



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, JUNE 11, 2024, 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
Olivia Stewman, Town Manager
Stephen Ford, Finance Director
Dean Lindsey, Public Services Director
Michael Williams, Community Development Director
Laura Krejci, Communications Director

ABSENT: N/A

I. CALL TO ORDER

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

II. APPROVE THE AGENDA

Commissioner David DiOrio made a motion to approve the agenda, as presented. Commissioner Patrick Bryant seconded and all voted in favor.

III. MAYOR'S COMMUNICATIONS

Mayor Pritchett thanked all individuals in attendance.

IV. TOWN MANAGER COMMUNICATIONS

Town Manager Olivia Stewman summarized highlights from her Manager's Report for May which is available in the meeting packet.

Town Manager Stewman reported that the following actions were taken at the February work session and action meeting:

- Approval of Parks, Recreation, and Lake Coordinator Position
- Authorization Condemn and Order the Removal of the Seawall and Boathouse within the Timeframe Specified in the Ordinance, and to Stabilize the Shoreline after Removal of the Seawall
- Appointment of Town Clerk
- Approval of Conceptual Site Plan for the Workforce Housing Site Plan

V. PUBLIC HEARING

A. ORDINANCE NO. 24-06-11 ADOPTING FISCAL YEAR 2024-2025 BUDGET

I. STAFF REPORT

There was a public hearing on the proposed Fiscal Year 2024-2025 Budget. There were no comments from the public.

The proposed budget has been reviewed in a series of meetings over the course of the past couple of months.

Staff provided a brief overview of the proposed budget.

II. PUBLIC HEARING

Commissioner Patrick Bryant made a motion to open the public hearing Commissioner Jim Proctor Seconded and all voted in favor.

III. COUNCIL DELIBERATION

There was no further deliberation from Council.

IV. CONSIDERATION OF ADOPTION OF ORDINANCE NO. 24-06-11

Commissioner Bryant made a motion to adopt Ordinance No. 24-06-11 Adopting Fiscal Year 2024-2025 Budget. Commissioner Doster seconded and the motion carried 4-0. Ordinance No. 24-06-11 was adopted as follows:

ORDINANCE NO. 24-06-11

AN ORDINANCE ADOPTING THE FISCAL YEAR 2024-2025 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 2024-2025 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	4,700,000
State Shared Revenues & Grants	3,000,000
Land Use Fees	100,000
Cultural and Recreation	1,252,800
Miscellaneous Revenues	90,000
Transfer from Capital Reserve	-
Installment Agreement Proceeds	-

TOTAL GENERAL 9,142,800

II. WATER/SEWER FUND

TOTAL WATER/SEWER 1,650,360

III. ELECTRIC FUND

TOTAL ELECTRIC 280,000

GRAND TOTAL - ALL FUNDS **11,073,160**

EXPENDITURES

I. GENERAL FUND

Governing Board	58,800
Administration	1,257,900
IT/Telecommunications	135,000
Police	1,092,772
Fire	1,100,000
Sanitation	240,000
Public Works	941,550
Economic Development	123,900
Community Development	613,965
Parks, Recreation & Lake	797,600
Beach & Marina	5,000
Dam/Watershed Protection	15,000
Non-Governmental	205,000
Capital Outlay & Projects	606,313
Debt Service	350,000
Transfer to Dam Capital Reserve Fund	1,600,000

TOTAL GENERAL **9,142,800**

II. WATER/SEWER FUND

Water Operations	386,200
Sewer Operations	598,800
Capital Outlay and Bonus	145,415
Debt Service	119,945
Transfer to Fund Balance (Equity)	400,000
TOTAL WATER/SEWER	1,650,360

III. ELECTRIC FUND

Operations	280,000
Capital Outlay	-

TOTAL HYDRO-ELECTRIC FUND **280,000**

GRAND TOTAL – ALL FUNDS **11,073,160**

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 0.357 per \$100.00 of property valuation (municipal services at 0.157 per \$100.00, Dam capital .127 per \$100.00 and fire district tax at 0.073 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, 2024. 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, 2024.

V. PUBLIC HEARING

**B. ORDINANCE NO. 24-06-11A AMENDING CODE OF ORDINANCES
CHAPTER 4 (“ANIMALS”)**

I. STAFF REPORT

There was a public hearing on Ordinance No. 24-06-11A Amending Code of Ordinances Chapter 4 (“Animals”).

