



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, DECEMBER 13, 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
Dean Lindsey, Public Services Director
Stephen Ford, Finance Director
Michael Williams, Community Development Director

Richard Sayles, ABC Board Chair
Wyn Hardy, Board of Adjustment/Lake Structure Appeals Board Vice Chair
Jim Walters, Parks and Recreation Board Chair

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

III. MAYOR'S COMMUNICATIONS

Mayor Pritchett thanked all individuals in attendance and noted that the December work session meeting had been canceled.

IV. TOWN MANAGER COMMUNICATIONS

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

V. COUNCIL LIAISON REPORTS & COMMENTS

Commissioner Scott Doster reported the activities of the Zoning and Planning Board and noted that the Parks and Recreation Board did not meet in December.

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.

VI. PRESENTATIONS

A. ADVISORY BOARD PRESENTATIONS

ABC Board Chair Richard Sayles noted that the ABC Store has gone through a major transition period during his time on the Board and he expressed that he is optimistic about the current and future state of the ABC Board. Chair Sayles provided a report on the new Store manager, Trent McGuire. Chair Sayles explained that he had spoken with the North Carolina ABC Commission point of contact, Greg Stallings, who is going to send Quinn Willard to be a performance auditor for the store. Chair Sayles also noted that he had contacted the general manager of an ABC store in Hendersonville and discussed having their finance officer meet with a few members of the Lake Lure ABC Board, store manager, and the accountant. Chair Sayles reported that there is ongoing discussion in regard to obtaining a new auditor and that the Board will be asking for recommendations from Mr. Stallings and the Hendersonville general manager. Chair Sayles noted that inventory will take place the first week of January and will take place monthly until they are no longer needed as frequently. Chair Sayles concluded that he is optimistic for the future.

Board of Adjustment and Lake Structure Appeals Board Vice Chair Wyn Hardy provided Town Council with a 2022 Board activity report. Vice Chair Hardy explained that the boards are not statutory and that there are protocols, testimonies, legal matters, and cases involved with the boards. Vice Chair Hardy noted that the boards are Quasi-Judicial by nature. Vice Chair Hardy reported that there was a lot of activity in 2022 with a total of 15 cases and detailed the outcomes. Vice Chair Hardy explained the board makeup and qualifications/qualities of the members. Vice

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Chair Hardy noted that the boards are reactive, not goal oriented, but members strive for continued training and education in which the boards have completed seven sessions. Vice Chair Hardy explained that in the coming year, Chair Neil Gurney is proposing more participation for alternate members, cross-training chair duties, and additional training and education.

Parks and Recreation Board Chair Jim Walters noted that the Board members are very dedicated and seasoned. Chair Walters explained that the Board is strictly advisory and noted a successful year for the Board due to strong foundation and support. Chair Walters cited a number of projects that the Board had contributed to including the Town Center Plan, Morse Park Master Plan, Open Space Plan, and Highway 9 Corridor Plan. Chair Walters noted that the Board benefits from having support from Town staff including Kat Canant, Corbie Bradley, Dana Bradley, Laura Krejci, Dean Givens, and others. Chair Walters emphasized the importance of Board communication with outside organizations, such as Rutherford County Agencies and Rumbling Bald Resort who helped in accomplishing the Buffalo Creek Park Parking lot. Chair Walters noted that the Rutherford County Tourism Development Authority and the Lake Lure Steering Committee have been very beneficial to the operations of the Board. Chair Walters noted that Master Plans are a works in progress. Chair Walters expressed that the Board has had the ability to build on foundation from members, staff, council, volunteers, and other organizations. Chair Walters reported that trails have been opened this year, ribbon cuttings have taken place, and long term visions have been proceeding. Chair Walters explained that the Board has goals of opening additional recreation such as the Luremont Trail. Chair Walters noted that Mayor Pritchett had published a Mountain Breeze article on the recreation facilities in the Town. Chair Walters thanked those who have played a role. Commissioner DiOrio asked if the main focus that might be coming to life next year is to improve connectivity and Chair Walters answered yes and noted that state representatives hope to connect Lake Lure to the Mountain to Sea Trail.

The Zoning and Planning Board Chair was not present. The council liaison to the Board, Commissioner Doster, noted that the food truck ordinance had recently passed, and that is one example of how the Board had spent a lot of time reviewing rules and taking a comprehensive look at the Code of Ordinances.

