate in Lake Lure if the proposed ordinance is passed. Mr. Amatriain expressed support for the proposed ordinance.

Laura Doster, Chamber of Hickory Nut Gorge, asked for clarification regarding permanent mobile food vendors versus those present at events. Commissioner Bryant provided an explanation.

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

**iii. COUNCIL DELIBERATION**

Members of Council expressed support for Ordinance No. 22-11-08A.

**iv. CONSIDERATION OF ORDINANCE NO. 22-11-08A**

Commissioner Bryant made a motion to adopt Ordinance No. 22-11-08A Replacing Article III Section 36-72(5) of the Zoning Regulations of the Town of Lake Lure Code of Ordinances – Mobile Food Vendors. Commissioner Doster seconded and the motion carried 4-0.

**ORDINANCE NUMBER 22-11-08A**

**AN ORDINANCE REPLACING ARTICLE III SECTION 36-72(5) OF THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE CODE OF ORDINANCES**

**WHEREAS,** The Town of Lake Lure Code of Ordinances does not adequately address mobile food vendor operations within the Town; and

**WHEREAS,** The Town of Lake Lure Zoning and Planning Board has recommended that the Town Council adopt the attached replacement ordinance to define Mobile Food Vendors and address Mobile Food Vendors as a permitted use within the Town; and

**WHEREAS,** The Town of Lake Lure Town Council has deemed that it is necessary to define Mobile Food Vendors and address Mobile Food Vendors as a permitted use within the Town; and

**WHEREAS,** The Town of Lake Lure Town Council has determined that the existing Article III Section 36-72(5) of the Zoning Regulations should be replaced with the recommended new Mobile Food Vendors ordinance.

**NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF TOWN COUNCIL VOTING IN THE AFFIRMATIVE.**

**SECTION ONE.** Article III Section 36-72(5) is hereby replaced with the following language:

**Section 36-72(5) Mobile Food Vendors**

**a. Definitions.**

1. Mobile Food Vendor means a readily movable trailer or motorized wheeled vehicle, currently registered with the N.C. Division of Motor Vehicles, equipped to serve food.
2. Regulatory Fee means a fee assessed to cover the cost of regulating a particular type of business activity that is assessed to an operator of that type of business.

**b. Permitting.**

1. *Permit required for Mobile Food Vendor operator:* An annual Mobile Food Vendor permit from the Zoning Administrator of the Town of Lake Lure shall be required prior to operating a Mobile Food Vendor in Lake Lure. A regulatory fee will be assessed to cover the costs associated with regulation of Mobile Food Vendors in Lake Lure.
2. A Mobile Food Vendor Permit is valid for one (1) year from the month in which the permit was issued. This permit shall be posted in a visible location on the food truck.
3. The Mobile Food Vendor shall have the signed approval of the property owner for any location at which the Mobile Food Vendor operates.
4. Mobile Food Vendors operating on Town-owned property must provide evidence of at least \$300,000 liability insurance coverage.
5. Mobile Food Vendors shall provide documentation of approval from the North Carolina Department of Health and Human Services. A valid health permit must be maintained for the duration of the Mobile Food Vendor permit and shall be placed in a conspicuous location on the vehicle for public inspection.
6. *Zoning permit required for property use:* No land may be used for a Mobile Food Vendor operation until a certificate of zoning compliance shall have been issued to the property owner. The zoning permit shall be for Mobile Food Vendor operations as either a commercial primary use or as an accessory to a commercial use. Zoning district yard setbacks shall apply to any Mobile Food Vendor location.

**c. Locations and Restrictions.**

1. Permitted Mobile Food Vendors may operate on private property that has a valid zoning permit for Mobile Food Vendor use within the following districts:  
  
R-3 Resort Residential: with a special use permit when in conjunction with a hotel, motel, lodge or resort; or as an accessory use to an existing restaurant  
CN Commercial Neighborhood District  
CTC Commercial Town Center District  
CG Commercial District  
CSG Commercial Shopping Center District  
S-1 Scenic Natural Attraction District  
GU Governmental Institutional Use District, upon approval of Town Council

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2. Permitted Mobile Food Vendors may operate on private property as an accessory use to a legally permitted campground in any zoning district.
3. Permitted Mobile Food Vendors may operate on Town-owned property with approval from Town Council regardless of the zoning district.
4. Permitted Mobile Food Vendors may be utilized for a specific, temporary event in conjunction with the following uses, regardless of the zoning district in which they are located:

Primary Event Venues in connection with an event at the venue.