This ordinance involves a text amendment to establish an allowance for a public school to keep certain livestock for educational purposes with specific approval from town council.

The amendment would require the following changes to Chapter 4 of the Code of Ordinances: a modification of Section 4-3(a,d,e) and add 4-3(f) specifically allowing the keeping of goats and/or chickens outside of a 200 foot buffer from a residence, church, store or other place of business.

There was a brief discussion to clarify that the ordinance was only for goats at the school.

Dr. Kate Sloss, Lake Lure Classical Academy Board Director spoke to advise that the school could not use pesticides outside where the children were playing so the goats will help keep the kudzu at bay while providing educational opportunities and even companionship for some children.

II. PUBLIC HEARING

Commissioner Jim Proctor made a motion to open the public hearing. Commissioner Scott Doster seconded and all voted in favor.

Commissioner Doster made a motion to close the public hearing. Commissioner DiOrio seconded and all voted in favor.

III. COUNCIL DELIBERATION

Council held deliberation on Ordinance No. 24-06-11A.

IV. CONSIDERATION OF ADOPTION OF ORDINANCE NO. 24-06-11A

Mayor Pro-Term David DiOrio made a motion to adopt the Ordinance No. 24-06-11A. Commissioner Jim Proctor seconded and all voted in favor. Ordinance No. 24-06-11A was adopted as follows:

ORDINANCE NUMBER 24-06-11A

AN ORDINANCE AMENDING SECTION 4-3 OF CHAPTER 4 ANIMALS

WHEREAS, The Town of Lake Lure finds it necessary to modify the section regarding keeping of livestock within the corporate limits; and

WHEREAS, Section 4-3 of the Animals Regulations of the Town of Lake Lure states that, "it shall be unlawful to keep or maintain any cow, mule, sheep, goat, hog, or other livestock or fowl on any lot or within any pen, stable, or other enclosure or building within the corporate limits; and

WHEREAS, Town staff believes that a public school is distinctly different from other commercial or residential properties; and

WHEREAS, The keeping of goats and chickens for educational use at public schools has been reviewed and recommended by the Zoning and Planning Board as an amendment to Section 4-3; and

WHEREAS, Town staff believes that the keeping of goats and chickens for educational use at public schools should be permitted within established limits; 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 4-3 of the Animals Regulation of the Town of Lake Lure is hereby amended as follows:

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

Sec. 4-3. Livestock

- (a) *Keeping of livestock prohibited.* It shall be unlawful to keep or maintain any cow, mule, sheep, goat, hog, other livestock, or fowl other than hens as defined in section 4-1, on any lot or within any pen, stable, or other enclosure or building within the corporate limits. This section shall not be deemed to prohibit the assembling of livestock for shipment or the unloading from shipment of livestock, provided that such livestock are not kept within the corporate limits for more than 24 hours prior to shipment or subsequent to unloading. Nor shall this section be deemed to prohibit the keeping of livestock for educational purposes as described in section 4-3(d).
- (b) *Horses and ponies.* Horses and ponies may be kept within town limits for pleasure or recreational purposes only, provided that no horse or pony is kept, housed, penned, or maintained in a shed, stall, stable or other place within 200 feet of a residence, including the owner's or boarder's residence, church, store or other place of business. All pens, sheds, stalls or stables, or structures in which the same may be kept, housed or penned, shall at all times be required to be

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kept clean, disinfected and sanitary, and the same shall not emit at any time any noxious or offensive odor or smell which can be detected by and is offensive to the occupant of any house in the town. Safeguards must be utilized and maintained to minimize the breeding and dissemination of rodents and flies by the use of appropriate pesticides and feed-storage facilities. The pasturing of any horse or pony will be limited to one animal for every two acres of pasture.

