

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL  
HELD TUESDAY, DECEMBER 12, 2023, 5:00 P.M. AT THE LAKE LURE MUNICIPAL  
CENTER**

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

William Morgan, Jr., Town Attorney  
William Hank Perkins, Jr., Town Manager  
Michael Williams, Community Development Director  
Stephen Ford, Finance Director  
Dean Lindsey, Public Services 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 Scott Doster made a motion to combine Item VI (“Council Liaison Reports & Comments”) and VII (“Presentations – Annual Board Reports”). Commissioner Bryant seconded and all voted in favor.

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

### III. MAYOR'S COMMUNICATIONS

Mayor Pritchett thanked all individuals in attendance. Mayor Pritchett noted that this is the last regular meeting of this year and that Council would typically would be doing onboarding new members. Mayor Pritchett expressed that she is thankful for a great Council and staff, and the accomplishments that had been made.

Mayor Pritchett noted that every year on Veterans Day, there is a celebration that is held at Rumbling Bald. Mayor Pritchett thanked Mr. Jess Geisler who is gracious to opening Rumbling Bald to hold the event and is always accommodated and welcoming. Mr. Geisler noted that it is an honor to do so.

### IV. TOWN MANAGER COMMUNICATIONS

Town Manager Hank Perkins summarized highlights from his Manager's Report for November which is available in the meeting packet. Manager Perkins detailed comments from Project Manager Michael Dydula and reviewed change orders. It was noted that contractors for the GLS project will be putting in barges in the water this Thursday.

Town Manager Perkins reviewed the actions taken at November's work session and action meeting. Action items included the following:

- Approval of Annual Addendum to County Service District Contract for Fire

### V. PUBLIC HEARING

#### A. ORDINANCE NO. 23-12-12 AMENDING THE TOWN OF LAKE LURE CODE OF ORDINANCES, CHAPTER 36 ("ZONING"), ASSOCIATED WITH ALCOHOL REGULATIONS

#### I. STAFF REPORT

Community Development Director Michael Williams explained that Town staff and the Zoning and Planning Board have been working on updating alcohol ordinances for a while. Director Williams explained that the purpose of the amendments is to align the Town's ordinances with the state ABC Commission and make further clarifications that fit the goals of Lake Lure. Director Williams noted that the proposed ordinance includes a definition for *hotel or motel* and clarified that the language in the ordinance is an addition to the existing definition for *hotel or motel* and not a replacement of the existing definition. Council members expressed support.

#### II. PUBLIC HEARING

There were no comments from the public.

### III. COUNCIL DELIBERATION

There was no further Council deliberation.

### IV. CONSIDERATION OF ADOPTION OF ORDINANCE NO. 23-12-12

Commissioner Doster made a motion to adopt Ordinance no. 23-12-12 Amending the Town of Lake Lure Code of Ordinances, Chapter 36 (“Zoning”), Associated with Alcohol Regulations, including the entire definition for *hotel or motel*. Commissioner DiOrio seconded and all voted in favor. Ordinance No. 23-12-12 was adopted as follows:

#### **ORDINANCE NUMBER 23-12-12**

#### **AN ORDINANCE AMENDING THE TOWN OF LAKE LURE CODE OF ORDINANCES, CHAPTER 36 (“ZONING”), ASSOCIATED WITH ALCOHOL REGULATIONS**

**WHEREAS**, The Town of Lake Lure establishes zoning and land use regulations in relation to the sale of and consumption of alcoholic beverages within Town limits; and

**WHEREAS**, North Carolina law affirms that the state Alcoholic Beverage Control (ABC) Commission has the ultimate decision-making authority on most aspects of alcohol sales; and

**WHEREAS**, North Carolina G.S. 18B-901(c) provides that the ABC Commission shall consider local zoning and related land use factors in making ABC permit decisions; and

**WHEREAS**, G.S. 18B-901(c) further provides that the local governing body shall return a Zoning and Compliance Form to the Commission on a form provided by the Commission to show the establishment is in compliance with all applicable building and fire codes; and

**WHEREAS**, The Zoning and Planning Board has reviewed and recommended the adoption of changes detailed in Ordinance No. 23-12-12.

**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.**

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

**SECTION ONE.** The following definitions are hereby added to Chapter 36 (“Zoning”), Article I (“In General”), Section 36-5 (“Definitions”):

*Community Theatre* an establishment owned and operated by a bona fide nonprofit organization that is engaged solely in the business of sponsoring or presenting performing arts events to the public.

