



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, APRIL 12, 2022, 5:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

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

William Morgan, Jr., Town Attorney
Olivia Stewman, Town Clerk / Interim Town Manager

ABSENT: N/A

I. CALL TO ORDER

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

II. AGENDA ADOPTION

Commissioner Proctor made a motion to adopt the agenda, as presented. Commissioner DiOrio seconded and the motion carried 4-0.

III. MAYOR'S COMMUNICATIONS

Mayor Pritchett announced Mr. Hank Perkins had been selected as the new town manager and he will begin in June. Mayor Pritchett also noted that a balloon test was conducted this morning (April 12) by the Historic Preservation Society for the purpose of identifying how the communications tower might affect certain views and it went well, which means the town is one step closer to constructing the communications tower. Pritchett noted that the Trash Talkin' event took place this morning as well and the Mayor thanked all volunteers and expressed appreciation for all types of volunteers in the community.

IV. TOWN MANAGER'S COMMUNICATIONS

Interim Manager Olivia Stewman provided an update in regard to town operations.

V. PUBLIC HEARING

A. PROPOSED ORDINANCE NO. 22-04-12 AN ORDINANCE AMENDING SECTION 36-231(D) OF THE ZONING REGULATIONS

Community Development Director Michael Williams explained that in order to clarify a potential ambiguity in the interpretation of prohibited fencing materials, Ordinance No. 22-04-12 would amend the Section 36-231(d) to specifically allow welded, galvanized wire fencing materials. Williams also noted that this amendment would acknowledge that this type of fencing is distinctly different from chicken wire and other woven or mesh fencing, and thereby is not specifically prohibited in required street front yards. Director Williams noted that the Zoning and Planning Board voted to recommend that council approve of this change to the zoning regulations.

Members of the public were invited to participate in the public hearing and there was no participation.

VI. COUNCIL LIAISON REPORTS AND COMMENTS

Commissioner Scott Doster reported the activities of the Zoning and Planning Board and Utilities Advisory Board

Commissioner David DiOrio reported the activities of the Lake Advisory Board.

Commissioner Jim Proctor reported the activities of the ABC Board.

Commissioner Patrick Bryant reported the activities of the Parks and Recreation Board.

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

VII. PRESENTATIONS

A. LEGISLATIVE UPDATE

State Representative Jake Johnson provided a legislative update including details regarding HD 113 changing the NC election districts, the state budget, wages, broadband expansion, the elimination of veteran tax, and more.

VIII. PUBLIC COMMENT

Mayor Carol C. Pritchett invited the audience to speak.

There was no public comment.

IX. CONSENT AGENDA

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

Commissioner Doster asked about Budget Amendment #326 and request for contractor for well water system operator in responsible charge and whether or not town employees are working towards getting their own certifications in order to fulfill this responsibility in the future. Public Services Director Dean Lindsey answered that various employees in the department are working at obtaining their certification, but the contracted operator will complete all required duties until then.

Commissioner Doster also inquired about Budget Amendment #327 in regard to request for sewer maintenance equipment, which included a jet setter. Commissioner Doster asked if the jet setter could be utilized around the entirety of the town. Director Lindsey explained that this piece of equipment was originally going to be bought using state funding, but due to the urgency of need for the piece of equipment, the town cannot wait. Lindsey also explained that the jet setter will be used for both land and lake operations.

Commissioner DiOrio made a motion to approve the Consent Agenda, as amended per the agenda adoption. Commissioner Doster seconded. Therefore, the Consent Agenda incorporating the following items was unanimously approved and adopted:

- A. Approval of the March 8, 2022 Regular Meeting Minutes and the March 23, 2022 Special Work Session Meeting Minutes
- B. Resolution No. 22-04-12 - Resolution by the Town Council of the Town of Lake Lure Accepting a State Revolving Loan Offer of \$12.5 Million
- C. Resolution No. 22-04-12A - Resolution by the Town Council of the Town of Lake Lure Accepting the American Rescue Plan Grant Offer of \$8 Million
- D. Lake Lure Classic Boat and Auto Show Request for Waivers / Council Approval
- E. Budget Amendment (BA) # 325 – Fire Department’s Emergency Tabletop Exercise
- F. Budget Amendment (BA) #326 and Request for Contractor for Well Water System Operator in Responsible Charge
- G. Budget Amendment (BA) #327 - Request for Sewer Maintenance Equipment for Lake Lure Sewer System
- H. Budget Amendment (BA) #328 - Cover outstanding invoices incurred by Labella on-call professional services regarding sewer assistance for Phase 6- Design & Permitting & Bid, and Phase 11- Survey Design, Permit & Bid Phase

- I. Approval of the Lake Lure Farmers Market as a Town Sanctioned Event with Suspension of Chapter 8 Article II: “Peddlers” Code of Ordinances and Waiver of the Noise Regulation, Chapter 20 Article I Sec. 20-28 of the Noise Regulation.

X. NEW BUSINESS

A. PANGAEA SERVICE AGREEMENT – SECOND AMENDMENT

Interim Manager Stewman explained that following the discussion at the March 23, 2022 work session meeting, she spoke with Mr. Walters who agreed to add an additional location to the service agreement. Stewman noted that Mr. Walters would not reduce the length of the service agreement from five to three years.

Commissioner DiOrio asked if staff had any issues with PANGAEA internet and Stewman and present staff stated that there were no issues. Commissioner Proctor noted that since PANGAEA is increasing the MBs, internet service should improve regardless.

Commissioner Proctor made a motion to approve the PANGAEA Service Agreement Second Amendment. Commissioner Bryant seconded and the motion carried 4-0.

X. NEW BUSINESS

B. SCHNABEL WORK ORDER NO. 7 – PROFESSIONAL DAM ENGINEERING SERVICES FOR THE RESERVOIR DRAIN CONSTRUCTION AT LAKE LURE DAM

Commissioner DiOrio explained that the Town plans to procure the valve for the dam in the near future and noted that this valve will allow the town to drawdown the lake 20 feet opposed to the limit of 12 feet now. DiOrio also noted that this valve will relieve concerns of dam safety because it will fulfill safety requirements. Commissioner DiOrio explained that the cost of the valve is \$1 million and that dam it will be funded through the dam reserve fund. DiOrio detailed that Task 1 of Work Order 7 would go into financing the procurement, task 2 will allow for oversight and engineering, and task 3 provides engineering services during installation. Commissioner DiOrio recommended the approval of Task 1 and Task 2, but felt that Task 3 was premature.

Commissioner DiOrio made a motion to approve Task 1 and Task 2 of Schnabel Work Order No. 7 – professional dam engineering services for the reservoir drain construction at Lake Lure dam. Commissioner Proctor seconded and the motion carried 4-0.

X. NEW BUSINESS

C. VALVE PROCUREMENT METHOD APPROVAL

Valve procurement method approval covered under the approval of Schnabel Work Orr No. 7 Tasks 1 and 2.

X. NEW BUSINESS

D. DAM CONCEPTUAL DESIGN

Commissioner DiOrio explained that the dam conceptual design determines the location of the new dam. DiOrio explained that option A is the upstream variant and option B is the downstream variant. Commissioner DiOrio noted the following pros and cons of each option:

Option A pros: the Town owns all property including access and zoned General Use which is appropriate for a dam; ease of construction access and road development on both approaches; reduced Environmental (River Encroachment) Impact and easier permitting; Maintains Bridge over new dam option and Bridge over modified existing dam option; and it the parallel symmetry maintains similar viewscape.

Option A cons: wider but with no significant cost difference and has a slanted hydraulic flow which may be overcome with engineering adjustments.

Option B pros: expands lake about 100 feet more than option A and has a straight path hydraulic flow

Option B cons: difficult access for construction and maintenance on North side; Higher Environmental (River Encroachment) Impact and more difficult permitting; requires dam to be higher but with no significant cost difference; requires additional land procurement and rezoning which includes additional cost; impractical bridge over dam option due to North side topography

Commissioner DiOrio recommended option A upstream variant.