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.

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

- A. Approval of the November 8, 2022 Regular Town Council Meeting Minutes and the November 30, 2022 Special Town Council Work Session Meeting Minutes
- B. Adoption of 2023 Town Council Meeting Schedule
- C. Adoption of Fiscal Year 2023-2024 Budget Calendar
- D. Adoption of Resolution No. 22-12-13 Water Resources Development Grant
- E. Approval of Division of Water Resources Development Grant No Conflict of Interest Certification
- F. Adoption of Ordinance No. 22-12-13 Amending the Town of Lake Lure Code of Ordinances, Chapter 30 ("Traffic and Vehicles"), Article III ("Parking Violations: Enforcement"), Section 30-62 ("Parking and use of Electric Vehicle Charging Stations") and Section 30-63 ("Penalty")

TOWN COUNCIL MEETING SCHEDULE FOR 2023

DATE	LOCATION	TIME	TYPE
January 10, 2023	Lake Lure Municipal Center/Virtual	5:00 p.m.	Regular
January 11, 2023	Lake Lure Municipal Center/Virtual	8:30 a.m.	Planning Retreat
January 25, 2023	Lake Lure Municipal Center/Virtual	8:30 a.m.	Work Session
February 14, 2023	Lake Lure Municipal Center/Virtual	5:00 p.m.	Regular
February 22, 2023	Lake Lure Municipal Center/Virtual	8:30 a.m.	Work Session
March 14, 2023	Lake Lure Municipal Center/Virtual	5:00 p.m.	Regular
March 22, 2023	Lake Lure Municipal Center/Virtual	8:30 a.m.	Work Session
April 11, 2023	Lake Lure Municipal Center/Virtual	5:00 p.m.	Regular
April 26, 2023	Lake Lure Municipal Center/Virtual	8:30 a.m.	Work Session
May 9, 2023	Lake Lure Municipal Center/Virtual	5:00 p.m.	Regular
May 24, 2023	Lake Lure Municipal Center/Virtual	8:30 a.m.	Work Session
June 13, 2023	Lake Lure Municipal Center/Virtual	5:00 p.m.	Regular
June 28, 2023	Lake Lure Municipal Center/Virtual	8:30 a.m.	Work Session
July 11, 2023	Lake Lure Municipal Center/Virtual	5:00 p.m.	Regular
July 26, 2023	Lake Lure Municipal Center/Virtual	8:30 a.m.	Work Session
August 8, 2023	Lake Lure Municipal Center/Virtual	5:00 p.m.	Regular
August 23, 2023	Lake Lure Municipal Center/Virtual	8:30 a.m.	Work Session
September 12, 2023	Lake Lure Municipal Center/Virtual	5:00 p.m.	Regular
September 27, 2023	Lake Lure Municipal Center/Virtual	8:30 a.m.	Work Session

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October 10, 2023	Lake Lure Municipal Center/Virtual	5:00 p.m.	Regular
October 25, 2023	Lake Lure Municipal Center/Virtual	8:30 a.m.	Work Session
November 14, 2023	Lake Lure Municipal Center/Virtual	5:00 p.m.	Regular
November 29, 2023	Lake Lure Municipal Center/Virtual	8:30 a.m.	Work Session
December 12, 2023	Lake Lure Municipal Center/Virtual	5:00 p.m.	Regular
December 19, 2023	Lake Lure Municipal Center/Virtual	8:30 a.m.	Work Session

* Regular Town Council meetings are held on the 2nd Tuesday of each month.

* Work Session Meetings are held on the 4th Wednesday of each month except for November and December due to holiday conflicts.

* Council planning retreat held on January 11th.

FISCAL YEAR 2023-2014 BUDGET CALENDAR

DEADLINE	TASK
Week of January 31 2023	Distribute FY 23-24 operational budget materials to department heads and key staff personnel. Also, Capital Improvement Program (CIP) also distributed for review and possible additions.
March 1, 2023-March 25, 2023	Departmental meetings with Finance (and Town Manager as necessary) to determine preliminary operational budget requests. Finance reviews with Town Manager. Draft recommended operational budget.
Week of April 1, 2023 - April 22, 2023	Budget sessions with staff, Manager and Finance continue. Revenue projections and estimates are generated. Final staff reviews and budget document editing. -CIP is finalized.
Late April, 2023	Revenue estimates finalized. County property tax value estimates due. Final Draft is completed
May, 2023	May 9 2022-Town Manager presents FY 2023-24 budget to Council at regular meeting. Council reviews. Council work sessions are scheduled throughout the month for changes to be incorporated into final budget document.
June 13, 2023	Hold public hearing on proposed budget. Adoption of budget.

