

# **LAKE LURE TOWN COUNCIL REGULAR MEETING PACKET**

Tuesday, May 9, 2023  
5:00 p.m.



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

# **TOWN OF LAKE LURE**

## **Town Council Regular Meeting**

Tuesday, May 09, 2023 - 5:00 PM  
Lake Lure Municipal Center



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## **Agenda**

- I. Call to Order**
- II. Agenda Adoption**
- III. Mayor's Communications**
- IV. Town Manager's Communications**
- V. Public Hearing**
  - A. Ordinance No. 23-05-09 Amending the Town of Lake Lure Code of Ordinances, Chapter 6 ("Buildings and Building Regulations"), Article III ("Lake Structures") – *Page 21*
    - i. Staff Report
    - ii. Public Hearing
    - iii. Council Deliberation
    - iv. Consideration of Adoption of Ordinance No. 23-05-09
  - B. Ordinance No. 23-05-09A Amending the Town of Lake Lure Code of Ordinances Section 6-49 (a) (12) and Section 36-140 (b) (5), and Adding Section 22-23 (a) (1) to Establish Doubled Permit Fees for Projects Commenced Prior to Obtaining Permit(s) – *Page 24*
    - i. Staff Report
    - ii. Public Hearing
    - iii. Council Deliberation
    - iv. Consideration of Adoption of Ordinance No. 23-05-09A

## **VI. Council Liaison Reports and Comments**

## **VII. Public Comment**

*The public is invited to speak. Please keep comments limited to three minutes or less. Comments may also be submitted in writing to the Town Clerk, ostewman@townoflakelure.com, at least one hour prior to the meeting.*

## **VIII. Consent Agenda**

- A. Approval of the April 11, 2023 Regular Town Council Meeting Minutes, the April 18, 2023 Special Round Table Meeting Minutes, the April 20, 2023 Special Round Table Meeting Minutes, and the April 26, 2023 Regular Town Council Work Session Meeting Minutes – Page 32

- B. Resolution No. 23-05-09 Amending the Rules of Procedure for the Lake Lure Town Council – Page 67

*In April 2001, Town Council adopted the Rules of Procedure for the Lake Lure Town Council. The Town Attorney has reviewed the 2001 procedures manual and has proposed amendments based on the current Town Council operations and/or North Carolina General Statutes.*

- C. Approval of Rumbling Bald Request to Rearrange the Placement of the Cluster Mooring Located on the Northwest end of the Lake – Page 81

*Rumbling Bald has requested approval from Town Council to reconfigure the arrangement of their approved cluster mooring on the northwest end of the lake in order to mitigate sediment fill issues and improve wake issues in the mooring area. Town Council reviewed the request at the April 26<sup>th</sup> work session.*

## **IX. Unfinished Business**

## **X. New Business**

- A. Request for Town Council Approval to Re-Sand the Existing Town-Owned Beach Located at 2724 Memorial Highway – Page 88

- B. Proposed Amendment to the FY 22-23 Land Use Fee Schedule – Page 91

- C. Proposed Amendments to the FY 23-24 Budget Calendar – Page 93

- D. Budget Update – Page 95

- E. Resolution No. 23-05-09B Adopting Record Retention Policy for Documents Created or Maintained Pursuant to the American Rescue Plan Act / Coronavirus State and Local Fiscal Recovery Funds – Page 96

- F. Resolution No. 23-05-09C Adopting Nondiscrimination Policy – Page 100

- G. Resolution No. 23-05-09D Adopting Allowable Costs and Costs Principles Policy for Expenditure of American Rescue Plan Act / Coronavirus State and Local Fiscal Recovery Funds – *Page 105*
- H. Resolution No. 23-05-09E Adopting Eligible Use Policy for the Expenditure of American Rescue Plan Act / Coronavirus State and Local Fiscal Recovery Funds – *Page 119*
- I. Reservoir Drain Valve Bid Update – *Page 124*
- J. Resolution No. 23-05-09F Authorizing the Town Manager to Approve Exemptions from Mini-Brooks Act in Accordance with N.C.G.S. 143-64.32 – *Page 125*
- K. Paving Contract Approval – *Page 127*

**XI. Closed Session**

*In accordance with G.S. 143-318.11(a) (1) concerning information made confidential by law and G.S. 143-318.11(a) (3) for attorney client privilege or legal claims.*

**XII. Adjournment**

**III**  
**MAYOR'S**  
**COMMUNICATIONS**

**IV**  
**TOWN MANAGER'S**  
**COMMUNICATIONS**



## Town Manager Report April 2023

Below are the April highlights from the various departments. Full department reports are available upon request.

**Public Services** – The Public Service Department is busy keeping everything working as smoothly as possible, from normal maintenance, to any problems the Town has that is in our realm to fix. Continued smoke testing that was started in late February and will follow through, until completion. Continued progress on the sewer project. Top accomplishments/project updates:

- Bee Traps were placed at Town Hall.
- New Flag Poles have replaced the old ones throughout Town.
- Helping wrap up Phase 1 of the Lake Lure SASS project.
- Continuation of Smoke Testing to identify leaks in the sewer system.
- Duke Energy still has substation down for repairs
- Pipes have been purchased for the replacement of a deteriorated pipe on Luther Burbank Road. Completion of this project is scheduled for the first week of May.
- The first round of Right of Way road mowing has been started and will be a priority until it is completed.