Convention Center a publicly owned or operated establishment that is engaged in the business of sponsoring or hosting conventions and similar large gatherings, including auditoriums, civic centers, convention centers, and coliseums.

*Hotels and motels.*

- (1) The term "hotels and motels" means a building or group of buildings occupied as a temporary abiding place for individuals in which the rooms are usually occupied singularly for hire and in which rooms no provisions for cooking are made. A hotel or motel may include a restaurant and/or on premise consumption of alcohol, including spirituous liquors with a valid NC ABC license.
- (2) A hotel or motel may include structures located on separate parcels so long as:
  - a. They are contiguous and interconnected by means of one or more viable pedestrian walkways;
  - b. There are common amenities; and
  - c. The entire campus functions as a single enterprise.
- (3) An on-site management is required for all hotels and motels.
- (4) The term "hotels and motels" includes inns, but does not include lodges, bed and breakfast establishments or residential vacation rentals which are otherwise defined herein.

Mobile Food Vendor means a readily movable trailer or motorized wheeled vehicle, with a valid DMV license tag, equipped to serve food. It shall not be considered as a restaurant.

Private Club a club establishment that qualifies under Section 501(c) of the Internal Revenue Code, as amended, 26 U.S.C. §501(c).

Restaurant means an establishment substantially engaged in the business of preparing and serving meals, and shall have a kitchen and inside dining area with seating for at least ten (10) people. Additional outside serving areas may be permitted on the establishment's premises, including on lake structures. A restaurant may include on premise consumption of alcohol, including spirituous liquors with a valid NC ABC license. Mobile Food Vendors and/or food trucks shall not be considered as a restaurant.

**SECTION TWO.** Chapter 36 ("Zoning"), Article III ("Use Requirements"), Section 36-65 ("CSC Commercial Shopping Center District"), Subsection C ("Special Use Permit") is hereby amended as follows:

- (c) *Special use permit.* The following uses require special use permits subject to a finding by the board of adjustment that all applicable provisions of article IV of this chapter have been met:
  - (1) Garden centers other than in completely enclosed buildings.

~~(2) Bars, taverns, nightclubs, or sale of alcoholic beverages for on-premises consumption.~~

(3) (2) Primary event venue. In issuing a special use permit for a primary event venue, the board of adjustment may impose reasonable conditions, including a maximum number of events per year and a maximum number of attendees which shall be based on the availability of parking, safe ingress and egress, sanitary facilities, potential impacts to adjacent properties and similar site-specific conditions.

**SECTION THREE.** The following definition is hereby amended under Chapter 36 (“Zoning”), Article I (“In General”), Section 36-5 (“Definitions”):

*Micro-brewery* means an independently owned facility that brews craft beer, ale, porter or other fermented malt beverages in quantities up to 15,000 barrels per year with at least 75 percent of its product sold ~~off-site~~ on-site. A micro-brewery may include areas for demonstration, education, tasting and other uses permitted in the district, in accordance with state and local laws.

**SECTION FOUR.** Chapter 36 (“Zoning”), Article III (“Use Requirements”), Section 36-65 (“CSC Commercial Shopping Center District”), Subsection B (“Permitted Uses”) is hereby amended as follows:

- (b) *Permitted uses.* Within the CSC Commercial Shopping Center District, buildings or lands shall be used only for the following purposes:
- (1) Retail outlets for sale of food, wearing apparel, home furnishings and appliances, office equipment, hardware, toys, gift sundries and notions, flowers, books and stationery, leather goods and luggage, jewelry, art, cameras, photographic supplies, ~~alcoholic beverages for off-premises consumption~~, sporting goods, musical instruments, pets, garden supplies, pharmaceuticals, and similar products in completely enclosed buildings.
  - (2) Service establishments such as barbershops or beauty shops, shoe repair shops, watch repair shops, computer repair shops, radio or television repair shops, newspaper offices, restaurants, delicatessens, interior decorator stores, photographic studios, dance studios, music studios, art studios, laundry or dry cleaner establishments, tailor or dressmakers, radio or television stations, gymnasiums, indoor motion picture theaters, bowling alleys, banks and financial institutions, and similar retail service establishments.
  - (3) Professional and business offices, including those of physicians, dentists, accountants, attorneys, engineers, architects, contractors, land surveyors, real estate brokers, insurance agents, and travel agents.

