

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL  
HELD TUESDAY, OCTOBER 10, 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  
Dean Lindsey, Public Services Director  
Stephen Ford, Finance 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 invocation.

Mayor Pritchett thanked public safety personnel and other staff.

**II. APPROVE THE AGENDA**

Manager Perkins requested that Council amend the agenda to add Item J under Section IX ("New Business") for Duke Energy Power Purchase Agreement (PPA) Term Options.

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

**III. MAYOR'S COMMUNICATIONS**

Mayor Pritchett thanked all individuals in attendance.

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

Town Manager Hank Perkins summarized highlights from his Manager's Report for September which is available in the meeting packet.

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

Commissioner Scott Doster reported the activities of the ABC Board and the Lake Advisory Board.

Commissioner David DiOrio reported the activities of the Zoning and Planning Board and noted that the Board of Adjustment / Lake Structure Appeals Board met. Commissioner DiOrio noted that there is a trend of misinformation regarding grandfathered setback regulations. Commissioner DiOrio explained that non-conforming structures are only grandfathered in if the foundation is not disturbed, but if a foundation is impacted the structure is no longer grandfathered. Commissioner DiOrio advised that if anyone has questions before beginning a project they should consult with the Community Development Department.

Mayor Pritchett reported the activities of the Parks and Recreation Board.

#### **VII. PUBLIC COMMENT**

Mayor Carol C. Pritchett invited the audience to speak.

Debra Gardner, 137 Firefly Cove, thanked the town for responding to her comments made last meeting, but expressed that she was disappointed in the decision by staff to not post active contracts on the Town's website. Mrs. Gardner further expressed that the Town is lacking transparency. Mrs. Gardner noted that she has submitted a request to the Town Clerk for all active contracts. Mrs. Gardner further expressed that she does not understand why monitoring the beach during the off-season is the responsibility of the Lake Lure Police Department and not Lake Lure Tours. Mrs. Gardner added that beaches in North Carolina have "no swimming" signs and questioned why these would not suffice for the Lake Lure beach.

Ronnie Wood, Shady Grove Lane, expressed a problem with building inspectors in Lake Lure. They are saying that he needs a permit for a boat lift because it is structural and he expressed that it is not structural. Expressed that Carpenter approached him over a repair that he was making and was rude, have not responded back to calls. Reiterated that he does not need a permit for boat lift because he does not think that it is structural.

Mayor Pritchett noted that any email comments will be included in the minutes. The Town Clerk received one written comment as follows:

To: Mayor and Commissioners on Town Council:

I know the Town continues to solicit (and receive) proposals for the use of the ABC Store. As a resident of Lake Lure, I have no general issue with that approach...As Long As, it is beneficial to the Town both from a financial perspective and from a Public Sector (good for the community and residents) perspective.

As a resident of Lake Lure and a member of the Parks & Rec Board, What I do continue to have an issue with and will continue to voice strong opposition to is relinquishing jurisdiction, ownership, control, and management of Pool Creek Picnic Park (PCPP) as a public owned and operated park and as a Green Space. While the use/lease of the former ABC Store to a commercial enterprise is reasonable in my opinion, I see no reason at all that a commercial enterprise need to have any ownership or operation rights to PCPP or to the public docks or to the public boat launch spaces. I think thoughts of and discussions of monetizing public spaces has gone a bit too far if the Town were to allow a commercial enterprise to take ownership, control, and management of those spaces at PCPP area... Frankly, I see neither the need for nor the benefit to the Town for such an arrangement with a commercial enterprise... As was mentioned time and again, the "CLUTTER" around the Bay is already at an overload stage....allowing a commercial enterprise to have control and management of the shoreline (in addition to just the ABC store) would do nothing by increase the level of "CLUTTER"....and to me, it really starts to blur the line between public space and private for profit motives....I sincerely hope that relinquishing ownership, jurisdiction, control, and management of PCPP, Public Docks, Boat Launch is NOT "what the Town Leadership wants..."... I feel confident it is NOT "what the Town wants..."!

Thank You again...and I hope you will continue to strongly represent P&R and Green Space for public Use and ownership, control, and management by the Town... at the Weds Town Council Working Session And going forward...

Larry

Larry Czajkoski

There were no further comments.

## VII. CONSENT AGENDA

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

Commissioner Bryant 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 September 12, 2023 Regular Town Council Meeting Minutes, the September 19, 2023 Special Round Table Meeting Minutes, the September 21, 2023 Special Round Table Meeting Minutes, the September 27, 2023 Town Special Town Council Meeting Minutes, and the September 27, 2023 Town Council Work Session Meeting Minutes

## **VIII. UNFINISHED BUSINESS**

There was no unfinished business to discuss.