**Community Development** – Director Williams reports another active month for community development. The department issued 30 permits for the month of April as compared to 56 permits in March and performed numerous follow-ups. This includes 7 Zoning, 3 Lake Structure and 3 Land Disturbance Permits.

Top accomplishments/project updates:

- On April 5<sup>th</sup>, went through NCDEQ audit of our Erosion & sedimentation control program. We are delegated authority as a Local Program to implement the provisions of the DEQ Sedimentation Control Program under G.S.113A-60 on behalf of the State. This is rolled into our local Land Disturbance permitting and inspection program. This is a great responsibility and undertaking that I inherited two years ago with minimal direction or oversight. In that light, this audit of our program was welcome. Through the audit process, I have realized more of the scope and expectations of DEQ, and that our program has not been fully meeting those expectations. We are working to bring our program more fully into compliance, including increased inspections and enforcement. Our efforts and responsiveness were acknowledged during the audit, but at this point we

have not received our outcome report. I do not anticipate a negative outcome but we could be on an extended audit review status to give us a chance to build up our program. I would receive that outcome as positive for the opportunity to learn and improve.

- Zoning & Planning Board reviewed our proposals to add a “minor structural repair” category to the “one size fits all” lake structure permit to provide a more simplified process for minor (less than \$5,000 cost) in kind repair & replacement projects (vs. a project like a new structure or major restructuring). They also reviewed our proposal to add doubled review fee penalty for zoning, lake structure & land disturbance permits issued after work has begun. Intended as a response to the on-going issue of work being done without required permits. Would be coupled with increased communication of permitting requirements with the objective of increased compliance. Z&P recommended both ordinance text amendments to be approved.
- BOA met and discussed the two ordinance recommendations that the Zoning and Planning Board is sending to Town Council. Was received positively, especially since they deal with many of those unpermitted projects when they apply afterward for variances on work already done.
- LSAB reviewed and approved two lake structure variance requests: one for an expansion of an existing encroachment on the 15’ sideline setback and the other for a covered structure being built on a lot that is less than the minimum shoreline requirement.

**Fire / Emergency Management** – With going into spring, it was still a busy month in April. Among other activities, we had Active shooter training at AB tech, and Chainsaw Maintenance. We also monitored Fire Boat 1 due to the lake levels rising, performed Equipment Inventory and Performed annual fit test. The department responded to 32 fire/medical/rescue calls throughout the month. An increase in calls was due to the colder weather. Firefighters completed 413 Hours of Training this month.

- Performed maintenance on Hydrants.
- Wrote a policy on Fire Boat Operations.

**Police** – As the lake opens for the season, our department is absolutely ready to patrol and make sure the new regulations are adhered to. New businesses are opened, traffic on the roadway has increased, new homes are being built and we are ready for the tourist season to begin.

Top three accomplishments in May:

- For the past several years it’s been difficult to find new Reserve Officers to help fill in when an officer is off and other Reserve Officers are not able to come work. Good news is we are currently looking at three new Reserve Officers who will be able to help us. The process of a new officer can be lengthy so it may be later in the summer before we complete background checks.
- All Officers have now taken the Lake Patrol & Enforcement class put on by Officer Tyler Dills, dealing with updated Rules and Regulations. These classes were held at Town Hall.
- SFST (Standard Field Sobriety Testing) Class was given by the North Carolina Wildlife. These maneuvers will allow officers to test for sobriety while the suspect is on a floating device or boat.



**Parks, Recreation & Lake** – Director Dean Givens and Parks & Trails Coordinator Dana Bradley continue to provide exemplary oversight of the Parks, Recreation, and Lake Department. 1. Worked on summer annuals order 2. Processed commercial applications 3. Installed a drop box for daily boat permit pick-up 4. Boat permit sales 5. Worked on getting online boat permit sales capability 6. Worked on creating new connection from the Dittmer-Watts Trail to the Green Space 7. Dittmer-Watts Nature Trails trail boss walked the trails and reported issues – 1 volunteer; 2 volunteer hours 8. Buffalo Creek Park trail boss walked the trail and reported issues – 1 volunteer; 4 volunteer hours 9. Weed Patch Mountain trail boss walked trail and reported issues – 1 volunteer; 7 volunteer hours 10. Carolina Climbers Coalition had 5 workdays on Buffalo Creek to work on the new Upper Boulder’s Trail at Buffalo Creek Park – 70 volunteers; 510 volunteer hours 11. Organized a Dittmer-Watts workday on 4/18 to repair minor erosion and water diversions– 2 volunteers; 4 volunteer hours 2 12. Organized a Weed Patch Mountain workday on 4/8 to remove fallen trees –2 volunteers; 14 volunteer hours 13. Buffalo Creek Park workday is in great shape and no workday was needed this month 14. Planned upcoming trail maintenance days and recruited volunteers to help 15. Checked Buffalo Creek Park, Dittmer-Watts Nature Trails, and Weed Patch Mountain for damage 16. Utilized volunteers to collect water samples– 4 volunteers; 22 volunteer hours 17. Utilized a total of 569 volunteer hours  
Three notable projects/activities updates:

- Removed debris and fallen tree from the lakebed.
- Worked on getting online boat permit sales
- Had many successful volunteer trail work days
- Continued sales of boat permits with the rebuilding of the database.