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

**SECTION SIX.** The Town of Lake Lure Town Council deems Ordinance No. 23-12-12 to be consistent with the Lake Lure comprehensive plan because it enhances and clarifies land use and zoning definitions.

**SECTION SEVEN.** The Town of Lake Lure Town Council deems Ordinance No. 23-12-12 to be reasonable and in the public interest because it is consistent with the 1985 mixed drink referendum adopted by the Town of Lake Lure and it is consistent with North Carolina General Statute Chapter 18B (“Regulation of Alcoholic Beverages”).

**SECTION EIGHT.** 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.

<b>VI. COUNCIL LIAISON REPORTS &amp; COMMENTS AND BOARD PRESENTATIONS</b>
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Mayor Pritchett noted that Council will defer to board chairs this evening. It was noted that Mr. Walters was unable to attend and that he sent his report, but he will be reporting during the January regular meeting in order to address any questions.

Mr. Richard Sayles, Chair of the ABC Board, noted that a lot has been accomplished throughout the year. Mr. Sayles everyone involved in helping with the move of the ABC Store. Mr. Sayles recognized the accomplishments of management, including the late Earl Russell who helped greatly and is dearly missed. Mr. Sayles explained that the end of year inventory was completed without having to close the store. It was detailed that there is a new security system that the store is working on. Mr. Sayles reported that financials and audits are improving. It was noted that new board members include Esther Lusk and Trace Boswell, and there is one term expiring in the upcoming year. Commissioner Doster thanked Mr. Sayles and the Board for all of their work towards making the store look nice and operating well. Commissioner Doster added that current management is inventive and has had a positive impact on the store. Mayor Pritchett noted that she was at the store during inventory and it was seamless. Mr. Sayles stated that the Store is almost fully staffed, but one more part time employee could be beneficial.

Mr. Randy Nelson, Chair of the Zoning and Planning Board, reported that the Board recommended text amendments and addressed permit systems throughout the year including doubling fees for starting work without a permit and establishing a two tier permit system for different levels of repairs. Mr. Nelson explained that there were no subdivision plats or commercial cite plans for the board to review aside from two for non-profit buildings for the Lake Lure Flowering Bridge and Hickory Nut Gorge Outreach. Mr. Nelson detailed that the Board addressed temporarily moored water floatation devices and it was decided the permitting for them is not necessary. It was mentioned that the Board dealt with ABC Store signage under the current sign ordinances. Mr. Nelson noted that the Board spent about four meetings on the alcohol subject which was previously approved during this meeting, and ultimately eliminated inconsistencies and added definitions for alcohol to conform to the state rules. Mr. Nelson added that another topic that was discussed was allowing chickens. Mr. Nelson detailed that goals for next year include

improving the sign ordinance and reviewing the 2027 Comprehensive Plan. Mr. Nelson reviewed the Board composition which includes five members, one of which has a term expiring this year. Mayor Pritchett thanked the Board for the huge amount of work that has been accomplished and for improving ordinances. Commissioner DiOrio noted that the 2027 Comprehensive Plan will be a huge undertaking and recommended reviewing it in phases. Mr. Nelson expressed that he likes that idea and will work on how to best arrange the review. Mr. Nelson noted the plan needs to be reviewed based on its validity and relevance. Commissioner DiOrio noted that part of Comprehensive Plan is looking at Town owned parcels and noted that he would like to incorporate this into the plan. Commissioner Doster agreed that the Town's assets should be factored into the Plan. Commissioner Doster thanked the board for all of their work and efforts.

Mr. Greg Gardner, Chair of the Board of Adjustment (BOA) / Lake Structure Appeals Board (LSAB), provided background information on the purpose of the two boards. It was detailed that the boards consist of five regular members and three alternate members who serve staggered three-year terms. Mr. Gardner detailed the names of all members, supporting staff, and Council Liaison David DiOrio. Mr. Gardner advised that there will be three upcoming vacancies for the boards and that those who are interested can submit applications to Town Clerk. Mr. Gardner noted that the board has seen a 33 percent increase in cases over the year. Mr. Gardner reviewed the variances that had taken place this year, including special use permits. It was noted that the boards also reviewed various proposed ordinance text amendment. Mr. Gardner expressed that he is looking forward to continuing serving on the boards.

Mayor Pritchett encouraged those in attendance to apply for boards and explained that one of the purposes of the annual board reports are to increase knowledge about all of the Town boards.