Accessory Residential Event Venues in connection with an event at the venue.

Churches or school, in connection with temporary event on that location.

Town Council approved Farmers' Markets with Mobile Food Vendor(s) use approved.

Town Council approved festival or event with Mobile Food Vendor(s) use approved.

Residences, in connection with a private event at the residence.

5. The Mobile Food Vendor vehicle shall be positioned at least 100 feet from the customer entrance of an existing restaurant during its hours of operation, unless the Mobile Food Vendor operator provides documentation from the restaurant owner supporting a closer proximity.
6. The Mobile Food Vendor vehicle shall not block drive aisles, other access to loading/service areas, or emergency access and fire lanes. The Mobile Food Vendor vehicle must also be positioned at least 15' away from fire hydrants, any fire department connection, driveway entrances, alleys, or handicapped parking spaces and must have at least three off-street parking spaces in addition to spaces required by Section 36-218 for any other existing uses on parcel.
7. These Mobile Food Vendor permitting requirements, rights or privileges shall not apply in any respect to food vending at any event that is approved and sanctioned, or sponsored, by Town Council. Town Council shall consider the recommendations of the Police Chief, Fire Chief and Community Development Director when approving specific, individualized requirements, rights and/or privileges for any such event.

### **d. Public Safety and Nuisance Provisions**

1. A trash receptacle shall be provided for customers. Town trash receptacles do not satisfy this requirement. All associated equipment, including trash receptacles, must be within five (5) feet of the Mobile Food Vendor vehicle.
2. Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be in accordance with the State Building Code.
3. No liquid, grease or solid wastes may be discharged from the Mobile Food Vendor. Absolutely no waste may be disposed of in tree pits, storm drains, or onto the sidewalks, streets, or other public space. Under no circumstances shall grease be released or disposed of in the Town's sanitary sewer system.
4. Mobile Food Vendor vehicle must have the following fire extinguisher on board during hours of operation: minimum Class 2A, 10B, and C rated extinguisher. If food preparation involves deep frying, a Class K fire extinguisher must also be on the vehicle. All National



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Fire Protection Association (NFPA) standards shall be met to include fire extinguishers and fire suppression hood systems shall be maintained.

5. If the Mobile Food Vendor vehicle operates after dark, the Vendor shall provide appropriate lighting. Lighting shall be such that minimizes the glare on roadways and surrounding properties.
6. No signage shall be allowed other than signs permanently attached to the Mobile Food Vendor vehicle and one (1) sandwich style menu sign.
7. The noise level from the Mobile Food Vendor vehicle and operations shall comply with the Town's noise ordinance.
8. Mobile Food Vendors shall only operate between the hours of 7am to 11pm.

### **e. Revocation of permit**

1. The permit issued for the Mobile Food Vendor operator may be revoked if the Vendor violates any of the provisions contained in this article; or any Environmental Health Department, county or state regulation pertaining to mobile food vendor operations.
2. If at any time evidence of the improper disposal of liquid waste or grease is discovered, all permits for the Mobile Food Vendor shall be rendered null and void, and the operation within the Town will cease.
3. If at any time, the Environmental Health Department revokes or suspends the issued food vending permit, all Town permits shall be revoked or suspended simultaneously.
4. The town manager may revoke a permit if he or she determines that the Mobile Food Vendor's operations are causing parking, traffic congestion, or litter problems either on or off the property where the use is located or that such use is otherwise creating a danger to the public health or safety.

### **f. Exceptions**

1. A temporary event sponsored by local schools, churches, registered not-for-profit organizations, or the local Chamber of Commerce may have Mobile Food Vendor permit fees waived or reduced with recommendation of Zoning Administrator and Town Council approval.
2. Actively operating restaurants within the Town limits may apply for up to one (1) waived Mobile Food Vendor permit fee. The Mobile Food Vendor permit will still be required.