## **IX. NEW BUSINESS**

### **A. ORDINANCE NO. 23-10-10A AMENDING CHAPTER 30 ("TRAFFIC AND VEHICLES") ARTICLE III ("PARKING VIOLATIONS: ENFORCEMENT") SECTION 30-62 ("PARKING AND USE OF ELECTRIC VEHICLE CHARGING STATIONS") OF THE TOWN OF LAKE LURE CODE OF ORDINANCES**

Manager Perkins explained that this item was discussed at the September work session meeting. It was explained that the Town's EV stations currently have a 2 hour limit specified on signage, but that limit is not supported in the ordinances. It was further explained that law enforcement has requested that a time limit be specific in the ordinances in order to be able to enforce the signage. Manager Perkins added that it is also being recommended that the limit be increased from two hours to four hours.

Commissioner DiOrio made a motion to adopt Ordinance No. 23-10-10A Amending Chapter 30 ("Traffic and Vehicles") Article III ("Parking Violations: Enforcement") Section 30-62 ("Parking and use of Electric Vehicle Charging Stations") of the Town of Lake Lure Code of Ordinances. Commissioner Bryant seconded and all voted in favor. Ordinance No. 23-10-10A was adopted as follows:

### **ORDINANCE NO. 23-10-10A**

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

**WHEREAS**, Town staff has identified issues within the Town's parking regulations that need to be addressed in the Town Code of Ordinances and has made recommendations to the Board of Commissioners on how the issues should be addressed; and,

**WHEREAS**, the Board of Commissioners has considered the issues and the Town staff's recommendations and has determined that the Staff's recommendations are well-founded;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS FOR THE TOWN OF LAKE LURE:**

**Section 1.** Section 30-62 ("Parking and Use of Electric Vehicle Charging Stations") subsection (c) ("Signage required") is amended to read as follows:

- (c) *Signage required.* Where public electric vehicle charging stations are constructed and installed on property owned by the town, the town shall cause appropriate signs and markings to be placed in and around the parking spaces of said stations, indicating prominently thereon the parking regulations. The signs shall state that the parking space is

reserved for charging purposes and that there is a four hour charging limit. A second sign shall provide information on how owners of towed vehicles may retrieve the same.

**Section 2.** All ordinances, resolutions, or policies of the Town in conflict with the amendments herein adopted are void to the extent of the conflicts.

**Section 3.** This Ordinance shall become effective upon adoption.

**IX. NEW BUSINESS**

**B. RESOLUTION NO. 23-10-10 AUTHORIZING TOWN COUNCIL TO TAKE ACTION AT WORK SESSION MEETINGS**

Manager Perkins noted that this item was also discussed at the last work session meeting. It was detailed that due urgent actions needing to be taken for ongoing major project, the Town has had an increasing amount of special called meetings. Manager Perkins further explained that Resolution No. 23-10-10 would convert what has been a work session meeting to a work session and action meeting and the Town will be able to take action at these meetings. It was noted that the discussions at the September work session meeting concluded that the regular meetings are still where the majority of voting will take place, but this will be an opportunity to vote on time sensitive items. Manager Perkins added that the Town will have a discussion about having public comment at these meetings and that any decisions made at these meetings will be detailed at the next regular meeting. Council members expressed support for allowing public comments at the work session and action meetings. Mayor Pritchett expressed that this would allow flexibility for people to attend and participate in public comment during the morning.

Commissioner Proctor made a motion to adopt Resolution No. 23-10-10 Authorizing Town Council to Take Action at Work Session Meetings. Commissioner DiOrio seconded and all voted in favor. Resolution No. 23-10-10 was adopted as follows:

**RESOLUTION NO. 23-10-10**

**RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE  
AUTHORIZING TOWN COUNCIL TO TAKE ACTION AT WORK SESSION MEETINGS**

**WHEREAS**, Town Council holds one regular meeting per month in which voting and actions occur; and

**WHEREAS**, the Town of Lake Lure has various major projects and time sensitive items often occur in relation to the projects; and

**WHEREAS**, Town Council must call a special meeting each time a time sensitive item occurs and does not align with the regular meeting schedule; and

**WHEREAS**, special meetings can create obstacles for timing and attendance; and

**WHEREAS**, Town Council has monthly work session meetings on their annual meeting schedule; and

**WHEREAS**, Town Council has historically not taken action at work session meetings; and

**WHEREAS**, the authorization to take action at work session meetings would deter obstacles created by frequent special meetings.

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

**SECTION ONE.** Town Council is hereby authorized to take action at work session meetings.

**SECTION TWO.** Work session meetings will now be titled “Work Session and Action” meetings and the 2023 Town Council Meeting Schedule is hereby amended to reflect this change in title.