RESOLUTION NO. 22-12-13

**RESOLUTION BY THE TOWN OF LAKE LURE TOWN COUNCIL FOR THE
DIVISION OF WATER RESOURCES DEVELOPMENT GRANT**

WHEREAS, the Town of Lake Lure Town Council desires to sponsor Morse Park Master Plan Phase I Project to include development, renovation, and enhancement of a paved path, playground, picnic area, bathroom with showers, and parking.

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

- Section 1.** The Council requests the State of North Carolina to provide financial assistance to the Town of Lake Lure for the Morse Park Master Plan Phase I in the amount of \$200,000 or 50 percent of the nonfederal project costs, whichever is the lesser amount;
- Section 2.** The Council assumes full obligation for payment of the balance of project costs;
- Section 3.** The Council/Board will obtain all necessary State and Federal permits;
- Section 4.** The Council/Board will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.
- Section 5.** The Council/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;
- Section 6.** The Council/Board will obtain suitable spoil disposal areas as needed and all other easements or rights-of-way that may be necessary for the construction and operation of the project without cost or obligation to the State;
- Section 7.** The Council/Board will assure that the project is open for use by the public on an equal basis with no restrictions;
- Section 8.** The Council/Board will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;

ORDINANCE NO. 22-12-13

**AN ORDINANCE AMENDING THE TOWN OF LAKE LURE CODE OF
ORDINANCES, CHAPTER 30 ("TRAFFIC AND VEHICLES"),
ARTICLE III ("PARKING VIOLATIONS: ENFORCEMENT"), SECTION 30-62
("PARKING AND USE OF ELECTRIC VEHICLE CHARGING STATIONS") AND
SECTION 30-63 ("PENALTY")**

WHEREAS, The Town of Lake Lure finds it appropriate to amend the Town of Lake Lure Code of Ordinance to clarify that parking violations be treated as civil citations; and

WHEREAS, The Town of Lake Lure legal staff has expressed objection for providing an appeal process for parking violations; and

WHEREAS, The Town of Lake Lure finds that amending Chapter 30, Article III, Section 30-62 and Section 30-63 is sensible and appropriate.

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. Section 30-62(d) is amended to read as follows:

(d) Enforcement. A violation of this section shall be enforceable pursuant to the procedures for penalties in section ~~30-68~~ 30-63.

SECTION TWO. Section 30-63 is amended to read as follows:

Sec. 30-63. - Penalty.

- (a) Any person, firm, or corporation violating any of the provisions of this article or failing or neglecting or refusing to comply with same, shall be issued a civil penalty citation in an amount not to exceed \$ 50 .00, as set by the Town Council, payable at the Lake Lure Town Hall within thirty (30) days of issuance. ~~upon conviction, be guilty of a misdemeanor and subject to a fine not to exceed \$50.00 or imprisonment not to exceed 30 days and~~ Each day that any of the provisions of this article are violated shall constitute a separate offense. Civil penalty citations become past due if not paid within thirty (30) calendar days of the issuance of the citation, and the offender shall be assessed an additional penalty of \$25.00 and thereafter, every 30 day period the citation remains will result in an additional assessment of \$50.00. Citations and corresponding late fee(s) that remain unpaid after 30 days of issuance may be recovered by the Town in a civil action in the nature of a debt.

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

SECTION FOUR. This Ordinance shall become effective upon adoption.

IX. UNFINISHED BUSINESS

A. BELT PRESS DISCUSSION

Manager Perkins noted that Public Services Director Dean Lindsey had provided Council with a cost analysis in regard to discussion that took place at the November work session meeting and directed Council to the analysis in the meeting packet. Director Lindsey reviewed the cost

analysis which he crafted to calculate a 10 year period. Director Lindsey explained that the analysis details comparisons on purchasing versus renting a belt press which is used for sludge management at the wastewater treatment plant (WWTP). Director Lindsey noted that funding for the belt press could be expended from the sewer fund or reimbursed through American Rescue Plan (ARPA) funds.

