



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL  
HELD TUESDAY, OCTOBER 11, 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:** 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 Jim Proctor made a motion to relocate New Business Item D to Presentation Item A, and to relocated Consent Agenda Item I to Unfinished Business Item A. Commissioner Patrick Bryant seconded and the motion carried 4-0.

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

**III. MAYOR'S COMMUNICATIONS**

Mayor Pritchett thanked all individuals in attendance.

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

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

#### **V. COUNCIL LIAISON REPORTS & COMMENTS**

Commissioner Scott Doster reported the activities of the ABC Board, 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.

Mayor Pritchett reported the activities of the Lake Lure Steering Committee.

#### **VI. PRESENTATIONS**

##### **A. CONSIDER THE ADOPTION OF THE FOOTHILLS REGIONAL COMPREHENSIVE TRANSPORTATION PLAN AND ENDORSING THE LAKE LURE SECTION OF THE PLAN TO RUTHERFORD COUNTY**

Mr. Alan Toney with Foothills Regional explained that he had attended the September Town Council work session meeting to further detail and discuss the Foothills Regional Comprehensive Transportation plan. Mr. Toney expressed that he would be happy to answer any additional questions that the Council might have. There were no additional questions.

Commissioner Proctor made a motion to adopt the Foothills Regional Comprehensive Transportation Plan and Endorse the Lake Lure Section of the Plan to Rutherford County. Commissioner Bryant seconded and the motion carried 4-0.

#### **VI. PRESENTATIONS**

##### **B. MORSE PARK MASTER PLAN NC ACCESSIBILITY FOR PARKS (AFP) GRANT PROGRAM**

Mr. Ron Hancock with Destination by Design (DBD) presented on the Morse Park Master Plan NC Accessibility for Parks Grant Program.

Council members and Mr. Hancock discussed grant matching requirements. Commissioner DiOrio asked if the local match had to be immediate. Mr. Hancock answer that Town and Rutherford County Tourism Development Authority (TDA) would be required to provide the local match within a span of three years.

Mayor Pritchett thanked from for the TDA and DBD.

## **VII. PUBLIC COMMENT**

Mayor Carol C. Pritchett invited the audience to speak.

Jonathan Hinkle, 1804 Memorial Highway, expressed a complaint regarding the current zoning and lake use regulations. Mr. Hinkle noted that he does not think that the current regulations fit the needs of Lake Lure. Mr. Hinkle expressed that some regulations are being seen as “black and white” and cited dock repairs as an issue. Mr. Hinkle recommended holding an event to have collaborative conversation between Town staff, contractors, and homeowners to discuss the needs of the community. Mr. Hinkle noted he would like to hold discussion and have his concerns heard by the Town.

Sunnee Clark, 137 Sea Wish Way, expressed that she often plays pickle ball and would like to know what to do to continue to have courts, build more, repairs, etc. Noted that she would like to start a partnership with the Town to upkeep and build pickle ball courts. Cited needs for pickle ball including attracts peoples and events (can hold tournaments), cited player age and other demographic, 4.8 million people who play pickle ball with NC being a top state. Another resident agreed

Sue Trombino, 257 Seton Road, expressed that her and her husband feel singled out by leash requirements being discussed tonight. Mrs. Trombino noted that her husband had a negative experience with a law enforcement officer regarding the use of an e-collar rather than a leash on Town property and that the ordinance was amended following the encounter. Mrs. Trombino also expressed concern that the ordinance was amended in September under the consent agenda rather than being discussed by Council in new business. Mrs. Trombino recalled having a meeting with the Town Manager and Town Clerk regarding the issue. Mrs. Trombino reiterated that she feels targeted by the amended leash requirements.

Debbie Warren, 138 Yacht Island Drive, asked if Council would be addressing the leash requirements and it was noted that the Council would discuss the requirements under new business tonight.