- (c) *Hens.* Up to four (4) hens may be kept within town limits, on residentially zoned properties, for non-commercial purposes only, provided that no hen is kept, housed, penned or maintained within 100 feet of a residence other than the owner's or tenant's, a church, store or other place of business. Additionally, hens shall be kept separated from any property line by a minimum of 50 feet and a minimum of 75 feet from any body of water or roadway. All areas where hens are kept shall at all times be required to be kept clean, disinfected and sanitary, and the same shall not emit at any time any noxious or offensive odor which can be detected by and is offensive to the occupant of any dwelling in the town. Safeguards must be utilized and maintained to minimize the breeding and dissemination of rodents and flies by the use of appropriate pesticides and feed-storage facilities. Hens must be kept within a completely enclosed chicken coop and/or run, the total area of which shall not exceed 160 square feet in size. The free ranging of hens is prohibited. Any individual keeping hens within the town must obtain an annual registration permit to be in compliance with this section of the Code of Ordinances.
- (d) *Livestock for educational purposes.* Goats and chickens may be kept within town limits by a public school for educational purposes, with specific approval by Town Council, provided that no goat or chicken is kept, housed, penned, or maintained in a shed, stall, stable or other place within 200 feet of a residence, church, store or other place of business. All pens, sheds, stalls or stables, or structures in which the same may be kept, housed or penned, shall at all times be required to be kept clean, disinfected and sanitary, and the same shall not emit at any time any noxious or offensive odor or smell which can be detected by and is offensive to the occupant of any house in the town. Safeguards must be utilized and maintained to minimize the breeding and dissemination of rodents and flies by the use of appropriate pesticides and feed-storage facilities.
- (e) *Effect upon existing livestock.* Persons keeping or maintaining within the corporate limits any of the animals named in subsection (a) of this section, shall remove them from the corporate limits in order to comply with subsection (a) of this section not later than six months from the effective date of the ordinance from which this subsection is derived.
- (f) *Violations.* In any event, if any horse, pony, goat or hen being kept pursuant to this section becomes noncompliant with these provisions, upon written notice given by the town to either the owner of the horse, pony or hen or the possessor of said horse, pony, goat or hen, that owner or possessor shall have seven days to correct the deficiencies noted in the written notice, and failure to correct the deficiencies noted in the written notice shall constitute a violation of this chapter.

The Town of Lake Lure Town Council deems Ordinance No. 24-05-14 to be reasonable and in the public interest because it adopts the permitting of specific livestock for educational purposes at any public school within the town corporate limits.

VI. COUNCIL LIAISON REPORTS & COMMENTS AND BOARD PRESENTATIONS

ABC Board: The Board met 5/20 and everything is running smoothly. The financials will be reviewed at the next meeting. The store had a \$17,000 day last week.

Board of Adjustments/Lake Structure Appeals Board: The Boards met and there was nothing new to report at this time.

Lake Advisory Board (LAB): The Board has been working on the Buoy Plan and recommended a change from 97 buoys down to 62 buoys with some new strategic placements. The Buoy Plan was presented to the Marine Commission 6/11/24 and passed. The buoys will be relocated in the coming days.

It was noted that a new industrial ramp has been built in Morse Park to support the reservoir drain project. The Board is considering that this may be a second non-motorized ramp at a future date once the project is complete.

Additionally, the Board is working with the Lake Lure Police Department to track the activity on the Lake related to non-motorized boats. They are monitoring the number of non-motorized boats on the lake with the change in the permitting for such. They are closely monitoring the Marina area and watching the traffic.

Parks and Recreation Board: It was noted that a complaint had been made about the playground equipment in Morse Park and this had been addressed.

A recommendation was made to replace the signs that say "Lake Lure Incorporated 1927 and this will be done.

There were 114 volunteer hours, not including the hours from the Flowering Bridge and the Carolina Climbers Coalition.

The Flowering Bridge just held their Ground Breaking Ceremony for the new Education Center and they have installed new Fairy Gardens that are a must see.

The Board will be making recommendations for updating the Comprehensive to include all the progress that has been made with our Lake Lure Parks and Trails.

Zoning and Planning Board: The Board met on 5/21 and reviewed a new subdivision plan near Ridge Road. The Board is also considering identifying historical sections of town to designate historically significant areas.

Lake Lure Steering Committee: The committee will meet on 6/27/24 at 10:00. This committee meets to make recommendations on the best ways to utilize the

Rutherford County Tourism funds. The Chair of the Parks and Recreation Board also chairs this committee.

VII. PUBLIC COMMENT

Mayor Carol C. Pritchett invited the audience to speak.

There were no comments.

VIII. CONSENT AGENDA

Mayor Carol C. Pritchett presented the Consent Agenda items and asked if any items should be removed before calling for action.

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

- A. Approval of the May 14, 2024 Regular Town Council Meeting and the May 22, 2024 Town Council Work Session and Action Meeting Minutes

IX. UNFINISHED BUSINESS

There was no unfinished business to discuss.

X. NEW BUSINESS

A. REQUEST TO APPEAL NOTICE OF VIOLATION (NOV-2024018)

A notice of violation (NOV-2024018) was issued on May 9th for failed erosion control, plan deviation without revision, and unstable slopes.