**Finance** – Revenues and Expenditures Reports are provided as separate attachments to supplement this summary. As in recent months, the largest expenditures relate to the sewer project. Requests for reimbursements will be reviewed and submitted in May as approved by the Town Manager and the Project Manager.

- Revenues continue to track as projected and departments also continue to efficiently use resources in regards to individual line items in the departmental budgets.
- Departments are quickly and complying with expected changes in purchasing policies and procedures –which has produced a new level of review and follow up regarding all purchases. Departments have been helpful and cooperative in working with new proposed changes
- The Town sustained its strong financial position with an unreconciled bank balance of approximately \$10,340,000 for all funds other than special revenue funds (the Dam Fund) which still holds a balance of \$ 16,500,000 as well as accumulated interest.
- Budget preparation, audit completion, and daily tasks have consumed operations over the last month. Leadership from Town Manager, counsel from the Town Project Manager, and continual feedback from Town Departments greatly aid in all phases.
- An offer has been made and accepted to a well-qualified and experienced applicant. The candidate’s strengths included very strong organizational skills, experience with interacting with various state agencies, regular reporting duties, accounting functions

across many sectors, and an established reputation having genuine rapport with the general public and colleagues.

**Communications** – Communications Director Krejci continues her community outreach as she has posted 31 news articles that illustrate town related news, a listing of these articles with hyperlinks was emailed to over 1,985 citizens, along with a link to the Town Calendar of Events. There were 13,620 website users in April. **Social Media:** Published **61 Facebook posts** for the community with a **post reach of 52,760** for the month. The Town of Lake Lure now has over **19,549 followers** as of April 2023. Top projects/activities:

- Finalized Annual Report and mailed it to over 1,000 citizens.
- Website Users exceeded 15,500 with 31 news articles published. Facebook followers increased to 19, 549 with 61 posts and a post reach of 52,760
- FEMA Grant Follow Up
- Got the Town’s 2022 Annual Printed Report completed and mailed it to town addresses with utility accounts.

#### **Manager / Clerk / Admin Summary**

May was a busy month including an array of staff, council, and board meetings and ever-changing day-to-day operations. We continue to work with Lebella Engineering on the new sewer system and planning. We are expecting to receive the “GMP” from Ruby Collins for future drawdown periods in order to predict work to be done with cost. We have continued working on siting events in Lake Lure to happen at Morse Park as well as

- Finalizing the development of new Policies and Procedures for contracting, Purchase and Procurement and Electronic Purchasing and presented drafts to Council its work session at the end of April.
- Working with Mike Dydula, Project Manager, in developing project management tracking.
- Continuing review of the lowest responsible/responsive bid for the work on the installation of the drain valves for the dam.
- The bid opening in April for the HDD Boring received no bids. We are working with Ruby Collins to potentially include this work with the Design Build contract work.