## **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 Bryant made a motion to approve the Consent Agenda, as amended during the agenda adoption. Commissioner Proctor seconded. Therefore, the Consent Agenda incorporating the following items was unanimously approved and adopted:

- A. Approval of the September 13, 2022 Regular Town Council Meeting Minutes, the September 28, 2022 Special Town Council Meeting Minutes, the September 28,

2022 Regular Town Council Work Session Minutes, and the September 30, 2022  
Special Town Council Meeting Minutes

- B. Accounting Clerk I Position and Salary Grade
- C. Community Development Administrative Support Specialist Position
- D. LaBella Task 15 Wastewater Treatment Plant Master Plan
- E. LaBella Task 16 Deep Water Launch Permitting
- F. Resolution No. 22-10-11 Declaring Fire Department Pump Surplus and Authorizing Transfer to Hankins-North Folk Volunteer Fire Department
- G. Resolution No. 22-10-11A 2023 Dredging Grant
- H. Tree Removal from within 995' Boundary Request – Lot 3 on Chapel Point Road (Parcel #1617657)
- I. Approve Annual Addendum to the County Service District Contract

**RESOLUTION NO. 22-10-11**

**RESOLUTION BY TOWN OF LAKE LURE TOWN COUNCIL DECLARING FIRE  
DEPARTMENT PUMP SURPLUS AND AUTHORIZING TRANSFER TO HANKINS-  
NORTH FOLK VOLUNTEER FIRE DEPARTMENT**

**WHEREAS**, North Carolina General Statute 160A-274 authorizes the conveyance of personal property between governmental units with or without financial consideration; and

**WHEREAS**, The Town of Lake Lure Fire Department possesses a Champion Hercules Portable Pump that is no longer of use to the Town; and

**WHEREAS**, Hankins-North Fold Volunteer Fire Department has expressed interest in obtaining the Portable Pump from the Town.

**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 declares the Lake Lure Fire Department's Champion Hercules Portable Pump as surplus personal property.

**Section 2.** The Town of Lake Lure Town Council grants authorization for the Town Manager to dispose of the surplus property in accordance with G.S. 160A-274.

**Section 3.** The Town Manager will execute the disposal of the Portable Pump in accordance with G.S. 160A-274 and convey the property to Hankins-North Fold Volunteer Fire Department for the price of \$200.

**RESOLUTION NO. 22-10-11A**

**WHEREAS**, the Town of Lake Lure Board of Commissioners desires to sponsor, the Town of Lake Lure General Navigation Dredging Project. This project is projected to remove approximately 40,000 cubic yards of sediment via dredging from the Broad River and Lake Lure, improving general navigation and boater safety in an area of the lake that experiences significant impact from upstream sedimentation, impeding access to the Town marina and public launch ramp.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

- 1) The Board requests the State of North Carolina to provide financial assistance to the Town of Lake Lure for the Town of Lake Lure General Navigation Dredging Project in the amount of \$ 750,000 or 75 percent of project construction cost, whichever is the lesser amount;
- 2) The Board assumes full obligation for payment of the balance of project costs;
- 3) The Board will obtain all necessary State and Federal permits;
- 4) The Board will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.
- 5) The Board will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
- 6) The Board will obtain appropriate easements, rights-of-way or suitable dredge material disposal areas that may be necessary for the construction and operation of the project without cost or obligation to the State;
- 7) The Board will ensure that the project is open for use by the public on an equal basis with limited restrictions (if on public property);
- 8) The Board will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 9) The Board accepts responsibility for the operation and maintenance of the completed project.

**IX. UNFINISHED BUSINESS**

**A. BUDGET AMENDMENT #343 FOR VIDEO PRODUCTION**

Commissioner DiOrio expressed that the reason for removing this item from the Consent Agenda is because there is a discrepancy in the amount specified in the budget amendment. Commissioner noted that the budget amendment should be for \$30,000.

Commissioner DiOrio made a motion to approve Budget Amendment #343 for video production, with the amount amended to \$30,000. Commissioner Proctor seconded and the motion carried 4-0.

**X. NEW BUSINESS**

**A. ORDINANCE NO. 22-10-11 AMENDING CODE OF ORDINANCES SECTION 4-2. DANGEROUS DOGS; BARKING; LEASH REQUIREMENTS.**

Manager Perkins noted that during the September meeting, an ordinance amending section 4-2 was adopted under consent agenda. Manager Perkins explained that issues had emerged regarding details of the amendments, specifically the 6 ft. length requirement, so the Town Council is re-addressing the leash requirements ordinance. Manager Perkins further explained that this was also discussed during the September 28<sup>th</sup> work session meeting and read aloud the proposed amendment.