The property owner has requested to appeal the citation fine related to NOV-2024018.

On 5/7/2024 it was discovered that all erosion control between the jobsite and the waters of Lake Lure had been removed by the contractor, Bill Thompson.

Additionally, the engineered stormwater outlet was improperly installed, and there were unprotected steep slopes.

These deviations led to unabated sediment loss into the waters of Lake Lure.

The applicant, Mr. Hausle, was fined \$400 for this initial set of issues. Citations were paused when the owner reported that the builder, Bill Thompson, was installing erosion control.

Staff re-inspected the site on 5/9/2024 and discovered that the erosion control was not installed correctly and had failed completely.

Citations began again after discovering sediment running into the waters of Lake Lure.

Two additional citations for \$600 apiece were issued before the homeowner obtained compliance.

Due to the plan deviations and site management failures, the site is out of compliance with town ordinance standards.

Presently, the erosion control is compliant, but the notice of violation is still active until the homeowner submits a reforestation plan to bring the site into compliance and redesigns a stormwater outlet.

In total, staff issued \$1600 in citations.

It is staff's opinion that the town should abstain from eliminating 100% of citations issued to deter negligent behavior by repeat offenders.

Mr. Hausle wrote a letter appealing the fines. He is the property owner and the General Contractor.

He was present and presented his perspective on the situation.

There was a discussion and ultimately Town Council voted to hold the fines for now and delay a final decision until the project was 100% complete.

X. NEW BUSINESS

B. REQUEST TO APPEAL DECISION BY THE LAKE STRUCTURE APPEALS BOARD REGARDING LSP-2024009

A decision was made by the Lake Structure Appeals Board (LSAB) at their May 21st special meeting determining that LSP-2024009 met the criteria established in Section 6-51 of the Code of Ordinances to allow for the construction of a decktop accessory structure at 183 Sunset Cove.

A neighboring property owner has requested to appeal the decision of the LSAB).

The appeal was considered and staff recommended affirmation of the 5/21/24 Lake Structure Appeals Board approval of decktop accessory structure at 183 Sunset Cove.

There was a lengthy discussion and Mrs. Nancy McNary, the neighboring property owner, made a fervent request that her appeal be considered. She stated that she was present at the Town Council Meeting when the Lake Structure Code was adopted. She explained that the code was designed to ensure that no one's lake view would ever be materially obstructed. She presented pictures of her current view and renderings of the new obstructed view would look like.

Town Council listened to her concerns and viewed her photos and renderings.

Mr. Nicholas White, attorney for the property owners of 183 Sunset Cove, shared the concessions the property owners had already made to make compromises with the owners of the McNary property. He expressed concerns with posing any further restrictions on the property owners.

Commissioner Proctor made a motion uphold the Lake Structure Appeals Board approval of decktop accessory structure at 183 Sunset Cove. Commissioner DiOrio seconded and all voted in favor.

X. NEW BUSINESS

C. CONSIDER APPROVAL OF CONCESSION AGREEMENT WITH LODGE ON LAKE LURE

Based on the Lake Use Regulations, a company with any tour boats must enter into a concession agreement with the Town.

Staff presented an overview of the proposed concession agreement and recommended approval.

Additionally, a notation of an annual certification course should be omitted from the agreement.

Commissioner Bryant made a motion to approve the concession agreement with the Lodge on Lake Lure, as amended. Commissioner DiOrio seconded and all voted in favor.

X. NEW BUSINESS

D. CONSIDER APPROVAL OF CONCESSION AGREEMENT WITH LAKE LIFE LLC

Mayor Pro-Term David DiOrio asked to recused himself from this item due to financial interest in Lake Life, LLC. Commissioner Proctor made a motion to recuse Commissioner DiOrio. Commissioner Doster seconded and all voted in favor.

Lake Life LLC would like to begin boat tours. This company is associated with the Lake House Restaurant. Based on the Lake Use Regulations, a company with any tour boats must enter into a concession agreement with the Town. Staff presented an overview of the proposed concession agreement and recommended approval with a caveat that the fees be paid annually, rather than monthly. It was noted that the annual certification course should be omitted from this agreement, as well.

Commissioner Proctor made a motion to approve the concession agreement with the Lake Life, LLC, as amended. Commissioner Bryant seconded and all voted in favor.