Commissioner Bryant expressed his support for option A due to the opportune relationship with DOT and the reduced environmental impact.

Commissioner Bryant made a motion to opt for option A upstream variant for the conceptual design of the dam. Commissioner DiOrio seconded and all voted in favor.

X. NEW BUSINESS

E. ORDINANCE NO. 22-04-12 AN ORDINANCE AMENDING SECTION 36-231(D) OF THE ZONING REGULATIONS

This ordinance was discussed under public hearing, Council had no further comments.

Minutes of the April 12, 2022 Regular Town Council Meeting

Commissioner Doster made a motion to approve Ordinance No. 22-04-12 an Ordinance Amending Section 36-231(d) of the Zoning Regulations. Commissioner Proctor seconded and the motion carried 4-0.

X. CLOSED SESSION

Commissioner Proctor made a motion to enter closed session in accordance with G.S. 143-318.11(a) (3) for the purpose of discussing attorney client privilege or legal claims and G.S. 143-318.11(a) (5) for the purpose of discussing property acquisition or employment contracts. Doster seconded and the motion to enter closed session was approved unanimously.

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

XI. ADJOURMENT

Following closed session, Commissioner Proctor made a motion to approve budget amendment #329 to appropriate funds for project manager search. Commissioner DiOrio seconded and all voted in favor.

Commissioner Proctor motioned to adjourn the meeting. Commissioner Bryant seconded and all voted in favor. The meeting was adjourned at 6:45 p.m.

ATTEST:



Olivia Stewman,
Town Clerk



Mayor Carol C. Pritchett

ORDINANCE NUMBER 22-04-12

AN ORDINANCE AMENDING SECTION 36-231(D) OF THE ZONING REGULATIONS

WHEREAS, The Town of Lake Lure finds it necessary to clarify a potential ambiguity in the interpretation of prohibited fencing materials; and

WHEREAS, Section 36-231(d) of the Zoning Regulations of the Town of Lake Lure states that, “chain link, chicken wire, hardware cloth, and other woven or mesh products are not permitted in required street front yards of any district”; and

WHEREAS, Town staff believes that welded, galvanized wire fencing is distinctly different from chicken wire and other woven or mesh fencing, and is not specifically prohibited in required street front yards; and

WHEREAS, The question of distinct difference in welded, galvanized wire fencing versus chicken wire and other woven or mesh fencing has been raised as a permitting issue on numerous occasions; and

WHEREAS, Town staff believes that welded, galvanized wire fencing should be permitted in required street front yards of any district; now, therefore, be it

ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF TOWN COUNCIL VOTING IN THE AFFIRMATIVE.

SECTION ONE. Section 36-231(d) of the Zoning Regulation of the Town of Lake Lure is hereby amended as follows:

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

Sec. 36-231. Fences, walls and hedges.

(d) Chain link, chicken wire, hardware cloth, and other woven or mesh products are not permitted in required street front yards of any district. Welded, galvanized or painted wire fencing materials are permitted when fully framed within a wood or similar construction fence.

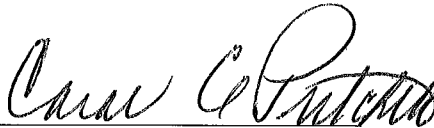
The Town of Lake Lure Town Council deems Ordinance No. 22-04-12 to be consistent with the Lake Lure comprehensive plan because it adopts a clarification of a potential ambiguity in the interpretation of prohibited fencing materials into the Town of Lake Lure Code of Ordinances.

The Town of Lake Lure Town Council deems Ordinance No. 21-11-09 to be reasonable and in the public interest because it adopts the permitting of welded, galvanized wire fencing in required street front yards of any district.

Adopted this 12th day of March, 2022.

ATTEST:

Olivia Stewman
Town Clerk



Carol C. Pritchett
Mayor

Approved as to content & form:

William C. Morgan, Jr.
Town Attorney