## VII. PUBLIC COMMENT

Mayor Carol C. Pritchett invited the audience to speak.

Kimberly Sayles, 122 Harris Road, explained that there is an RV that has been parking at the Geneva and that it has not moved throughout the entire season. Mrs. Sayles asked if it will be moved and expressed that she wants to keep the community looking professional. Manager Perkins stated that Town staff will look into this issue.

Pat Buede, 2153 Memorial Highway, expressed that the time has come to have another meeting with Duke Energy following the 11 outages that occurred this year. Ms. Buede explained that the issue expands beyond Lake Lure, but Lake Lure needs to do anything possible to decrease the outages. Ms. Buede detailed that there are many properties along the Memorial Highway that have dead trees and other issues that are contributing to the outages. Ms. Buede noted that it would be ideal if there were funds to establish a resolution for better lighting and to remove cable from roofs. Ms. Buede reiterated that it is time to have another meeting with Duke Energy to discuss these issues. Mayor Pritchett noted that this has been discussed and that the Town would like to hold a forum with Duke Energy in the future. Manager Perkins noted that he had a discussion with Craig Debrew about this and will speak with him about scheduling a forum.

There were no further 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 November 14, 2023 Regular Town Council Meeting Minutes and the November 29, 2023 Town Council Work Session and Action Meeting Minutes
- B. Approval of Budget Amendment #360 for Town Hall and Community Development Internships
- C. Adoption of 2024 Town Council Meeting Schedule
- D. Adoption of 2024 Budget Calendar
- E. Amendment of 2023 Town Council Meeting Schedule to Correct the Date of the December Work Session and Action Meeting
- F. Budget Amendment #361 for Procore Project Management Software

**IX. UNFINISHED BUSINESS**

**A. CONSIDERATION OF PROPOSALS FOR THE LEASE OF 2654 MEMORIAL HIGHWAY (FORMER ABC STORE PROPERTY)**

Manager Perkins explained that this has been discussed throughout previous months and summarized that the Town owns the building that was the former ABC store and there has been a request for proposals advertised since mid-July for the rent of the building. Manager Perkins detailed that there is two active proposals as of current and that Council will need to decide which proposal to move forward with for negotiating a lease agreement. Manager Perkins advised Council and attendees that information regarding the two proposals, KLM/Lake Lure Tours (LLT) and Paul Brock/Wade Oppliger, are included in the meeting packet materials.

Commissioner Doster recalled that Council had asked Mr. Brock and Mr. Oppliger about their requested deck at a previous meeting and asked if they had determined a cost estimate for the deck. Mr. Brock stated that they have received an estimate, but anticipated working with the Town to solidify the estimate because it will depend on what Council will allow. Commissioner Doster expressed that it is important to know before moving forward. Mr. Brock stated that the estimate was around \$5,000. Commissioner Doster noted that the deck can be omitted from the proposal or Council could set a cost limit.



Commissioner Proctor noted that the proposals were discussed at the last Parks and Recreation Board meeting and the Board had discussed that protecting the view and avoiding clutter on the property were priorities.

Commissioner Doster noted that it needs to be kept in mind that the parking lot is partially dedicated for the building, but the other side is not dedicated for a specific operation and it will need to remain that way.

Commissioner DiOrio asked if Mr. Brock and Mr. Oppliger are requesting two leases or one lease under one LLC. Mr. Brock answered that they anticipated one lease under an LLC and to sublease through that LLC. Mr. Brock added that Mr. Oppliger would operate under a concession agreement. It was clarified that Mr. Brock's LLC would be the executing the lease and the Outdoor Collective and Mr. Oppliger would sublease through the LLC.

Mayor Pritchett expressed that a decision needs to be made and that no new information is going to emerge at this point.

Manager Perkins noted that KML/LLT are proposing the lease of the building only, but Mr. Brock and Mr. Oppliger are proposing the lease of the building and use of the surrounding land.

Commissioner Proctor noted that he is curious about the non-motorized boat process in Mr. Brock and Mr. Oppliger's proposal. Commissioner Proctor asked if operations will expand compared to what is being done now by Mr. Oppliger and how much property will be used for renting the non-motorized water crafts. Mr. Oppliger answered that he plans to use the space that he has been using and there will be other vessels for rent, structures would have racking and would be fitted to the same space that they are in right now. Mr. Oppliger reiterated that there will be additional vessels there for rent, but only small non-motorized crafts including standing paddle boards and 16 ft. kayaks. Mr. Brock noted that boats are designed to work as a trainer boats and expressed the goal of keeping the property looking nice.