Fund	Account	Received			Revenue	%
		Current Month	Received YTD	Estimated Revenue	To Be Received	Received
10 GENERAL FUND						
310000 TAXES						
310100	P & I - Taxes	0.00	2,852.02	10,000.00	7,147.98	29 %
	Account Group Total:	0.00	2,852.02	10,000.00	7,147.98	29 %
311000 Ad Valorem Taxes-2000						
311190	AD VALOREM TAXES-2019	0.00	6,141.02	0.00	-6,141.02	** %
311210	AD VALOREM TAXES-2021	0.00	868.54	50,000.00	49,131.46	2 %
311213	Ad Valorem Taxes-2023	0.00	797,556.06	0.00	-797,556.06	** %
311214	Ad Valorem Taxes DV5-dam capital	0.00	491,988.07	0.00	-491,988.07	** %
311220	AD VALOREM TAX 2022-	0.00	2,333,871.87	4,361,624.00	2,027,752.13	54 %
	Account Group Total:	0.00	3,630,425.56	4,411,624.00	781,198.44	82 %
312000 Ad Valorem-Veh-2000						
312021	AD VALOREM VEH TAXES-2021	0.00	0.00	20,000.00	20,000.00	0 %
312022	Ad Valorem Vehicle Tax 2022	0.00	8,779.83	94,850.00	86,070.17	9 %
312023	Ad Valorem Vehicle Taxes 2023	0.00	30,653.57	0.00	-30,653.57	** %
312024	ad valorem veh taxes dv5 2023	0.00	15,615.47	0.00	-15,615.47	** %
	Account Group Total:	0.00	55,048.87	114,850.00	59,801.13	48 %
332000 STATE SHARED REVENUES						
332200	Beer & Wine Tax	0.00	0.00	4,950.00	4,950.00	0 %
332300	Court Costs, Fees and Chrgrs	23.52	289.56	550.00	260.44	53 %
332400	Utlities Franchise Tax	0.00	85,123.72	201,195.00	116,071.28	42 %
332600	Powell Bill - Tax on Gas	0.00	76,151.26	76,600.00	448.74	99 %
332605	Grant Revenue Reimbursements	0.00	158,778.00	0.00	-158,778.00	** %
332930	State Shared Sales Tax	0.00	1,370,997.20	1,750,000.00	379,002.80	78 %
332933	Solid Waste Disposal Tax	0.00	237.60	780.00	542.40	30 %
332942	Video Programming Tax	0.00	0.00	15,975.00	15,975.00	0 %
332991	NC DEQ Dredging Grant	0.00	688,533.69	800,000.00	111,466.31	86 %
	Account Group Total:	23.52	2,380,111.03	2,850,050.00	469,938.97	84 %
347000 LAND USE FEES						
347100	Zoning Permits	7,666.00	71,621.00	37,000.00	-34,621.00	194 %
347200	Land Disturbance Permit	-305.00	2,415.00	6,000.00	3,585.00	40 %
347300	Sign Permit	0.00	123.00	500.00	377.00	25 %
347550	Vacation Rental Fees	300.00	5,700.00	10,000.00	4,300.00	57 %
347600	Lake Structure Permit/LSA	-2,210.00	8,417.12	9,254.00	836.88	91 %
347800	Fire Inspection	20.00	50.00	50.00	0.00	100 %
347900	Fines/Penalties - Land Use	400.00	850.00	0.00	-850.00	** %
	Account Group Total:	5,871.00	89,176.12	62,804.00	-26,372.12	142 %
361000 LAKE						
361201	Lake Lure Tours	0.00	51,677.93	60,000.00	8,322.07	86 %
361202	Lake Fines	405.00	1,372.00	300.00	-1,072.00	457 %
361203	Lake Comm License Fees	50,355.00	124,667.75	15,000.00	-109,667.75	831 %
361204	Boat Permits	55,760.00	280,575.70	675,000.00	394,424.30	42 %
361205	RBR CONCESSIONS	0.00	21,258.58	25,000.00	3,741.42	85 %
361207	Cluster Mooring Fees	320.00	40,640.00	24,000.00	-16,640.00	169 %
	Account Group Total:	106,840.00	520,191.96	799,300.00	279,108.04	65 %

Fund	Account	Received		Estimated Revenue	Revenue	
		Current Month	Received YTD		To Be Received	% Received
10 GENERAL FUND						
363000 BEACH						
363801	Beach-Admission Fee-Adult	0.00	60,741.17	65,000.00	4,258.83	93 %
363804	Beach-Concessions	0.00	5,628.30	10,000.00	4,371.70	56 %
	Account Group Total:	0.00	66,369.47	75,000.00	8,630.53	88 %
364000 MARINA						
364902	Marina-Open Slip Rental	17,800.50	254,766.25	310,000.00	55,233.75	82 %
364905	Marina-Concessions	0.00	12,054.92	18,500.00	6,445.08	65 %
364908	Marina-Rentals	0.00	43,331.69	50,000.00	6,668.31	87 %
	Account Group Total:	17,800.50	310,152.86	378,500.00	68,347.14	82 %
383000 MISCELLANEOUS REVENUES						
383100	Interest Earned on Investments	0.00	4,162.02	4,000.00	-162.02	104 %
383200	Beer and Wine Permits	0.00	181.15	1,000.00	818.85	18 %
383321	Fire-Rural Fire Protection	0.00	5,009.27	8,592.00	3,582.73	58 %
383410	ABC-Rents	1,333.33	17,333.29	16,000.00	-1,333.29	108 %
383430	Community Center Rental	0.00	-350.00	250.00	600.00	*** %
383440	Pavilion/Gazebo Rental	1,000.00	12,250.00	3,500.00	-8,750.00	350 %
383450	Meadows Rental	0.00	620.00	250.00	-370.00	248 %
383460	Water Tank Rental	0.00	2,060.00	0.00	-2,060.00	** %
383462	TDA GRANT	0.00	0.00	100,000.00	100,000.00	0 %
383500	Sale of Assets	0.00	0.00	3,500.00	3,500.00	0 %
383600	Golf Cart Permit	0.00	110.00	200.00	90.00	55 %
383700	LLABC-Distribution for Law Enforcement	0.00	0.00	750.00	750.00	0 %
383701	ABC-Dist. for Drug/Alcohol	0.00	0.00	1,250.00	1,250.00	0 %
383800	ABC-Distribution of Funds	0.00	25,026.10	20,000.00	-5,026.10	125 %
383900	Misc Revenue	337.50	26,878.98	1,200.00	-25,678.98	*** %
383903	Town Promotional Materials	0.00	0.00	750.00	750.00	0 %
383910	Copies	16.75	75.00	500.00	425.00	15 %
383930	Recycling Collections	-17.00	15,958.00	15,250.00	-708.00	105 %
	Account Group Total:	2,670.58	109,313.81	176,992.00	67,678.19	62 %
398000 TRANSFERS						
398500	Transfer from Capital Reserve	0.00	0.00	450,000.00	450,000.00	0 %
398502	Installment Agreement Proceeds	0.00	54,547.54	57,000.00	2,452.46	96 %
398602	Transfer from Water/Sewer	0.00	10,941.69	0.00	-10,941.69	** %
398604	Transfer from Fund Balance	0.00	-5,341.88	952,186.00	957,527.88	-1 %
	Account Group Total:	0.00	60,147.35	1,459,186.00	1,399,038.65	4 %
	Fund Total:	133,205.60	7,223,789.05	10,338,306.00	3,114,516.95	70 %
21 Capital Reserve Fund						
398000 TRANSFERS						
398605	Transfer From General Fund	0.00	0.00	1,600,000.00	1,600,000.00	0 %
	Account Group Total:	0.00	0.00	1,600,000.00	1,600,000.00	0 %
	Fund Total:	0.00	0.00	1,600,000.00	1,600,000.00	0 %