**SECTION THREE.** This resolution is effective upon adoption.

## **IX. NEW BUSINESS**

### **C. LAKE LURE TOURS OFF-SEASON BEACH SCHEDULE REQUEST**

Manager Perkins noted that the off-season beach schedule request from Lake Lure Tours (LLT) was briefed during the September work session meetings. Manager Perkins explained that LLT sent similar off-season beach schedule requests in previous years prior to Labor Day, but did submit one prior to Labor Day this year due to error of omission. It was detailed that this was brought to the Town’s attention because a citizen expressed concern that the beach had closed following Labor Day and was not operating according to the Concession Agreement. Manager Perkins added that LLT opened the beach since it was brought to the Town’s attention, but they are now requesting to close it until the lake drawdown when it would be opened for unsupervised access, then re-close when lake drawdown ends until it is opened for the season beginning on Memorial Day. Manager Perkins noted that the request does not list specific dates due to uncertainties surrounding future drawdown dates. Manager Perkins recommended that if Council desires to approve the request, they should considering approval for multiple years.

Commissioner DiOrio explained that the Lake Lure Police Department (LLPD) has responded to a number of calls from people in distress on the beach during off seasons and expressed that it is a public safety issue. Commissioner DiOrio noted that the Town owns the lake, so rules may be different for Lake Lure than those at an unsupervised beach. Commissioner DiOrio expressed that public safety is responsible for monitoring the beach because it is Town owned and LLT does not have that responsibility in their concession agreement. It was noted that adding this responsibility would cost more. Commissioner Doster explained that the liability is huge and even if the Town puts a large number of “no swimming” signs up there will still be people who disregard the rules. Commissioner Doster expressed that the Town should take preemptive measures to mitigate liabilities.

Commissioner DiOrio noted that when the lake is drawn-down people like to go on the backshore, which is also a problem. Sergeant Carl Umphlett detailed that the LLPD and emergency management have responded to multiple calls regarding people getting stuck in the backshore area

during drawdowns. Mayor Pritchett noted that it is the Town's responsibility to protect people. Commissioner Proctor asked what the difference is between the beach backshore and the backshore in Morse Park. Commissioner Bryant responded that a difference is that both public and private owned assets are enclosed in the beach area. Manager Perkins agreed and noted that the use of LLT's slides, lifeguard stands, and other assets has also been an issue. Mayor Pritchett noted that safety is the main concern.

Mrs. Kathie Hatfield expressed that if the request is approved, it would prevent events from occurring on the beach during the off-season. Commissioner Doster noted that it is a good point. Commissioner Bryant explained that events are supervised and the request is specific to unsupervised access. Manager Perkins noted that the Concession Agreement can be reviewed to make sure that this is specified and consistent.

Commissioner Bryant made a motion to table any further discussions on this item until the October work session and action meeting. Commissioner Proctor seconded and all voted in favor.

## **IX. NEW BUSINESS**

### **D. THIRD AMENDMENT TO PANGAEA SERVICES AGREEMENT**

Manager Perkins explained that the third amendment to PANGAEA services agreement would include a five year extension to the current agreement, which would extend through 2032 if approved. Manager Perkins added that in return for the extension, PANGAEA would be supplying fiber internet to additional Town facilities. It was noted that the Town would have to pay for a one-time extension fee, but would monthly services would remain free for all locations.

Commissioner Doster noted that this was discussed at the work session and that staff expressed that they have no issues with PANGAEA's services. Commissioner Bryant expressed that the Town is saving thousands of dollars through the free monthly services. Commissioner Proctor added that the extension fee is not too expensive and that this is a good deal.

Commissioner DiOrio made a motion to approve the Third Amendment to PANGAEA Services Agreement. Commissioner Bryant seconded and all voted in favor.

## **IX. NEW BUSINESS**

### **E. ORDINANCE NO. 23-10-10B ADOPTING THE 2023 WATER SHORTAGE RESPONSE PLAN**

Manager Perkins read the summary from the packet which states that, "Kace Environmental has assisted the Town in drafting the 2023 Water Shortage Response Plan. The North Carolina Department of Environmental Quality requires that the Town adopt an ordinance establishing procedures and measures for the essential conservation of water resources and for prescribing certain penalties." It was noted that the Town has had a Water Shortage Response Plan and that periodic updates are required. Public Services Director Dean Lindsey explained that changes are made to the plan every three to five years.



Commissioner Doster made a motion to adopt Ordinance No. 23-10-10B Adopting the 2023 Water Shortage Response Plan. Commissioner DiOrio seconded and all voted in favor. Ordinance No. 23-10-10B was adopted as follows:

**ORDINANCE NO. 23-10-10B**

**AN ORDINANCE ADOPTING THE 2023 WATER SHORTAGE RESPONSE PLAN**

**WHEREAS**, The North Carolina Department of Environmental Quality requires that the Town adopt an ordinance establishing procedures and measures for the essential conservation of water resources and for prescribing certain penalties; and

**WHEREAS**, Kace Environmental has assisted the Town in drafting an ordinance establishing procedures and measures for the essential conservation of water resources and for prescribing certain penalties.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS FOR THE TOWN OF LAKE LURE:**

**SECTION ONE.** The Town Council hereby adopts the 2023 Water Shortage Response Plan as follows:

**Town of Lake Lure  
NC 01-81-020**

**Water Shortage Response Plan 2023**

An ordinance establishing procedures and measures for the essential conservation of water resources and prescribing certain penalties as required by the North Carolina Department of Environmental Quality.