Commissioner Bryant reviewed the lease terms for each proposal and expressed that a five year contract is more in line with a long term sustainable solution.

Commissioner DiOrio noted that it has been discussed that the existing boat house will remain in use by the Town's Police Department for the time being. Commissioner DiOrio added that Mr. Brock and Mr. Oppliger's proposal includes dock improvements and asked if they plan to make improvements to all other dock areas both sides. Mr. Oppliger explained that they plan to make improvements on the far side of the boat house, but this could be negotiated. Commissioner Doster expressed that improvements could not interfere with public safety and noted that Mr. Oppliger's main goal is to have a rowing dock for skulls.

Mayor Pritchett recalled a conversation at the last work session and action meeting about separating the building versus adjacent land in the proposal. Commissioner Doster noted that it seems clear that Mr. Brock and Mr. Oppliger would prefer to keep the proposal combined. Mr. Brock explained that they can do what is necessary to fit the Town's needs, but expressed that it would be beneficial to keep the proposals combined. Mr. Brock added that he spoke with Director Williams and it was determined that it might be best to combine the two properties. Mr. Brock

expressed that Council needs to look at what kind of business that they want and that he believes that their business model is good for the community and go well together.

Mr. Tim Edwards, who would be operating the outdoor store under KLM/LLT, explained that he has a lot investment here. Mr. Edwards stated that Mr. Brock had previously suggested that Mr. Edwards expand his existing business in Mill Springs to Lake Lure. Mr. Edwards expressed that he is capable of running a successful business and has been involved in the Town a lot. Mr. Edwards expressed that his business would be a good fit for the Town. Mr. Edwards expanded that it would be similar to the store that he owns and operates in Mill Springs. Commissioner DiOrio asked Mr. Edwards if this will be a subset of the Mill Springs store and Mr. Edwards answered that he does not want to sell any produces outside of the building like he does in Mill Springs, but will sell hunting, fishing, outdoor, and boat supplies. It was clarified that Mr. Edward's is involved in KLM/LLT proposal.

Commissioner Proctor expressed that this is a difficult decision for Council to make, which is why there is much discussion. Mayor Pritchett agreed, but noted that Council needs to make the most prudent decision in terms of finances and community. Mayor Pritchett added that decision needs to be made based on an objective basis and that it is ultimately a business decision. Commissioner Proctor noted that one proposal is very simple, the other is a little more complex, and there are unknowns related to both proposals which he struggles with.

Mayor Pritchett expressed that a decision needs to be made so the chosen proposer can work towards beginning their operations for the season.

Manager Perkins suggested that the building be concentrated on first and to concentrate on the outside of the building second. Manager Perkins added that this may simplify matters and make the decision easier for Council. Mayor Pritchett added that the use of the building does not preclude the use of the outside.

An attendee expressed that Council should consider that it is a visible spot in the Town and appearance needs to be considered. Mayor Pritchett agreed and explained that this is what Commissioner Proctor had referred to when mentioning the last Parks and Recreation Board meeting. Mayor Pritchett noted that Town will be ensuring that regulations are being follows and that the area looks presentable.

Commissioner Doster noted that Zoning and Planning Board would have to review any new structures, if any are added to the property.

An attendee expressed that bringing another hardware store in the Town is overkill and expressed support for the outdoor portion of Mr. Brock and Mr. Oppliger's proposal. Mayor Pritchett expressed that there is no proposal for a hardware store, both proposals involve the promotion of outdoor activities. Mr. Edwards stated that the KLM/LLT proposal is for an outdoor store, not a hardware store.

Commissioner Bryant expressed that he has received comments on both proposals, but had received a lot of supportive comments for Mr. Brock and Mr. Oppliger's proposal. Commissioner Bryant added that he liked that Mr. Brock and Mr. Oppliger referred to the 2027 Comprehensive Plan.

Commissioner Bryant made a motion to authorize the Town Manager to negotiate lease terms with Mr. Paul Brock and Mr. Wade Oppliger based on their proposal. Commissioner Doster seconded and all voted in favor.

Commissioner DiOrio provided clarification that what was approved was negotiations, but Council will need to approve other factors, such as a lease, at a later date.