TOWN OF LAKE LURE  
Statement of Revenue Budget vs Actuals  
For the Accounting Period: 4 / 23

Fund	Account	Received		Estimated Revenue	Revenue	
		Current Month	Received YTD		To Be Received	% Received
53 WATER AND SEWER FUND						
371000						
	371105 Chimney Rock Water	0.00	-35.00	15,000.00	15,035.00	0 %
	371300 Charges for Water	18,807.99	241,275.03	330,000.00	88,724.97	73 %
	371400 Charges for Sewer	103,943.00	1,037,090.05	1,275,000.00	237,909.95	81 %
	371500 Taps and Connect-Water	0.00	5,775.00	5,000.00	-775.00	116 %
	371600 Taps and Connect-Sewer	0.00	3,465.00	5,000.00	1,535.00	69 %
	371700 Transfer Fee-Water/Sewer	120.00	920.00	1,000.00	80.00	92 %
	371800 W/S - Penalty and Interest	1,625.00	17,026.00	6,000.00	-11,026.00	284 %
	371900 W/S - Misc	0.00	312.80	0.00	-312.80	** %
	Account Group Total:	124,495.99	1,305,828.88	1,637,000.00	331,171.12	80 %
383000 MISCELLANEOUS REVENUES						
	383100 Interest Earned on Investments	0.00	828.01	1,000.00	171.99	83 %
	383460 Water Tank Rental	0.00	5,150.00	12,360.00	7,210.00	42 %
	Account Group Total:	0.00	5,978.01	13,360.00	7,381.99	45 %
	Fund Total:	124,495.99	1,311,806.89	1,650,360.00	338,553.11	79 %
56 ELECTRIC FUND						
372000						
	372300 Charges for Utilities-Electric	0.00	150,328.04	400,000.00	249,671.96	38 %
	Account Group Total:	0.00	150,328.04	400,000.00	249,671.96	38 %
383000 MISCELLANEOUS REVENUES						
	383100 Interest Earned on Investments	0.00	0.00	150.00	150.00	0 %
	Account Group Total:	0.00	0.00	150.00	150.00	0 %
	Fund Total:	0.00	150,328.04	400,150.00	249,821.96	38 %
58 Capital Sewer Project Fund						
332000 STATE SHARED REVENUES						
	332600 Powell Bill - Tax on Gas	0.00	500,000.00	0.00	-500,000.00	** %
	332605 Grant Revenue Reimbursements	0.00	1,305,192.00	0.00	-1,305,192.00	** %
	Account Group Total:	0.00	1,805,192.00	0.00	-1,805,192.00	** %
398000 TRANSFERS						
	398502 Installment Agreement Proceeds	0.00	567,061.00	0.00	-567,061.00	** %
	Account Group Total:	0.00	567,061.00	0.00	-567,061.00	** %
	Fund Total:	0.00	2,372,253.00	0.00	-2,372,253.00	** %

TOWN OF LAKE LURE  
Statement of Revenue Budget vs Actuals  
For the Accounting Period: 4 / 23

Fund	Account	Received		Estimated Revenue	Revenue	
		Current Month	Received YTD		To Be Received	% Received
75 CHIMNEY ROCK WATER FUND						
371000						
371300	Charges for Water	6,826.89	72,849.53	0.00	-72,849.53	** %
371501	WATER TAPS - CHIMNEY ROCK	0.00	2,405.00	0.00	-2,405.00	** %
371800	W/S - Penalty and Interest	275.00	3,450.00	0.00	-3,450.00	** %
	Account Group Total:	7,101.89	78,704.53	0.00	-78,704.53	** %
	Fund Total:	7,101.89	78,704.53	0.00	-78,704.53	** %
	Grand Total:	264,803.48	11,136,881.51	13,988,816.00	2,851,934.49	80 %