X. NEW BUSINESS

E. RESOLUTION NO. 24-06-11 AMENDING THE PERSONNEL POLICY

Town staff has been reviewing options for managing compensatory time.

There has been no limit in previous years. Staff is recommending a limit of 120 compensatory hours for public safety and 80 compensatory hours for all other employees.

Following this maximum, employees will gain overtime pay.

This is a better method to tracking overtime hours and is in line with audit guidelines.

All non-exempt employees will be paid out to the maximum compensatory hours specified within Resolution No. 24-06- 11.

Staff recommends adoption.

Commissioner Doster made a motion Resolution No. 24-06-11 amending the Personnel Policy. Commissioner Bryant seconded and all voted in favor. Resolution No. 24-06-11 was adopted as follows:

RESOLUTION NO. 24-06-11

**RESOLUTION BY THE TOWN OF LAKE LURE TOWN COUNCIL
AMENDING TOWN OF LAKE LURE PERSONNEL POLICY MANUAL**

WHEREAS, the Town of Lake Lure has a Personnel Policy Manual that was adopted November, 2001, and has been subsequently amended; and

WHEREAS, the Personnel Policy Manual shall apply to conditions of employment of the employees of the Town of Lake Lure; and

WHEREAS, there is recommendation to amend Article V (“The Pay Plan”) Section 10 (“Overtime”).

NOW, THEREFORE BE IT RESOLVED, the Town of Lake Lure Personnel Policy Manual be amended a follows:

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

SECTION ONE. Personnel Policy Manual Article V (“The Pay Plan”), Section 10 (“Overtime”) is hereby amended as follows:

Section 10. Overtime

Non-Exempt Employees of the Town can be requested and may be required to work overtime hours as necessitated by the needs of the Town and determined by the Department Head. All overtime hours worked must be authorized by appropriate management or Town officials.

To the extent that local government jurisdictions are so required, the Town shall comply with the Fair Labor Standards Act (FLSA).

The Town Manager, following FLSA regulations, shall determine which positions are “non-exempt” and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions. “Non-exempt” employees will be paid at a straight time rate for hours up to the FLSA established limit for their positions (usually 40 hours in a 7 consecutive day “work period”; 171 hours for police and 212 for fire personnel in a 28 day work period). Hours beyond the FLSA established limit shall be compensated in the appropriate manner outlined below. In determining eligibility for overtime in a work period, only hours actually worked shall be considered. In no event will holidays, vacation, compensatory or sick leave hours be counted toward the total hours for the purpose of overtime compensation.

- (a) Department Heads shall arrange the work schedules of their employees so as to accomplish the required work within the appropriate work periods. Overtime work shall be considered work performed by an employee that exceeds the established

work period of the employee. Overtime work must be of an unusual, unscheduled, or emergency nature and be directed or authorized by the Department Head or authorized representative of the Department Head, in writing. Department Heads may require extensive overtime only with the approval of the Town Manager.

Whenever practicable, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. When time off within the “work period” cannot be granted, overtime worked will be paid at a time-and-one-half rate or taken as compensatory time at a time-and-one-half rate, in accordance with FLSA regulations. Salaried employees in positions with fluctuating work schedules whose salary covers straight time pay for all hours scheduled or required to work, however many or few, may receive half-time pay for any overtime worked.

Employees in positions determined to be “exempt” from FLSA (as Executive, Administrative, or Professional staff) will not receive pay for hours worked in excess of their normal work periods. These employees may be granted occasional unofficial compensatory leave where the convenience of the Town operation allows.

- (b) The following work periods shall be established for the purpose of calculating overtime earned:
 - (1) Law enforcement personnel and Firefighting personnel shall be assigned to a 28-day work period with a maximum of 171 work hours (Average of 42 hours per week) for Law Enforcement and 212 work hours (Average of 53 hours per week) for Firefighting personnel before accruing overtime.
 - (2) All other non-exempt town employees shall be assigned to a 7 consecutive day work period with a maximum of 40 work hours before earning overtime or accruing Compensatory Time.