**IX. UNFINISHED BUSINESS**

**B. ORDINANCE NO. 23-12-12A AMENDING CODE OF ORDINANCES CHAPTER 4 (“ANIMALS”) TO ALLOW CHICKENS**

Director Williams explained that this has been discussed during past meetings and summarized that there was a proposal from the community to allow chickens, the proposal was presented to Council who sent it to the Zoning and Planning Board for a recommendation. Director Williams added that the Zoning and Planning Board ultimately could not reach a consensus for recommendations for parameters, but felt that it could be possible to allow chickens within Town limits. Director Williams provided Council with the staff recommendation which is to keep the existing ordinances as is or to establish the more strict parameters if chickens are allowed. Director Williams explained that the proposal includes an annual registration fee for chickens, but expressed that this may be too difficult to enforce.

Council discussed that no public hearing is required for this ordinance because it is not a zoning ordinance.

Mayor Pritchett noted that Council has discussed this topic at length:

Commissioner Doster noted that if approved, he thinks that the proposed annual registration fee should remain and be enforced. Commissioner Doster expressed that if chickens are allowed and issues emerged, the Town can revoke the allowance. Commissioner Doster noted that he has looked at ordinances from municipalities that allow chickens. Mayor Pritchett expressed concern with enforcement. Director Williams noted that throughout this process he is finding out that there are more people who already have chickens than he was aware of. Commissioner DiOrio expressed that it is not smart to allow chickens because it is a resort community, there is an obligation to protect the environment, the ecosystem is different, and chickens would enhance issues with other wildlife. Commissioner DiOrio reiterated that he is not in favor of allowing chickens. Director Williams reiterated that staff's recommendation is to leave the ordinance as is or to set the strict parameters. Zoning and Planning Board Chair Randy Nelson advised that the Board's decision was to not recommend parameters for chickens because no consensus could be met. Commissioner Proctor expressed that the proposed parameters would meet any concerns with surrounding properties. Commissioner Proctor spoke with zoning administrators in other towns that allow chickens and they expressed that they had not experienced any issues with allowing chickens. Commissioner Proctor noted that he does not see any issues with allowing chickens as long as parameters are met.

Commissioner Proctor made a motion to adopt Ordinance No. 23-12-12A Amending Code of Ordinances Chapter 4 (“Animals”) to Allow Chickens. Commissioner Bryant seconded. The motion carried 3-1 with Commissioner DiOrio voting not in favor. Ordinance No. 23-12-12A was adopted as follows:

**ORDINANCE NUMBER 23-12-12A**

**AN ORDINANCE AMENDING THE TOWN OF LAKE LURE CODE OF ORDINANCES, CHAPTER 4 (“ANIMALS”) TO ALLOW CHICKENS**

**WHEREAS**, the Town of Lake Lure establishes regulations in regard to animals within Town limits; and

**WHEREAS**, a proposal was submitted to the Town by a resident who asked that the keeping of chickens be authorized within Town limits; and

**WHEREAS**, members of the public had the opportunity to speak on the matter at the Zoning and Planning Board meeting and at a Town Council work session and action meeting; and

**WHEREAS**, the Zoning and Planning Board has reviewed possible changes to Chapter 4 (“Animals”) and provided recommendations to Council; and

**WHEREAS**, Town Council has thoroughly reviewed the Zoning and Planning Board recommendations and possible amendments to Chapter 4.

**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.**

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

**SECTION ONE.** The following definitions are hereby added to or amended in Chapter 4 (“Animals”), Section 4-1 (“Definitions”):

*Chicken coop* means a protective indoor space where chicken hens are kept.

*Chicken run* means a fully enclosed area where chicken hens may move freely in the open.

*Free range* means permitting livestock to graze, forage for food or otherwise roam freely outdoors as opposed to being confined within an enclosure.

*Hen* means a female chicken.

*Proper enclosure* when used in reference to dogs means a building or other structure from which a dog cannot escape, or an outside area enclosed by a fence at least six feet in height secured to the ground in a manner so that a dog cannot escape.

**SECTION TWO.** Chapter 4 (“Animals”), Section 4-3 (“Livestock”) is hereby amended as follows:

- (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.
- (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 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 order 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 fee to be in compliance with this section of the Code of Ordinances.
- (d) *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.
- (e) *Violations.* In any event, if any horse, pony 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 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.

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

**SECTION FOUR.** 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.

Commissioner Doster noted that fee schedule will need to be adjusted to reflect the annual registration fee.