Fund Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
10	GENERAL FUND						
410000	GENERAL GOVERNMENT						
410000	GENERAL GOVERNMENT						
	751 Bank Fees	0.00	59.78	0.00	0.00	-59.78	*** %
	<b>Account Total:</b>	<b>0.00</b>	<b>59.78</b>	<b>0.00</b>	<b>0.00</b>	<b>-59.78</b>	<b>*** %</b>
411000	COMMISSION						
411000	COMMISSION						
	102 Salaries-Part Time	1,100.00	11,000.00	13,200.00	13,200.00	2,200.00	83 %
	109 FICA	84.15	841.50	1,100.00	1,100.00	258.50	77 %
	214 Supplies-Dept	0.00	623.73	3,000.00	3,000.00	2,376.27	21 %
	215 Supplies-Materials	0.00	9,108.54	15,000.00	15,000.00	5,891.46	61 %
	310 Travel and Transportation	0.00	0.00	2,750.00	2,750.00	0.00	0 %
	<b>Account Total:</b>	<b>1,184.15</b>	<b>21,573.77</b>	<b>35,050.00</b>	<b>35,050.00</b>	<b>13,476.23</b>	<b>62 %</b>
413000	ADMINISTRATION						
413000	ADMINISTRATION						
	100 SALARIES	30,521.34	247,954.98	471,151.00	471,151.00	223,196.02	53 %
	103 Professional Services	7,385.00	28,009.25	58,600.00	58,600.00	30,590.75	48 %
	109 FICA	2,290.28	22,861.50	36,065.00	36,065.00	13,203.50	63 %
	110 Retirement	5,796.01	57,648.12	85,280.00	85,280.00	27,631.88	68 %
	111 Group Insurance	3,197.90	34,390.44	60,600.00	60,600.00	26,209.56	57 %
	120 401 (K) Contribution	593.45	5,738.66	23,600.00	23,600.00	17,861.34	24 %
	180 Legal Services	1,378.40	50,806.87	49,200.00	49,200.00	-1,606.87	103 %
	190 Engineering Services	0.00	1,000.00	25,000.00	25,000.00	24,000.00	4 %
	214 Supplies-Dept	0.00	7,973.61	8,000.00	8,000.00	26.39	100 %
	215 Supplies-Materials	0.00	2,282.95	2,300.00	2,300.00	17.05	99 %
	310 Travel and Transportation	122.49	4,620.70	6,500.00	6,500.00	1,879.30	71 %
	320 Postage	0.00	2,736.39	4,000.00	4,000.00	1,263.61	68 %
	322 Printing	0.00	0.00	1,200.00	1,200.00	1,200.00	0 %
	324 Dues and Subscriptions	0.00	2,540.63	6,500.00	6,500.00	3,959.37	39 %
	330 Utilities	0.00	21,909.47	25,000.00	25,000.00	3,090.53	88 %
	350 Repairs and Maint-Buildings	0.00	47,577.08	12,500.00	70,575.00	22,997.92	67 %
	353 Repairs and Maint-Equipment	0.00	135.00	4,000.00	4,000.00	3,865.00	3 %
	370 Advertising	0.00	2,171.21	2,000.00	2,000.00	-171.21	109 %
	490 Miscellaneous	0.00	597.70	0.00	0.00	-597.70	*** %
	614 Lobbyist	0.00	35,000.00	60,000.00	60,000.00	25,000.00	58 %
	687 Contractual - County Tax Collection	0.00	14,483.25	16,000.00	16,000.00	1,516.75	91 %
	691 Contractual Services	0.00	129,910.46	73,275.00	91,975.00	-37,935.46	141 %
	751 Bank Fees	0.00	203.50	0.00	0.00	-203.50	*** %
	<b>Account Total:</b>	<b>51,284.87</b>	<b>720,551.77</b>	<b>1,030,771.00</b>	<b>1,107,546.00</b>	<b>386,994.23</b>	<b>65 %</b>
420000	CENTRAL SERVICES-Technology &						
	<b>Account Group Total:</b>	<b>51,284.87</b>	<b>720,551.77</b>	<b>1,030,771.00</b>	<b>1,107,546.00</b>	<b>386,994.23</b>	<b>65 %</b>