Be it enacted by the Governing Body of the Town of Lake Lure.

Section 1. Authority to Implement

The Town Manager shall enact the following water shortage provisions should the parameters and conditions outlined in Section 2 be met and it be required. In his absence, the Town's Public Works Director will assume this role.

Lake Lure, Town Manager  
Mr. Hank Perkins  
(828) 625-9983  
[whperkins@townoflakelure.com](mailto:whperkins@townoflakelure.com)

Lake Lure, Public Works Director  
Mr. Dean Lindsey  
Office (828) 625-9983 – ext. 304  
Mobile (828) 772-6134  
[dlindsey@townoflakelure.com](mailto:dlindsey@townoflakelure.com)

Section 2. Factors Requiring Implementation of the WSRP

Several conditions or parameters may require the Town of Lake Lure to implement the WSRP, including but not limited to significant reduction in well water levels, significant increase in pump run times for the predetermined total flow at the wells, contaminants in the water system, acts of terrorism, vandalism, main breaks, and natural disasters.

If any of the factors listed above or by any event or combination of events prevent the water system from delivering water the WSRP phases will be enacted in the following order:



**Phase 1** – enacted if a 20% reduction in normal well water levels is noted, if pump run times increase by 20% in order to maintain previous rates, or if by any event or combination of events cause a 20% reduction in the water systems capacity to provide water.

**Phase 2** – enacted if a 40% reduction in normal well water levels is noted, if pump run times increase by 40% in order to maintain previous rates, or if by any event or combination of events cause a 40% reduction in the water systems capacity to provide water.

**Phase 3** – enacted if a 60% reduction in normal well water levels is noted, if pump run times increase by 60% in order to maintain previous rates, or if by any event or combination of events cause a 60% reduction in the water systems capacity to provide water.

### Section 3. Water Use Classification

In order to facilitate a fair and equitable WSRP, every water use will be grouped into one of the three following classifications:

**Class 1 – Essential Water Uses** – These uses include but may not be limited to water use required to sustain human life and the lives of domestic pets, maintain minimum standards for hygiene and sanitation, health care uses necessary for patient care and rehabilitation, and for fire suppression and fighting to include training and drills approved by the Town Manager.

**Class 2 – Socially or Economically Important Water uses** – These uses include but may not be limited to water use required to preserve commercial vegetable gardens, fruit orchards, nursery stock, and life stock maintenance; outdoor commercial watering both public and private; establishing vegetation after construction or earth moving activities; filling and operation of municipal or private swimming pools provided that these pools serve 25 or more persons; and operation of commercial car washes, restaurants, laundromats, clubs, schools, churches and other similar establishments.

**Class 3 – Non-Essential Water Uses** – These include but may not be limited to operation of water fountains, ornamental pools and recreational swimming pools that serve fewer than 25 persons; non-commercial washing of motor vehicles, sidewalks, houses, etc.; and non-commercial watering of gardens, lawns, parks, playing fields and other recreational areas.

### Section 4. Phased WSRP and Water Use Reduction Goals

When the WSRP is implemented the phased approach below will be followed:

**Phase 1 – Voluntary Conservation** – This phase will be implemented when it is determined that one or more of the conditions or parameters outlined in section 2 occurs. Consumers will be notified promptly by any combination of the following methods: mailers, door hangers, public postings at the Town Hall, Post Offices, website if available, newsletters, ect. The public will be asked to begin voluntary conservation measures and ask that all Class 3 Non-Essential Water Uses be halted. Specific conservation measures and tips will be made available to the consumers as seen under Section 7.

Continued water consumption for Class 3 Non-Essential Water Uses will result in a written notice of violation for the first offense and \$25.00 fine for each subsequent offense.

Once the determining conditions or parameters return to seasonal norms, these measures will be lifted. Failure of the determining conditions or parameters to return to seasonal norms may require the implementation of Phase 2.

**Phase 2 – Mandatory Conservation** – This phase will be implemented when the Town Public Works Director, or whomever is so designated, issues a Water Shortage Advisory. Consumers will be notified by any or all of the same methods noted in Phase 1. All users will be required to adhere to the voluntary conservation methods as seen under Section 7. All Class 3 uses will be banned. Class 2 uses will be allowed although outdoor vegetation watering will be limited according to the street address as follows: even numbered addresses will be allowed to water on even days of the month and odd numbered addresses will be allowed to water on the odd days of the month.

During Phase 2, industrial users will be required to develop and demonstrate to the Public Works Director a water shortage response program that should show at a least a 25% reduction in water usage.