Mayor Pritchett called for a five minute break.

**X. NEW BUSINESS**

**A. APPROVAL OF SCHNABEL WORK ORDER NO. 12, TASK 2, PROPOSAL FOR PROFESSIONAL ENGINEERING SERVICES FOR SPILLWAY GATE INSPECTIONS**

Manager Perkins noted that this was discussed at the November work session and asked if anyone had any additional questions.

Commissioner DiOrio made a motion to approve Schnabel Work Order No. 12, Task 2, Proposal for Professional Engineering Services for Spillway Gate Inspections. Commissioner Doster seconded and all voted in favor.

**X. NEW BUSINESS**

**B. APPROVAL OF LABELLA TASK 17 FOR WATER SYSTEM CONSOLIDATION**

Manager Perkins noted that this was also discussed and asked if there were any questions. Manager Perkins noted that the overall purpose of LaBella Task 17 is to consolidate the Town's three water systems and eliminate dependency on Chimney Rock Village. Commissioner DiOrio asked what the physical output will be in association to the Task and Public Services Director Dean Lindsey answered that LaBella will provide drawings and a pressure reducing valve which will be submitted to DEQ and construction will begin once the state approves the plans. DiOrio questioned what was previously approved by the state and Director Lindsey explained that the plan for Firefly Cove water system was recently approved, but the other systems in the water system consolidation plan are separate. Director Lindsey noted that once this submitted to the state, everything will be updated. Commissioner DiOrio expressed concern with delaying approvals because the state had a lengthy process to approving Firefly Cove system and asked if the system is online now. Director Lindsey explained that Well #2 is running, replacing Well #1, and there is additional testing being completed. Council asked how long they think it will take to complete the water system consolidation and Director Lindsey explained that construction is simple and will

not take long, but he is unsure about the timeline for the state's paperwork. It was noted that the Town was required to complete additional water system testing.

Commissioner Doster made a motion to approve LaBella Task 17 for Water System Consolidation. Commissioner DiOrio seconded and all voted in favor.

<b>X. NEW BUSINESS</b>
<b>C. APPROVAL OF RUBY-COLLINS AGREEMENT AMENDMENT 03</b>

Manager Perkins noted that this was discussed at work session. Manager Perkins summarized that the amendment is to add additional funds that will go into designing the next two drawdown periods. Commissioner DiOrio asked if the proposed funds will cover the costs for the next two drawdowns and Project Manager Dydula answered that this is the plan. Manager Perkins noted that this sort of long term planning will be beneficial when applying for additional project funding. Manager Perkins noted that this amendment will involve ARPA funds, it will need to be approved by DEQ as well.

Commissioner Bryant made a motion to approve Ruby-Collins Agreement Amendment 03. Commissioner DiOrio seconded and all voted in favor.

<b>X. NEW BUSINESS</b>
<b>D. RESOLUTION NO. 23-12-12B ESTABLISHING A CAPITAL RESERVE FUND FOR SEWER</b>

Manager Perkins explained that this was previously discussed. It was noted that the purpose of establishing a capital reserve fund for sewer is plan to fund in today's dollars, rather than loan dollars. It was detailed that the annual contribution would be \$400,000 per year and that this would be established in the next fiscal year, but the Town will seed the fund with \$50,000 immediately.

Commissioner Bryant made a motion to adopt Resolution No. 23-12-12B Establishing a Capital Reserve Fund for Sewer. Commissioner DiOrio seconded and all voted in favor. Resolution No. 23-12-12B was adopted as follows:

**RESOLUTION NO. 23-12-12B**

**RESOLUTION TO ESTABLISHED AND MAINTAIN  
A CAPITAL RESERVE FUND FOR THE TOWN OF LAKE LURE  
RELATED TO THE ENHANCEMENTS, EXPANSION AND CAPITAL PROJECTS TO  
AND FOR THE TOWN OF LAKE LURE'S SEWER SYSTEM**

**WHEREAS,** under North Carolina General Statute 159-18 the Town is authorized to establish and maintain a capital reserve for any purposes; and

**WHEREAS**, the Town Council deems it in the best interest of the citizens of the Town of Lake Lure to establish a capital reserve to fund for major projects and improvements related to the Town’s sewer system.

**WHEREAS**, this Capital Reserve Fund shall be established to provide needed and required enhancements, related property transactions, and engage in capital projects to and for the sewer system recommended by the Town Manager and approved by Town Council.