Commissioner Doster asked Mrs. Trombino, who spoke on this topic during public comment, if her dogs are on an electronic leash and she answered yes. Commissioner Doster asked how to approach restraining a dog if the electric leash technological system fails. Mrs. Trombino explained that she had never experienced the system fail. Commissioner Doster expressed the need for looking at the leash requirement ordinance universally. Mrs. Trombino reiterated that she feels targeted and that the leash requirement amendment was with mal intent. Commissioner Doster expressed that there are various Town regulations that need to be addressed that a flaw in the original leash requirement regulations had been brought to the Council's attention, so it is now being addressed as needed. Commissioner Doster noted there is no length in the newly proposed amendment, but the amendment does not allow electronic leashes.

Manager Perkins noted that the proposed amendments should resolve any ambiguity and noted that it is not a Town wide ordinance and only applies to Town owned property. Manger Perkins also noted that the Town is trying to address a standard for leash requirements for any town owned properties. It was noted that there was review regarding how to address the use e-collar training collars rather than leashes, but discrepancies were found.

A resident noted she is a dog trainer and that some types of dogs respond well to e-collar training. The resident also noted that dogs that are trained with e-collars often have tags that identify that the dog has been training using this method.

Commissioner Proctor expressed concern regarding lack of the length requirements in the proposed amendment.

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Manager Perkins noted that it was taken into consideration that dog owners cannot be certain of the level of training that other dogs on town owned properties might have. Manager Perkins also noted that the Town is accounting for those who are fearful of dogs.

Commissioner Proctor recommended looking into constructing an off-leash dog park at a future time.

A resident noted that there was a past occurrence in which a dog not being restrained by a leash mauled someone, which brought the initial concern regarding the need for leash requirements to light. The resident expressed support for the proposed leash requirements.

Manager Perkins noted that the Town is willing to speak with people who violate the leash requirement ordinance before issuing a citation.

Commissioner Doster made a motion table the discussion regarding the proposed ordinance to the next work session meeting. Commissioner Bryant seconded and the motion carried. Commissioner Proctor noted that the work session meeting is on October 26<sup>th</sup>.

### **X. NEW BUSINESS**

#### **B. CONSIDER ADOPTION OF COMPREHENSIVE PARKS AND RECREATION MASTER PLAN/OPEN SPACE PLAN UPDATES**

Parks, Recreation, and Trails Coordinator Dana Bradley noted the open space plan had not been updated since 2014 and noted that it has been revised to reflect the current state of the Town. Coordinator Bradley also noted that the Parks and Recreation Board had worked towards assisting with the updated plan. Coordinator Bradley requested approval of the Comprehensive Parks and Recreation Master Plan/Open Space Plan, with updates.

Commissioner Proctor asked if there has been a broad survey taken since the initial survey at the time of the original document. It was noted that there has not been any conduction of a new survey and Commissioner Proctor suggested that the Town needs to look into updating other elements through a survey, in the future. It was also suggested that the Town review the initial Plan and make note of all accomplishments.

Commissioner Doster made a motion to approve Comprehensive Parks and Recreation Master Plan/Open Space Plan updates. Commissioner DiOrio seconded and the motion carried 4-0.

### **X. NEW BUSINESS**

#### **C. CONSIDER APPROVAL OF BASIC FACTS AND ASSURANCES SUBMITTED BY DESTINATION BY DESIGN**

Manager Perkins noted that this item is related to the Accessibility for Parks (AFP) Grant Program application submittal and that Council approval of the Basic Facts and Assurances is needed.

Commissioner Proctor made a motion to approve the AFP Grant Program 2022 Basic Facts and Assurances. Commissioner DiOrio seconded and the motion carried 4-0.

**X. NEW BUSINESS**

**D. AIA PRELIMINARY PROJECT SCOPE**

Manager Perkins noted that the Town should submit a proposal for a preliminary Assets and Inventory Assessment Grant (AIA) project scope to the state by the end of the month. Manager Perkins explained that the intent of the Town is to use \$200,000 of grant funding to complete and submit the proposed AIA preliminary project scope.

Commissioner Diorio asked if the percentages for the smoke testing and CCTV had been adjusted, and if \$20,000 is enough for the smoke testing. Public Services Dean Lindsey answered that the amounts presented are the most up-to-date and have been adjusted correctly.