Failure to adhere to the Phase 2 Mandatory Conservation requirements will result in a written notice of violation for the first offense and/or a \$50.00 fine with each subsequent violation increasing the

fine by a factor of \$50.00. Any violation beyond the fourth offense will result in a disruption of water service to the offending party until Phase 2 Mandatory Conservation requirements have been rescinded.

**Phase 3 – Emergency Conservation** – This phase will be implanted with the issuance of a Water Shortage Emergency Declaration from the Town of Lake Lure Public Works Director. Consumers will be notified by any or all of the same methods noted in Phase 1. All users will be required to use voluntary conservation methods as seen under section 7. Class 3 uses will be banned, and Class 2 uses will be allowed except for vegetative watering. Industrial users will be required to implement their water reduction programs immediately.

Failure to comply with the mandates during Phase 3 will require the offending party(ies) to pay a \$100.00 fine for the first offense, a \$350.00 fine for the second offense, and disruption of water service for the third offense.

In addition, residential users will be allotted 1,000 gallons per month, per person, per connection. If usage exceeds the allotted 1,000 gallons per month, per person, per connection the following surcharges will be assessed: for usage of 1,001 – 1,250 gallons a 25% surcharge will be added to the monthly bill, for usage of 1,251 – 1,500 gallons a 75% surcharge will be added to the monthly bill, for usage beyond 1,501 gallons a 150% surcharge will be added to the monthly bill.

Commercial, industrial, and institutional facilities will be required to reduce their monthly water consumption by 25% of the previous 12-month water consumption average to maintain the current rate for that month. The average water use can be evaluated on an individual basis for facilities with seasonal demand fluctuations. A 10% to 24% water use reduction from the previous 12-month water use average will result in a 25% surcharge on the monthly water bill. A 0% to 9% water use reduction from the previous 12-month water use average will result in a 50% surcharge on the monthly water bill. An increase of 1% to 25% above the previous 12-month water use average will result in a 100% surcharge added to the monthly bill. Any amount used above 25% of the previous 12-month water use average will result in a 150% surcharge added to the monthly bill.

#### Section 5. Enforcement

Enforcement of mandatory conservation efforts and associated fines will be the responsibility of the Public Works Director and staff under the direction of the Town Manager.

#### Section 6. Water Shortage Response Plan Cancellation and Return to Normal

As the determining conditions and parameters decrease in severity and return to acceptable conditions, water conservation measures employed during each phase should be decreased in reverse order of implementation. Permanent measures directed toward long-term monitoring and conservation should be implemented or continued so the community will be in a better position to prevent shortages and respond should there be recurring water shortage conditions.

#### Section 7. Conservation Measures

Users will be directed to adopt the following conservation measures:

##### **Indoor Residential Use**

Measures for Voluntary and Mandatory Conservation Phases

- Use dishwashers only when full. Washing dishes by hand saves about 25 gallons if you don't let the tap run.
- If possible, adjust the water levels on clothes washing machine. If adjustment is not possible, be sure to wash full loads of laundry only.
- Turning off faucets while brushing your teeth or washing hands saves approximately 5 gallons per day.
- Reduce water used per flush by installing toilet take displacement inserts (a plastic jug may suffice as an alternative). DO NOT USE BRICKS – they breakdown and disintegrate when soaked for a prolonged period and the resulting grit hinders proper closing and seating of the flap valve.
- Do not use the toilet as a trash can.

- Use sink and tub stoppers to avoid wasting water.
- Keep chilled bottles of water in the refrigerator for drinking.
- Identify and fix leaks in faucets and water-using appliances. Usually, faucets can be repaired inexpensively and quickly by replacing washer.
- Add flow-restricting or other water-saving devices to plumbing. These are usually inexpensive and easy to install.
- Learn to read your water meter! You can judge how much water you use and see for yourself what a difference conservation can make.
- Taking shorter showers and shallow baths can save approximately 25 gallons per occurrence.
- Reduce the number of times you flush the toilet per day. Wait to flush liquid waste and reduce the amount of toilet paper used. Each flush of the toilet uses approximately 5 gallons of water or 2 to 3 gallons if you have water saving toilets.
- Don't use or limit usage of garbage disposals.

Measures for Emergency Conservation or Rationing Phases – in addition to the measures listed above

- Turn off the shower while soaping.
- Use disposable plates, bowls, and eating utensils.