- (c) Non-Exempt Employees required to work hours over the maximum allowed in the assigned work period shall be compensated for such overtime hours worked subject to the following provisions:

- (1) The maximum compensatory time that may be accrued by any non-exempt employee shall be 480 120 (~~320 overtime hours worked~~) for public safety and 240 80 (~~160 overtime hours worked~~) hours in all other Town positions. Employees are required to take accrued compensatory time before using accrued vacation and/or sick leave. ~~Any unused compensatory time at June 30th of each year will be paid to the employee at the employee's current hourly rate of pay. Notwithstanding anything to the contrary herein, the Personnel Policy shall conform to the FLSA (Fair Labor Standards Act).~~
 - (2) ~~Department Heads may, with prior approval of the Town Manager, pay employees for overtime work when it is not feasible to permit their absence for the purpose of taking compensatory time off. Any additional hours accrued exceeding the compensatory time limits shall be paid in overtime as specified within this section.~~
 - (3) An employee whose employment is terminated shall receive pay for all compensatory time accrued but not taken.
- (d) Supervisors shall be responsible for maintaining appropriate and accurate records detailing hours worked each day and total hours worked each work period. All time-records must be signed by the supervisor and delivered to the Human Resources Director no later than ~~9:30~~ 8:00 a.m. on ~~Tuesday~~ Monday immediately preceding payday.

SECTION TWO. All compensatory hours exceeding 120 hours for public safety and 80 hours for all employees accrued as of June 30, 2024 shall be paid out to the specified amount of maximum compensatory hours.

SECTION THREE. This resolution shall be effective upon adoption.

X. NEW BUSINESS

**F. CONSIDER APPROVAL OF LAKE ADVISORY BOARD
RECOMMENDATION REGARDING NAVIGATION SAFETY AND LAKE
CONFORMANCE RELATED TO 429/441 TRYON BAY CIRCLE**

Ms. Kathie Hatfield, Chairperson for the Lake Advisory Board, explained that during the March 27, 2024 regular work session and action meeting of the Lake Lure Town Council, the members of the Council passed a motion to adopt a requirement for a navigational safety and lake conformance review by the Lake Advisory Board (LAB) and the Community Development Department in advance of the nonconforming structures at 429/441 Tryon Bay Circle.

At the April 8th meeting of the Lake Advisory Board, Community Development Director, Michael Williams, made a presentation regarding the current status of the development of the property at 429/441 Tryon Bay Circle to include the initial proposal for construction of lake structure(s) at the same location.

The Board was given the opportunity to view the architectural drawings and aerial photographs of both the lot(s) and the adjacent bridge/waterway.

There were approximately 15 residents from the area that attended the meeting.

After further review and assessment from the LAB, it was recommended that in order to protect swimmers, curb additional congestion and allow and maintain safe access for water vessels under the bridge and into and out of Tryon Bay, any lake structure constructed at 429/441 Tryon Bay Circle should not be permitted to extend more than 15' out from the current seawall.

Staff recommended adoption.

Ms. Hatfield advised that Police Officer Dills conducted three different traffic studies in the area.

He had no concerns of the traffic come in and out.

The biggest problem is on Saturday mornings with boats and swimmers going out into Tryon Bay.

He reinforced that the middle of the bridge is the place to be and this is what is limiting the egress and ingress.

Mrs. Hatfield advised that the recommendation is to protect swimmers that any lake structure at 429/441 Tryon Bay Circle should not be permitted to extend more than 15 feet.

Town Council approved the Lake Advisory Board Recommendation regarding navigation safety and Lake conformance related to 429/441 Tryon Bay Circle and any lake structure for this property will not be permitted to extend more than 15 feet. Commissioner DiOrio seconded and all voted in favor.

X. NEW BUSINESS

G. REQUEST TO APPEAL NOTICE OF VIOLATION (NOV-2024016)

Mr. Williams advised that a notice of violation (NOV-2024016) was issued on 4/10/24 for plan deviation without revision, and unstable slopes.

The property owner has requested to appeal the citation fine related to NOV-2024016.

There was a discussion regarding the violations and the problems that were created as a result.

Commissioner Bryant made a motion to deny the Appeal of Notice of Violation (NOV-2024016). Commissioner DiOrio seconded and all voted in favor.

XI. CLOSED SESSION

Commissioner Doster made a motion to enter into closed session in accordance with G.S. 143-318.11(a) (3) for attorney client privilege or legal claims. Commissioner Bryant seconded and all voted in favor.

During closed session, Council discussed a potential legal matter.

Commissioner Bryant made a motion to return to open session. Commissioner Doster seconded and all voted in favor.

XII. ADJOURNMENT

With no further business, Commissioner Bryant made a motion to adjourn the meeting at 7:38 p.m. Commissioner Proctor seconded and the motion carried 4-0.

ATTEST:

Elba Willette, Town Clerk

Mayor Carol C. Pritchett