### **g. Penalties.**

1. Any violation of subsections B, C, and D shall constitute a civil violation and subject the violator to a civil penalty in the amount of fifty dollars (\$50.00). Each day that a violation continues uncorrected shall constitute a separate violation. In addition, these violations subject the vendor to permit revocation as outlined in subsection (E).

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2. The Code Enforcement Officer and his/her designees are authorized to determine the existence of the violations and to assess the civil penalties established by this article by issuing a citation to the person determined to be in violation or by sending a letter to the vendor responsible for the violation. Any such notice or citation shall state the nature of the violation and the procedures available for review of the penalty imposed.
3. Any violation and penalty assessed under this article may be appealed to the town manager provided such appeal is filed with the town manager's office within fifteen (15) days after notice of said civil penalty. If an appeal is timely filed, the manager or his designee shall conduct an administrative hearing; shall consider any information the party assessed the penalty presents; and shall render a decision on the appeal within ten (10) days of the conclusion of the hearing. If no appeal is filed, the determination of the Code Enforcement Officer or his or her designee shall be final.
4. Any penalty not paid within thirty (30) days of assessment, or the conclusion of any appeals taken under the provisions of this section may be recovered by the town in a civil action in the nature of the debt. In addition to the penalties and remedies provided by this section, the Town may institute any appropriate action or proceedings to prevent, restrain, correct, or abate a violation of this Section.

**SECTION TWO.** The Town of Lake Lure Town Council deems Ordinance No. 22-11-08A to be consistent with the Lake Lure Comprehensive Plan because it improves the tourism and employment in relation to food services.

**SECTION THREE.** The Town of Lake Lure Town Council deems Ordinance No. 22-11-08A to be reasonable and in the public interest because it allows mobile food vendors to operate outside of Town sanctioned events, while maintaining the needs of Lake Lure and relieving event organizers and mobile food vendor operators of being required to complete redundant permitting steps.

**SECTION FOUR.** All provisions of any Town ordinance inconsistent with the language herein adopted are hereby repealed.

**SECTION FIVE.** This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately from after the date of its final passage and adoption.

### VI. COUNCIL LIAISON REPORTS & COMMENTS

Commissioner Scott Doster reported the activities of the Zoning and Planning Board and the Parks and Recreation Board.

Commissioner David DiOrio reported the activities of the Lake Advisory Board and the Board of Adjustment / Lake Structure Appeals Board.

Commissioner Jim Proctor reported the activities of the ABC 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.

Jeff Geisler, Rumbling Bald Resort, thanked Michael Williams for his hard work with the Town and with Rumbling Bald.

Maureen Bay, 193 Deer Trail, announced that the Lake Lure Art Show will be Saturday, November 12th. Mrs. Bay noted that Lake Lure Flowering Bridge depends on donations and that the Lake Lure artists made the Art Show possible with their participation in the online auction of the bears. Mrs. Bay invited everyone to support the artists at the Lake Lure Art Show.

Laura Doster, 274 Thomas Edison Road, invited all in attendance to the upcoming fundraiser Great Gatsby Gala from 6:00 p.m. to 10:00 p.m. on December 1<sup>st</sup> at the Lake Lure Inn.

There were no further 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 Proctor made a motion to approve the Consent Agenda, as presented. Commissioner Doster seconded. Therefore, the Consent Agenda incorporating the following items was unanimously approved and adopted:

- A. Approval of the October 11, 2022 Regular Town Council Meeting Minutes and the October 26, 2022 Regular Town Council Work Session Meeting Minutes
- B. Accounting Clerk I Position Description Addition of License Requirement
- C. Resolution No. 22-11-08 Authorizing Electronic Advertisement of Bids
- D. Ordinance No. 22-11-08B Amending Code of Ordinances Section 4-2. Dangerous dogs; barking; leash requirements.