Commissioner Proctor noted the GIS license item in the proposal and asked what GIS license the Town will be using. Director Lindsey noted the Town will update and use ArcGIS.

Commissioner DiOrio made a motion to approve the AIA preliminary project scope proposal. Commissioner Bryant seconded and the motion carried 4-0.

**X. NEW BUSINESS**

**E. CONSIDER APPROVAL OF BUDGET AMENDMENT #344 FOR ROAD AND SINKHOLE REPAIR AT 276 AND 284 BURNT RIDGE ROAD**

Director Lindsey explained that there is a portion of Burnt Ridge Road that is sunken-in on one side. Director Lindsey noted that a sinkhole needs to be repaired before road repairs can be made. Director Lindsey detailed that Budget Amendment #344 includes \$24,000 for paving and repairs.

Commissioner DiOrio noted that other roads and sinkholes should be examined to avoid future conflict.

Commissioner DiOrio made a motion to approve Budget Amendment #344 for road and sinkhole repair at 276 and 284 Burnt Ridge Road. Commissioner Proctor seconded and the motion carried 4-0.



**X. NEW BUSINESS**

**F. REQUEST FOR PERMISSION TO USE REIMBURSEMENT OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS FOR SCADA SYSTEM FOR SEWER PROEJCT**

Director Lindsey noted that the Supervisory Control and Data Acquisition (SCADA) system allows for remote monitoring of the current sewer system and can be used for the new system. Director Lindsey noted that it is beneficial for the life station repair, monitoring, and reaction time. It was noted that the Town had decided to opt for a cellular-based SCADA system, rather than cloud-based system. Director Lindsey estimated that the overall cost of the system would be about \$133,000.

Manager Perkins noted that the Town staff had previously submitted a list to Council for requested equipment to be reimbursed through ARPA funds, and that Town staff is asking for this item to also be reimbursed through ARPA funds.

Commissioner DiOrio asked if other sewer systems such as Chimney Rock Village or Firefly Cove could be connected at a later date and Director Lindsey answered yes. Commissioner DiOrio asked if this request is for the funding of the basic system and any then add-ons can be paid for in the future and Director Lindsey answered yes. Commissioner DiOio asked if meters hook into the SCADA System and Director Lindsey answered no.

Commissioner DiOrio made a motion to approve the request for permission to use reimbursement of ARPA funds for the SCADA System for the sewer project. Commissioner Bryant seconded and all voted in favor.

**X. NEW BUSINESS**

**G. DUKE ENERGY POWER PURCHASE AGREEMENT**

Manager Perkins explained that Town staff had been in correspondence with Craig DeBrew and Michael Keen with Duke Energy regarding a new power purchase agreement. Manager Perkins noted that the request is for Council to authorize the Town Manger to negotiate and execute a power purchase agreement with a one-year term, and sign any accompanying documents.

Manager Perkins noted that if the Town opts for a one year term, new terms will be reviewed next year. Manager Perkins also noted that the rates are related to natural gas and power, which is why the rates are higher for the one year term. It was explained that Duke will pay for the Town \$4.00 per Renewable Energy Certificate (REC) and a smaller rate for vintage RECs. Director Lindsey estimated that Duke will pay the Town almost \$18,000 for the vintage RECs.

Commissioner DiOrio expressed support and noted that dam automation will help to the advantage of the Town with maximizing energy profits.

Commissioner DiOrio made a motion to grant authorization to the Town Manager to proceed to negotiate and execute a one-year term Power Purchase Agreement with Duke Energy along with completing and signing any other such documents required that are part of or related to this proposed Power Purchase Agreement. Commissioner Proctor 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) (3) for attorney client privilege. Commissioner Doster seconded and the motion carried 4-0.

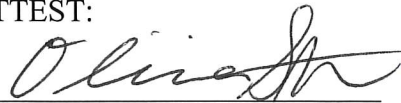
During the closed session, Council members discussed property easements for the HDD project.

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

## **XII. ADJOURNMENT**

With no further business, Commissioner Bryant made a motion to adjourn the meeting at 6:49 p.m. Commissioner Doster seconded and the motion carried 4-0.

ATTEST:

  
Olivia Stewman, Town Clerk

  
Mayor Carol C. Pritchett