Fund Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
10	GENERAL FUND						
420000	CENTRAL SERVICES-Technology & Telecommunications						
	109 FICA	7.04	58.28	0.00	0.00	-58.28	*** %
	111 Group Insurance	18.64	169.20	0.00	0.00	-169.20	*** %
	214 Supplies-Dept	0.00	468.76	0.00	0.00	-468.76	*** %
	321 Telephone	849.28	20,055.27	25,500.00	25,500.00	5,444.73	79 %
	325 Internet Services	0.00	1,846.35	4,800.00	4,800.00	2,953.65	38 %
	380 IT Support Services	0.00	11,968.00	79,720.00	79,720.00	67,752.00	15 %
	527 TECH-Website Update	0.00	0.00	4,100.00	4,100.00	4,100.00	0 %
	<b>Account Total:</b>	<b>874.96</b>	<b>34,565.86</b>	<b>114,120.00</b>	<b>114,120.00</b>	<b>79,554.14</b>	<b>30 %</b>
	<b>Account Group Total:</b>	<b>874.96</b>	<b>34,565.86</b>	<b>114,120.00</b>	<b>114,120.00</b>	<b>79,554.14</b>	<b>30 %</b>
431000	POLICE						
431000	POLICE						
	100 SALARIES	41,877.35	338,334.54	541,523.00	543,048.00	204,713.46	62 %
	101 OVERTIME	0.00	424.43	5,000.00	5,000.00	4,575.57	8 %
	102 Salaries-Part Time	252.00	8,615.27	35,000.00	35,000.00	26,384.73	25 %
	104 Separation Allowance-Law Enforcement	1,460.16	14,601.60	20,500.00	20,500.00	5,898.40	71 %
	109 FICA	3,254.08	33,490.68	46,300.00	46,300.00	12,809.32	72 %
	110 Retirement	8,311.27	83,245.67	106,600.00	106,600.00	23,354.33	78 %
	111 Group Insurance	6,397.64	65,619.20	94,200.00	94,200.00	28,580.80	70 %
	112 Special Benefit Fund-Police	2,093.87	21,192.17	25,525.00	25,525.00	4,332.83	83 %
	212 Supplies-Fuel	0.00	13,802.39	27,500.00	27,500.00	13,697.61	50 %
	214 Supplies-Dept	7.00	14,090.83	12,000.00	12,000.00	-2,090.83	117 %
	215 Supplies-Materials	500.00	1,590.58	0.00	0.00	-1,590.58	*** %
	217 Supplies-Uniforms	0.00	9,412.13	10,000.00	10,000.00	587.87	94 %
	220 Alcohol & Drug Ed.	0.00	341.95	1,000.00	1,000.00	658.05	34 %
	310 Travel and Transportation	76.64	2,166.16	2,500.00	2,500.00	333.84	87 %
	324 Dues and Subscriptions	150.00	6,868.08	6,300.00	6,300.00	-568.08	109 %
	330 Utilities	0.00	4,024.86	0.00	0.00	-4,024.86	*** %
	331 Utilities-Street Lights	0.00	4,024.86	0.00	0.00	-4,024.86	*** %
	333 Utilities-Boat House and Range	0.00	0.00	500.00	500.00	500.00	0 %
	353 Repairs and Maint-Equipment	0.00	2,307.27	3,750.00	3,750.00	1,442.73	62 %
	354 Repairs and Maint-Vehicles	0.00	21,084.83	25,000.00	33,000.00	11,915.17	64 %
	490 Miscellaneous	0.00	0.00	1,000.00	1,000.00	1,000.00	0 %
	524 Computers	0.00	9,549.16	10,000.00	10,000.00	450.84	95 %
	691 Contractual Services	0.00	4,338.50	20,050.00	20,050.00	15,711.50	22 %
	<b>Account Total:</b>	<b>64,380.01</b>	<b>659,125.16</b>	<b>994,248.00</b>	<b>1,003,773.00</b>	<b>344,647.84</b>	<b>66 %</b>
	<b>Account Group Total:</b>	<b>64,380.01</b>	<b>659,125.16</b>	<b>994,248.00</b>	<b>1,003,773.00</b>	<b>344,647.84</b>	<b>66 %</b>
434000	FIRE						
434000	FIRE						
	100 SALARIES	32,259.70	232,448.42	360,453.00	360,453.00	128,004.58	64 %
	101 OVERTIME	0.00	0.00	20,000.00	20,000.00	20,000.00	0 %
	102 Salaries-Part Time	1,127.25	11,083.50	35,000.00	35,000.00	23,916.50	32 %
	109 FICA	2,472.16	22,398.24	31,795.00	31,795.00	9,396.76	70 %
	110 Retirement	6,126.12	55,124.49	67,800.00	67,800.00	12,675.51	81 %
	111 Group Insurance	4,477.06	45,801.08	66,200.00	66,200.00	20,398.92	69 %
	120 401 (K) Contribution	1,196.83	10,841.86	18,723.00	18,723.00	7,881.14	58 %
	212 Supplies-Fuel	0.00	9,905.16	20,000.00	20,000.00	10,094.84	50 %
	214 Supplies-Dept	0.00	3,603.99	3,000.00	3,000.00	-603.99	120 %