**RESOLUTION NO. 22-11-08**

**RESOLUTION BY THE TOWN OF LAKE LURE TOWN COUNCIL  
AUTHORIZING ELECTRONIC ADVERTISEMENT OF BIDS**

**WHEREAS**, N.C.G.S. 143-129(b) specifically allow public agencies to advertise bid opportunities solely by electronic means upon approval from the governing board; and

**WHEREAS**, The Town of Lake Lure desires, at the discretion of the Town Council, to advertise bids subject to the requirements of N.C.G.S 143-129 by electronic means.

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Lake Lure, North Carolina:

**Section 1.** The Town of Lake Lure Town Council hereby authorizes the advertisement of bids subject to the requirements of N.C.G.S. 143-129 by electronic means.

**Section 2.** The Town of Lake Lure shall meet all requirements specified in N.C.G.S. 143-129.

**ORDINANCE NUMBER 22-11-08B**

**AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 4-2(C).  
DANGEROUS DOGS; BARKING; LEASH REQUIREMENTS.**

**WHEREAS**, Section 4-2(c) of the Town of Lake Lure Code of Ordinances establishes leash requirements for Town owned parcels; and

**WHEREAS**, The Town of Lake Lure find it necessary to clarify the interpretation of proper restraint by a leash; and

**WHEREAS**, It is within the best interest of the Town of Lake Lure and Lake Lure residents that leash requirements are reasonable and comprehensible.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF TOWN COUNCIL VOTING IN THE AFFIRMATIVE.**

**SECTION ONE.** The Town of Lake Lure Code of Ordinances Section 4-2(c) is hereby amended as follows:

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~]

**Sec. 4-2. Dangerous dogs; barking; leash requirements.**

- (c) It shall be unlawful for any person owning, having possession, charge, care, custody or control of a dog to allow such dog to enter any town owned parcels,

including, but not limited to, Lake Lure Town Hall, Washburn Marina, Morse Park, Dittmer Watts Nature Trail and Lake Lure Greenspace without being properly restrained by a visible leash not exceeding six feet in length secured by a leash, lead or other means of physical restraint not exceeding 10 feet in length, which leash, lead or other means of physical restraint is not harmful or injurious to the dog and which is held by a responsible person capable of physically restraining the dog. This section shall apply to all dogs with the following exceptions:

- (1) Dogs used or being trained for law enforcement by law enforcement officials.
- (2) Service animals, as defined by the Americans with Disabilities Act, used by authorized persons and under the control of such persons.
- (3) Dogs in specified off-leash areas as designated by the town.
- (4) Dogs fulfilling a specific town or public purpose, per authorization from the town.

**SECTION TWO.** All provisions of any Town ordinance inconsistent with the language herein adopted are hereby repealed.

**SECTION THREE.** This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately from after the date of its final passage and adoption.

## **IX. UNFINISHED BUSINESS**

### **A. REQUEST FROM PROPERTY OWNER, JOSHUA SKUDLARICK, OF 315 LAKEVIEW ROAD FOR WRITTEN APPROVAL FROM TOWN COUNCIL FOR ADDING FILL AT OR BELOW THE LAKE SHORELINE. (PARCEL #225319)**

Director Williams noted he had been working with Mr. Skudlarick and the Army Corp of Engineers, and explained that the Town had finally received a response from the Army Corp of Engineers which expressed that the Town can continue the practice of re-sanding the beaches to the minimum amount. Director Williams recommended Council approval of Mr. Skudlarick's request to add fill at or below the shoreline.

Commissioner DiOrio noted that the Town should have information regarding all of the beaches in the Town and asked if the Town has a list. Director Williams noted he has a preliminary list, including photos of most of the beaches. Commissioner DiOrio and Commissioner Doster expressed that they are not in favor of allowing any additional beaches in the Town, but supported the allowance of filling existing beaches to the minimum amount. Director Williams noted that Town staff would not permit any new beaches. Attorney Morgan asked if beach owners will be required to submit a request to Town Council each time they refill their beaches and Director Williams noted that the Community Development Department is crafting guidelines for maintenance of existing beaches.

Commissioner Bryant made a motion to approve the request from property owner, Joshua Skudlarick, of 315 Lakeview Road for written approval from Town Council for adding fill at or below the lake shoreline. Commissioner DiOrio seconded and the motion carried 4-0.