Commissioner Doster asked if the Town is responsible for the maintenance of a rented belt press. Director Lindsey answered no, but noted that a belt press does not require a lot of maintenance.

Commissioner DiOrio noted that a purchased belt press would be paid off in about five year and expressed concerns regarding possible supply-chain issues.

Director Lindsey noted that the biggest goal in obtaining a belt press is to enhance sludge management in order to avoid failing samples and to prevent notices of violations.

Commissioner DiOrio noted that the Town originally wanted to pursue a centrifuge, which was deemed too costly, and that a belt press would be a less-costly alternative. Director Lindsey noted that a centrifuge is more efficient, but confirmed that a belt press is less costly. Commissioner DiOrio noted that a belt press could be a temporary solution to sludge management while the construction of a new WWTP is in progress.

Manager Perkins noted that the point of the conversation today was to discuss the pros and cons. Manager Perkins also noted that the Town was originally told that a decision regarding additional ARPA funds would be announced in November, but the announcement will now be held in February. Manager Perkins recommended postponing a decision on the belt press or centrifuge until the Town knows the status of additional ARPA funding. Director Lindsey noted the Town can continue to rent a belt press every couple of months in the meantime.

X. NEW BUSINESS

A. HEARING: REQUEST TO APPEAL DENIAL OF LAKE STRUCTURE VARIANCE REQUEST #2022003

Community Development Director Michael Williams explained that the property owners of 179 Dogwood Drive had submitted plans for a lake structure that was approved by the Community Development department, but upon inspection, the structure was built at 18' which exceeds the height limit of 15'. Director Williams expanded that the property owners submitted a variance request to keep the 18' structure and the variance request was heard by the Lake Structure Appeals Board in November, and the Board ultimately concluded that the standards to grant the variance were not met. Commissioner Doster asked for clarification that the approved plan was for a 15' structure and that the structure was then built outside of the approved plans at 18' and Director Williams stated yes. Director Williams noted that the recourse for a variance request denial from the Lake Structure Appeals Board is to appeal to the Town Council per Code of Ordinances Section 6-62 (i).

Shannon Harris, property owner, noted that the boat house was built too tall and that she did not know, because contractor had submitted the plans. Mrs. Harris noted that after the original boathouse and boat were destroyed, she got a new boat that was taller than the original and her husband requested that the contractor build the boathouse a bit taller, but did not know that it was going to be that much higher. Mrs. Harris also noted that she and her husband do not want to hurt view of the lake and that neighbors had submitted letters noting that there is no hindrance to their view. Mrs. Harris requested that Council approve the appeal request and grant the variance to keep the lake structure.

Jen Dittmer, adjacent property owner, expressed that there are no view obstructions. Ms. Dittmer requested Council consideration for cost and expense of tearing down the structure versus the lack of hindrance it causes.

Commissioner DiOrio asked why the structure cannot be lowered three feet to meet compliance. Dave Odom, Odom Engineering, noted that Odom Engineering's analysis found that the structure's LVL beams cannot be removed without hindering the entire structure.

Commissioner Doster asked how the 15 ft. lake structure height was determined on the application. Mr. Odom noted that is the regulatory limit. Commissioner Doster agreed and asked if the owner requested to raise it above that. Mr. Odom noted that he was unsure because that was a conversation between the property owner and contractor. Mr. Odom also noted that the plans got changed without there being an opportunity for him know that the new plan was over the height limit.

Commissioner Proctor noted that on pages two and there of the case report, it is concluded that there were five findings of facts for reasons to deny the request that seemed substantial. Commissioner Diorio agreed that requirements for granting the variance were not met. Commissioner DiOrio also noted that if the variance is granted, it would set precedence for other structures to be built at the same height.

Mrs. Harris expressed that not all cases can be treated the same and noted that the mistake was not intentionally or wanted by the property owners. Mrs. Harris explained that insurance did not cover all costs from when the original structure was destroyed. Mrs. Harris expressed that it has been said that this case is a self-created hardship, but not granting the variance will create a hardship to tear down and rebuild a new structure.

Commissioner DiOrio made a motion to deny the request to appeal denial of lake structure variance request #2022003. Commissioner Doster seconded and the motion carried 4-0.