#### **Outdoor Residential Use**

Conservation for Normal Conditions and Voluntary Conservation Phase for Lawns

- Water before 10:00 am to prevent evaporation which occurs during hotter parts of the day.
- Watering in the morning is preferred over evening when the dampness promotes fungal growth.
- Water only when lawn shows signs of wilt – grass that springs back when stepped on does not require water.
- Water thoroughly as opposed to frequently. Water long enough to soak the roots. Lightly sprinkling water evaporates quickly and encourages shallow root systems. Water slowly to avoid excessive runoff.
- Don't let a sprinkler run any longer than necessary, 600 gallons of water can be wasted in only an hour with the use sprinklers.
- Allow a maximum of one inch of water per week on your lawn. An easy way to measure this is by using a rain gauge or placing cake tins outside to collect rain and water from your sprinklers.
- Use nozzles on water hoses to avoid waste when watering flowers or shrubs.
- Aerate your lawn by punching holes 6 inches apart. This promotes absorption and allows the water to penetrate to the roots rather than running off the surface.
- Be mindful of sprinkler position, water the lawn not pavement or sidewalks.
- Avoid watering on windy days. Wind can cause the water to be blown off target but can also cause excessive evaporation.
- Keep sprinkler heads clean and debris free to avoid uneven watering.
- Adjust hoses to simulate gentle rain. Sprinklers that produce a fine mist waste water through evaporation.
- Know how to turn off your automatic sprinkler system during rain events.

## Minutes of the October 10, 2023 Regular Town Council Meeting

- If your sprinkler system does not have a timer, use an alarm clock or kitchen timer to remind you to shut off the sprinklers.

### Conservation for Normal Conditions and Voluntary Conservation Phase for Vegetable and Flower Gardens

- Water deeply, slowly, and weekly. Most vegetables require moisture to a depth of 6 to 8 inches.
- Keep soil loose and aerated so water can more easily penetrate.
- Weed to reduce the competition for water.
- Put the water where you want it! Avoid undue evaporation by using soil soaking-hoses or slow-running hoses in place of sprinklers.

### Conservation for Normal Conditions and Voluntary Conservation Phase for Trees and Shrubs

- Water deeply by using drip-irrigation or soil-soaking hoses.
- Water only when needed. You can check the depth of soil dryness with a trowel.
- Use mulch to reduce evaporation. A 2" to 3" layer of mulch, wood chips, straw, pine needles, or grass clippings helps keep the soil cool in the summer months.
- Dig troughs around plants to catch and retain water.
- Water trees growing in full sun more often than those growing in shade.
- Apply water directly at the base of trees and shrubs instead of using sprinklers.
- Do not fertilize during the summer. Fertilizing increases a plant's need for water.
- Postpone new planting until the fall or spring. Milder temperatures generally require less need for water.
- Install trickle-drip irrigation systems close to the roots of your plants. These systems drip water slowly as opposed to spraying water into the air preventing unnecessary evaporation.
- Water when cloudy, at night, or even during a light rain event.

### Conservation for Voluntary Conservation Phase - in addition to measure listed above

- Do not allow children to play with/in hoses or sprinklers.
- Limit or eliminate car washing.
- Catch any rainfall that occurs by placing containers under downspouts.
- Use leftover household water if possible and available.
- Consider delaying seeding or sodding of new lawns.
- You can determine the amount of water used outdoors by comparing your water bills for summer months to those for winter months.

### Conservation for Mandatory Conservation Phase - in addition to measure listed above

- Vegetable gardens and food trees should be given minimal amounts of water on an individual basis only.
- Do NOT water lawns or inedible plants.
- Do NOT use sprinklers.

**Most outdoor water is prohibited under Emergency Conservation conditions.**

## Commercial Use

- Reduce laundry usage or services by changing bed linens, etc. only when necessary to preserve the health of patients or residents.
- Use disposable food service linens.
- Identify and repair all leaking faucets, fixtures, and water-using equipment. Pay particular attention to equipment connected directly to water lines such as processing machines, steam-using machines, washing machines, and water-cooled air conditioners and furnaces.
- Assure that all valves and solenoids used to control water flow are completely shut off when the water-using cycle is not engaged.
- Adjust water-using equipment and machinery to use the minimum amount of water required to achieve its stated purpose and function.
- If possible, shorten rinse cycles for laundry washing machines and implement lower water levels and usage.
- For processing, cooling, and other uses either reuse water or use water from alternate sources that would not adversely affect public water supplies.
- Advise employees, customers, students, and other users not to flush toilets after every use. Reduce the number of times you flush the toilet per day. Wait to flush liquid waste and reduce the amount of toilet paper used.
- Install toilet tank displacement inserts, place flow restrictors in shower heads and faucets, and close automatic flushes overnight.
- Install automatic flushing valves to use as little water as possible or to cycle at longer intervals.
- Place water-saving and conservation posters and literature where employees, customers, staff, and students etc. will have easy access to them and where they will be seen.
- Check your water meter on a frequent basis to determine consumption patterns.
- Review usage patterns to determine where other saving could be made.

#### Section 8. Public Comment

Customers will have multiple opportunities to comment on the provisions of the WSRP. A notice will be included with water bills notifying consumers that a draft of the Water Shortage Response Plan will be available at the Town Hall for customers to view. All subsequent revisions to the draft plan will be published at least thirty days prior to adoption vote by the Town Commissioners.