**IX. UNFINISHED BUSINESS**

**B. APPROVAL OF INTENT TO DISCUSS RENEWAL OF AN AGREEMENT TO OPERATE WATER SYSTEM WITH CHIMNEY ROCK VILLAGE**

Town Manager Hank Perkins noted that the renewal of an agreement to operate water system with Chimney Rock Village was discussed at the October work session because the Village had provided the Town with a notice of desire to renew an agreement. Mr. Perkins noted that the Town has 60 days to respond to Chimney Rock Village. Mr. Perkins explained that the Village has agreed to provide the Town with a proposed draft agreement by December 1st.

Commissioner DiOrio made a motion to authorize Town staff to proceed with negotiations in regard to renewing a future Agreement to Operate Water System. Commissioner Bryant seconded and the motion carried 4-0.

**X. NEW BUSINESS**

**A. CONSIDER AMENDING MOBILE FOOD VENDOR PERMIT FEE ON FY 22-23 FEE SCHEDULE**

Manager Perkins explained that since Town Council adopted Ordinance No. 22-11-08A, it has been recommended by the Zoning and Planning Board that the Fiscal Year (FY) 2022-2023 Fee Schedule be revised for the purpose of reducing the mobile food vendor fee from \$160 to \$100.

Commissioner Proctor asked Director Williams if property owners who have a mobile food vendor operating on their property need certificates and what classification would be needed. Director Williams – commercial and one time \$330 permit fee.

Commissioner Doster made a motion to amend the FY 2022-2023 Fee Schedule to decrease the mobile food vendor permit fee from \$160 to \$100. Commissioner Bryant seconded and the motion carried 4-0.

**X. NEW BUSINESS**

**B. BUDGET AMENDMENT # 345**

Manager Perkins explained that Budget Amendment #345 is related to sewer system work. Manager Perkins noted that the Town is applying for and anticipating reimbursement through American Rescue Plan Act (ARPA) funding, but in order to make appropriate payments prior to receiving the reimbursements, the Town needs a line item added to the budget. Manager

Perkins detailed that Budget Amendment #345 is for \$800,000 and noted there will be an updated, accurate capital project ordinance in the future.

Commissioner DiOrio asked if the money will go towards multiple tasks. Manager Perkins noted that the updated capital project ordinance will lay out all line items, including those anticipated to be reimburse through ARPA funds. Commissioner DiOrio asked if money spent from the Water/Sewer fund will be put directly back into the Water/Sewer fund following reimbursements and it was confirmed that the money will be put directly back into the Water/Sewer fund. Commissioner DiOrio asked if there is enough money in the Water/Sewer fund to cover payments prior to reimbursements and Manager Perkins expressed that it should not be an issue.

Commissioner DiOrio made a motion to approve Budget Amendment #345. Commissioner Bryant seconded and the motion carried 4-0.

## **XI. CLOSED SESSION**

Commissioner Bryant made a motion to enter closed session in accordance with G.S. 143-318.11 (a) (6) for the purpose of discussing personnel matters. Commissioner Doster seconded and the motion carried 4-0.

During the closed session, Council members completed the six month performance evaluation of the Town Manager.

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

Following Close Session, Commissioner Proctor made a motion to amend the agenda to add Item C under Section X "New Business" for the purpose of discussing the November work session and meeting calendar.

## **X. NEW BUSINESS**

### **C. NOVEMBER WORK SESSION AND MEETING CALENDAR**

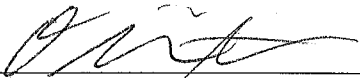
Members of Council discussed conflicts between the November 23<sup>rd</sup> work session meeting and the Thanksgiving holiday.

Commissioner Bryant made a motion to postpone the November work session meeting until Wednesday, November 30<sup>th</sup> at 8:30 a.m. Commissioner DiOrio seconded and the motion carried 4-0.

**XII. ADJOURNMENT**

With no further business, Commissioner Bryant made a motion to adjourn the meeting at 7:10 p.m. Commissioner Doster seconded and the motion carried 4-0.

ATTEST:

  
Olivia Stewman, Town Clerk

  
Mayor Carol C. Pritchett