**WHEREAS**, the Town shall maintain and review the progress of the selected projects and any future projects as part of the budget process to determine and prioritize capital needs. During the annual budget process, appropriations will be approved for the contributions to this capital reserve fund.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL, TOWN OF LAKE LURE, NORTH CAROLINA, AS FOLLOWS:**

**Section 1.** The Lake Lure Town Council hereby creates a Capital Reserve Fund for the purpose of improving enhancing, expanding, and performing capital projects to and for the Town’s sewer system as approved by Town Council.

**Section 2.** This fund will remain operational for a period not to exceed seven years (beginning July 1, 2024 and ending December 1, 2031) or until the capital reserve fund reaches a balance of \$2,800,000 at which time a review and evaluation will occur to determine the effectiveness and usefulness.

**Section 3.** The Town Council of Lake Lure will appropriate or transfer an amount of no less than \$400,000 each fiscal year (beginning July 1, 2024) from the Sewer Fund to this fund with an initial apportionment of \$50,000 from the Sewer’s Fund Balance upon the passing of this resolution.

Disbursements from the fund of initial apportionment will be disbursed as follows:

- a. Sewer System Improvements.....\$50,000

**Section 4.** This ordinance shall become effective upon its adoption.

**BE IT FURTHER RESOLVED** that the effective date is February 1, 2024.

<p><b>X. NEW BUSINESS</b></p> <p><b>E. BUDGET AMENDMENT #362 FOR CAPITAL RESERVE FUND FOR SEWER</b></p>
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It was noted that the purpose of Budget Amendment #362 is to transfer existing funds to the capital reserve fund for sewer that was adopted under the previous item.



Commissioner Bryant made a motion to approve Budget Amendment #362 for Capital Reserve Fund for Sewer, with the correction of the account name. Commissioner DiOrio seconded and all voted in favor.

**X. NEW BUSINESS**

**F. BUDGET AMENDMENT #363 FOR PUBLIC SAFETY RADIOS**

Manager Perkins explained that the Town was recently informed that public safety will be required to identify older radios and replace them with updated radios by the end of this calendar year. Manager Perkins noted that without knowing the specific amount that will need to be spent, staff have suggested approving \$20,000 as a placeholder amount in Budget Amendment #363, but only the amount necessary will be spent. Commissioner Doster asked if these will be for just emergency services radios and Manager Perkins answered yes.

Commissioner Doster made a motion to approve Budget Amendment #363 for Public Safety Radios. Commissioner DiOrio seconded and all voted in favor.

**X. NEW BUSINESS**

**G. DISCUSS LEAD SERVICE LINE LOAN APPLICATION**

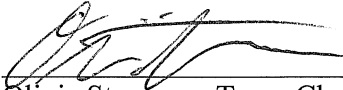
Manager Perkins noted that there was a bipartisan infrastructure bill in 2022 that requires that all public water system identify lead service lines for both public and private. Manager Perkins added that in December, DEQ started announcing availability of funds and there is an application deadline for January 5<sup>th</sup>. Manager Perkins detailed that \$14 million out of the overall \$22 million available will be eligible for debt forgiveness. It was noted that there are more details to come, but regardless of future details the Town to have to complete a water line inventory by the October of 2024. It was also noted that this would be a loan and that the Town may or may not use all of the funds. Manager Perkins stated that Town staff can do a lot of identifications themselves. It was clarified that this would be for identifying the lines. Manager Perkins noted that there is very little guidance on this subject for the time being. Commissioner DiOrio asked if there are many lead lines and Director Lindsey answered that there are not many. Commissioner Proctor expressed that there are not many lines with lead, but there may be lead joints that the Town will need to account for.

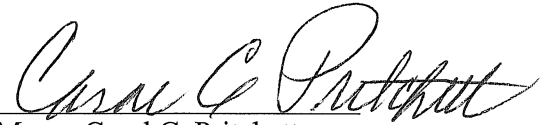
Manager Perkins noted that there will be a resolution for Council to consider at the work session and action meeting that would permit the Town to apply for the lead service line loan.

**XI. ADJOURNMENT**

With no further business, Commissioner Bryant made a motion to adjourn the meeting at 6:56 p.m. Commissioner Doster seconded and the motion carried 4-0.

ATTEST:

  
Olivia Stewman, Town Clerk

  
Mayor Carol C. Pritchett