#### Section 9. Variance Protocols

Applications for water use variance requests are available from the Town of Lake Lure's website and at the Town Hall. All applications must be submitted to Jennifer Duncan at Town Hall for review by Dean Lindsey, Public Works Director. A decision to approve or deny individual variance requests will be determined within two weeks of submittal and after careful consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (for example: necessary use of drinking water), and the prevention of structural damage. For all questions or inquiries please contact Jennifer Duncan at the Town of Lake Lure Town Hall at (828) 625-9983 ext. 106 or Dean Lindsey, Public Works Director for the Town of Lake Lure at (828) 625-9983 ext. 304.

#### Section 10. Efficacy

The efficacy of the Town of Lake Lure WSRP will be determined by comparing the stated water conservation goals with observed water use reduction data. Other factors for consideration include the frequency of WSRP activation, problem periods not requiring activation, total number of violation citations, desired reductions attained, and evaluation of demand reductions compared to the previous

years seasonal data. Permanent measures directed toward long-term monitoring and conservation should be implemented and continued so that the community will be in a better position to prevent shortages and respond to recurring water shortage conditions.

Section 11. Revision

The WSRP will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation if emergency restrictions, and at a minimum of every five years in conjunction with the updating of our Local Water Supply Plan. Further a water shortage response planning work group will review procedures following each emergency or rationing stage to recommend any proposed improvements of the WSRP to the Town Commissioners. The Lake Lure Town Manager is responsible for initiating all subsequent revisions.

**1. Legal Status Provisions**

1. Conflict with Other Laws

Whenever the requirements of this Ordinance conflict with the requirements of another statute or Ordinance, the more restrictive standard shall govern.

2. Severability

Should any section or provision in this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

3. Penalty

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to section 10.99.

4. Effective Date

This Ordinance shall take effect and be enforced on and after the date of its adoption by the Town Commissioners, this 10th day of October 2023.

**IX. NEW BUSINESS**

**F. RESOLUTION NO. 23-10-10A SETTING GUIDELINES FOR ADMINISTRATIVE APPROVALS FOR PROJECT CHANGE ORDERS**

Manager Perkins noted that this item was discussed with Project Manager Michael Dydula at the September work session. It was explained that discussions stemmed from conversations regarding the multimillion dollar reservoir drain valve installation project with Morgan Corporation. It was further explained that the Town has a contingency for changes in prices in all capital project ordinances. Manager Perkins summarized that the resolution affirms that the Town Manager may approve change orders as long as they are within the contingency limit. Manager Perkins added that Town Council will still be notified if change orders occur.

Commissioner DiOrio made a motion to adopt Resolution No. 23-10-10A Setting Guidelines for Administrative Approvals for Project Change Orders. Commissioner Proctor seconded and all voted in favor. Resolution No. 23-10-10A was adopted as follows:

**RESOLUTION NO. 23-10-10A**

**RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE SETTING GUIDELINES FOR ADMINISTRATIVE APPROVALS FOR PROJECT CHANGE ORDERS**

**WHEREAS**, the Town of Lake Lure has various ongoing major projects; and

**WHEREAS**, the Town of Lake Lure adopts capital project ordinances for major projects; and

**WHEREAS**, major projects may require change orders to the original scopes of the projects; and

**WHEREAS**, capital project ordinances include a contingency amounts approved by Town Council; and

**WHEREAS**, Town Council has reached consensus that in order to complete projects in a timely manner the Town Manager may approve all change orders up to the contingency amounts approved within capital project ordinances.

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

**SECTION ONE.** The Town of Lake Lure Town Council authorizes the Town Manager to approve all change orders up to the contingency amount approved by Town Council.

**SECTION TWO.** The Town Manager and Project Manager will review on prospective or needed changes and authorize such modifications to the project to allow for successful and productive completion prior to the Manager's final approval.

**SECTION THREE.** Town Council will receive notification for any change order exceeding \$100,000.

**SECTION FOUR.** Once the contingency allotment has been fully disbursed, Town Council will be briefed with a project overview and update. Any further allotments for contingency will be approved at that time.

**SECTION FOUR.** The resolution shall become effective upon adoption.

**IX. NEW BUSINESS**

**G. RESOLUTION NO. 23-10-10B ACCEPTING STATE REVOLVING LOAN  
OFFER OF \$7 MILLION**

Manager Perkins explained that this item was also detailed at the work session and that the state has approved offered the Town an additional State Revolving Fund (SRF) loan of \$7 million. Manager Perkins added that this would be in addition to the existing SRF and American Rescue Plan Act (ARPA) funding. It was noted that this loan will need to be expended after the existing SRF and ARPA funds are expended. Manager Perkins detailed that this SRF loan offer has a 0 percent interest rate and a 30 year term like the existing SRF loan.