X. NEW BUSINESS

B. DUKE ENERGY EASEMENT (PARCEL #1649620)

Director Williams explained that Duke Energy had sent a request to the Town to enter into an easement agreement related to Town owned Parcel #1649620, located on the water tower property off of Island Creek Road and North Carolina Highway 9. Director Williams expanded

that Duke had requested the easement for the purpose of running new fiber lines across the property. Director Williams noted that Town Attorney Williams Morgan reviewed the easement drafted by Duke and there were no issues identified, and that the Public Services Department also expressed no issues.

Commissioner Bryant made a motion to approve the authorization to execute and sign the proposed easement agreement with Duke Energy in relation to Parcel #1649620. Commissioner DiOrio seconded and the motion carried 4-0.

X. NEW BUSINESS

C. DRAWDOWN PREPARATION WORK

I. JAY FREEMAN

Director Lindsey explained that the deep water access is not yet available to stage materials, so the Town will be contracting with Jay Freeman to feed the materials to Ruby Collins, which will keep Ruby-Collins on site and working on boring. Director Lindsey detailed that Mr. Freeman will keep barges loaded and materials on site. Director Lindsey noted that the Town will need to provide auxiliary supplies such as fuel. Director Lindsey noted that Mr. Freeman will transport materials from the laydown yard to his marina to the work site. Director Lindsey explained that costs have increase due to the need to add an additional section to the barge to accommodate the weight of Ruby-Collins' excavator and other equipment.

II. BARGE #2

Director Lindsey explained that an additional barge will increase efficiency. Director Lindsey noted that the Town will need to add a 10 x 40 section for equipment and a supply barge to ferry equipment and materials. Director Lindsey noted that these additions, along with fuel taks, crane mats, and ramps would cost approximately \$250,000.

Commissioner DiOrio asked if Mr. Freeman will be using a Town barge and Director Lindsey answered yes.

Commissioner Doster asked if there is a cost estimate and Director Lindsey noted that numbers are being negotiated, but barge work was estimated to be \$3,000 to \$4,000. Manager Perkins noted that time is of the essence, but there is no motion needed from council to get acquire an additional barge but the Town would like to display transparency on the matter. Manager Perkins also noted that there will be a contract with Mr. Freeman and that it will replace some work and work costs from Ruby-Collins and Town staff. Commissioner DiOrio expressed support. Manager Perkins explained that equipment will be used in future drawdowns as well.

Manager Perkins noted that Sunset Cove residents have moved their boats and that Town would like for Ruby-Collins to complete the entire Sunset Cove project during this drawdown, so the Town is affording that to Ruby-Collins.

Commissioner Doster made a motion to approve to proceed with the project as discussed and as needed. Commissioner Bryant seconded and the motion carried 4-0.

X. NEW BUSINESS

D. DESIGNATION OF THE LEGISLATIVE GOALS BIENNIUM VOTING DELEGATE

Manager Perkins noted that the North Carolina League of Municipalities (NCLM) conducts a process for determining legislative goals and objectives and is working on this process through means of electronic voting. Mayor Pritchett noted she is on the committee for this matter which has been meeting for months to determine a number of legislative priorities that will be sent out to municipalities in the NCLM and voted on by the designated voting delegate. Mayor Pritchett explained that the NCLM is looking at the most beneficial legislative priorities for all municipalities. Manager Perkins noted that January 12th is the deadline for designating a voting delegate.

Commissioner DiOrio made a motion to designate Mayor Pritchett as the legislative goals biennium voting delegate. 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) (3) for attorney client privilege or legal claims. Commissioner DiOrio seconded and the motion carried 4-0.


During the closed session, Council members discussed a legal claim in relation to Brown Engineering.

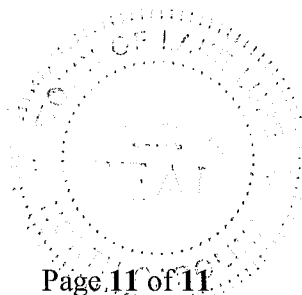
Commissioner Proctor made a motion to return to open session. Commissioner Doster seconded and the motion carried 4-0.


XII. ADJOURNMENT

With no further business, Commissioner Bryant made a motion to adjourn the meeting at 6:54 p.m. Commissioner Doster seconded and the motion carried 4-0.

ATTEST:


Olivia Stewman, Town Clerk




Mayor Carol C. Pritchett