Commissioner DiOrio made a motion to adopt Resolution No. 23-10-10B Accepting State Revolving Loan Offer of \$7 Million. Commissioner Bryant seconded and all voted in favor. Resolution No. 23-10-10B was adopted as follows:

**RESOLUTION NO. 23-10-10B**

**RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE  
ACCEPTING A STATE REVOLVING LOAN OFFER OF \$7 MILLION**



**WHEREAS**, The North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible unites of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects; and

**WHEREAS**, The North Carolina Department of Environmental Quality has offered a State Revolving Loan in the amount of \$7 million for the subaqueous sanitary sewer replacement and wastewater collection system improvements; and

**WHEREAS**, The Town of Lake Lure intends to construct said project in accordance with approved plans and specifications;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE:**

That The Town of Lake Lure does hereby accept the State Revolving Loan offer of \$7 million.

That the Town of Lake Lure does hereby give assurance to the North Carolina Department of Environmental Quality that all items specified in the loan offer, Section II – Assurances will be adhered to.

That the Town Manager of the Town of Lake Lure, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

The Town of Lake Lure has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to the Federal and State grants and loans pertaining thereto.

This Resolution shall be effective upon its adoption.

**IX. NEW BUSINESS**

**H. BUDGET AMENDMENT #356 FOR HVAC UNIT REPLACEMENT FOR POLICE DEPARTMENT**

Manager Perkins noted that the HVAC unit for the Police Department has been included in the budget in past years and was not necessary, so it was removed from the budget this year. Manager Perkins added that the HVAC unit has now stopped functioning and a budget amendment is needed in order to fund the replacement.

Commissioner Doster made a motion to approve Budget Amendment #356 for HVAC unit replacement for Police Department. Commissioner Bryant seconded and all voted in favor.

**IX. NEW BUSINESS**

**I. BUDGET AMENDMENT #357 FOR MANHOLE #11 EMERGENCY REPAIR**

Public Services Director Dean Lindsey explained that Budget Amendment #357 is associated with the emergency repair of a manhole that took place over Labor Day Weekend. It was noted that the only task left is to rebuild the seawall that had to be altered during the repair. Commissioner Doster asked if the property owner is responsible for any expenses. Director Lindsey noted that the seawall is so old that it is uncertain who owns it. Mayor Pritchett asked if the expenses for the seawall repairs are included in Budget Amendment #357 and Director Lindsey answered yes. Commissioner DiOrio noted that the Town should approach the property owner and communicate with them that they are getting a very basic, structurally sound seawall replacement and that they will be responsible if they want anything more elaborate. Manager Perkins confirmed that the replacement seawall will be basic and minimal in footage. Commissioner DiOrio reiterated that the Town needs to have dialog with the property owners. Director Lindsey agreed to communicate with the property owner. Finance Director Stephen Ford noted that this will come out of the Water/Sewer fund. Commissioner Doster asked why the Town is fixing the seawall when it belongs to the property owner. Director Lindsey explained that because it was an emergency, the Town had to remove the seawall to complete repairs but if a non-emergency situation occurs then staff will work with homeowners who will need to pay for seawall repairs. Commissioner DiOrio expressed that the Town does not need to set a precedence for repairing seawalls outside of non-emergency situations.

Commissioner Bryant made a motion to approve Budget Amendment #357 for manhole #11 emergency repair. Commissioner DiOrio seconded and all voted in favor.

**IX. NEW BUSINESS**

**J. DUKE ENERGY POWER PURCHASE AGREEMENT (PPA) TERM OPTIONS**

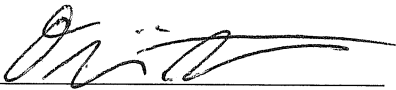
Manager Perkins noted that Duke Energy provided the Town with information following the September work session meeting, which is why it was not discussed then. Manager Perkins detailed that the current Power Purchase Agreement (PPA) is expiring on October 31st and Duke Energy has provided term options. Manager Perkins recommended opting for the two year term option. Manager Perkins added that there are unknowns with the future of Duke's cost avoidance with producing genericity, but expressed that he does not think that cost avoidance will decrease and that he would recommend going for the shorter two-year term rather than a five or ten year term. Commissioner DiOrio noted that the level of subsidies for green energy credits should increase, as well. It was noted that automation for the dam will allow for accommodations to maximize credits. Commissioner Proctor expressed support. Manager Perkins stated that he would inform Duke that they Town would like to opt for the two year option and they should provide the Town with a draft PPA with that term prior to the October work session and action meeting.

Commissioner DiOrio made a motion to opt for the two year term for the Duke Energy PPA. Commissioner Doster seconded and all voted in favor.

**X. ADJOURNMENT**

With no further business, Commissioner Bryant made a motion to adjourn the meeting at 6:01p.m. Commissioner Proctor seconded and the motion carried 4-0.

ATTEST:

  
Olivia Stewman, Town Clerk

  
Mayor Carol C. Pritchett