Fund Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
10 GENERAL FUND							
215	Supplies-Materials	317.88	7,500.87	9,000.00	9,000.00	1,499.13	83 %
217	Supplies-Uniforms	364.95	1,818.84	4,000.00	4,000.00	2,181.16	45 %
218	Supplies-Equipment	0.00	9,273.90	20,000.00	20,000.00	10,726.10	46 %
310	Travel and Transportation	1,274.91	4,909.28	5,000.00	5,000.00	90.72	98 %
324	Dues and Subscriptions	0.00	13,730.25	8,100.00	8,100.00	-5,630.25	170 %
330	Utilities	0.00	3,968.23	11,500.00	11,500.00	7,531.77	35 %
351	Repairs and Maint-Grounds	0.00	9,861.55	5,000.00	5,000.00	-4,861.55	197 %
353	Repairs and Maint-Equipment	0.00	6,184.13	15,000.00	15,000.00	8,815.87	41 %
354	Repairs and Maint-Vehicles	15,240.52	48,021.77	20,000.00	20,000.00	-28,021.77	240 %
490	Miscellaneous	0.00	0.00	3,000.00	3,000.00	3,000.00	0 %
514	Protective Clothing	0.00	0.00	14,000.00	14,000.00	14,000.00	0 %
553	RADIO REPLACEMENT	0.00	248.00	10,000.00	10,000.00	9,752.00	2 %
691	Contractual Services	0.00	274.23	0.00	0.00	-274.23	*** %
693	Fairfield Volunteer Fire Dept	0.00	67,000.00	67,000.00	67,000.00	0.00	100 %
694	Chimney Rock Volunteer Fire Dept	0.00	35,000.00	35,000.00	35,000.00	0.00	100 %
695	Bills Creek Volunteer Fire Dept	0.00	42,800.00	42,800.00	42,800.00	0.00	100 %
	<b>Account Total:</b>	<b>64,857.38</b>	<b>641,797.79</b>	<b>892,371.00</b>	<b>892,371.00</b>	<b>250,573.21</b>	<b>72 %</b>
	<b>Account Group Total:</b>	<b>64,857.38</b>	<b>641,797.79</b>	<b>892,371.00</b>	<b>892,371.00</b>	<b>250,573.21</b>	<b>72 %</b>
451000 PUBLIC WORKS-STREETS							
451000 PUBLIC WORKS-STREETS							
100	SALARIES	18,467.19	169,512.79	400,816.00	400,816.00	231,303.21	42 %
101	OVERTIME	0.00	0.00	15,000.00	15,000.00	15,000.00	0 %
109	FICA	1,397.46	14,045.30	31,392.00	31,392.00	17,346.70	45 %
110	Retirement	3,506.92	35,178.92	72,010.00	72,010.00	36,831.08	49 %
111	Group Insurance	3,179.26	33,288.97	77,220.00	77,220.00	43,931.03	43 %
120	401 (K) Contribution	760.94	7,876.93	20,555.00	20,555.00	12,678.07	38 %
211	Supplies-Automotive	0.00	11,399.53	25,000.00	25,000.00	13,600.47	46 %
212	Supplies-Fuel	0.00	975.56	0.00	0.00	-975.56	*** %
214	Supplies-Dept	0.00	721.73	1,200.00	1,200.00	478.27	60 %
215	Supplies-Materials	0.00	9,625.25	35,000.00	35,000.00	25,374.75	28 %
217	Supplies-Uniforms	0.00	3,416.47	8,000.00	8,000.00	4,583.53	43 %
310	Travel and Transportation	0.00	111.40	500.00	500.00	388.60	22 %
331	Utilities-Street Lights	0.00	6,332.96	15,000.00	15,000.00	8,667.04	42 %
334	Utilities-Buildings	0.00	4,495.50	11,500.00	11,500.00	7,004.50	39 %
350	Repairs and Maint-Buildings	0.00	1,657.67	25,000.00	25,000.00	23,342.33	7 %
351	Repairs and Maint-Grounds	0.00	7,536.19	12,000.00	12,000.00	4,463.81	63 %
353	Repairs and Maint-Equipment	0.00	11,738.68	30,000.00	30,000.00	18,261.32	39 %
354	Repairs and Maint-Vehicles	0.00	8,190.89	20,000.00	20,000.00	11,809.11	41 %
550	Other Equipment	0.00	100.00	0.00	0.00	-100.00	*** %
691	Contractual Services	0.00	180.00	4,000.00	4,000.00	3,820.00	5 %
	<b>Account Total:</b>	<b>27,311.77</b>	<b>326,384.74</b>	<b>804,193.00</b>	<b>804,193.00</b>	<b>477,808.26</b>	<b>41 %</b>
	<b>Account Group Total:</b>	<b>27,311.77</b>	<b>326,384.74</b>	<b>804,193.00</b>	<b>804,193.00</b>	<b>477,808.26</b>	<b>41 %</b>
472000 SANITATION							

Fund Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
10 GENERAL FUND							
472000 SANITATION							
	691 Contractual Services	14,915.00	149,150.00	177,000.00	179,400.00	30,250.00	83 %
	692 Contractual Services-Recycling	1,528.00	14,888.00	14,400.00	14,400.00	-488.00	103 %
	696 Tipping Fees	2,685.00	28,683.06	38,000.00	38,000.00	9,316.94	75 %
	<b>Account Total:</b>	<b>19,128.00</b>	<b>192,721.06</b>	<b>229,400.00</b>	<b>231,800.00</b>	<b>39,078.94</b>	<b>83 %</b>
	<b>Account Group Total:</b>	<b>19,128.00</b>	<b>192,721.06</b>	<b>229,400.00</b>	<b>231,800.00</b>	<b>39,078.94</b>	<b>83 %</b>
473000 DAM/Watershed Protection							
	351 Repairs and Maint-Grounds	0.00	3,650.00	9,000.00	9,000.00	5,350.00	41 %
	352 Repairs and Maint-Dam	0.00	5,843.94	14,000.00	14,000.00	8,156.06	42 %
	<b>Account Total:</b>	<b>0.00</b>	<b>9,493.94</b>	<b>23,000.00</b>	<b>23,000.00</b>	<b>13,506.06</b>	<b>41 %</b>
	<b>Account Group Total:</b>	<b>0.00</b>	<b>9,493.94</b>	<b>23,000.00</b>	<b>23,000.00</b>	<b>13,506.06</b>	<b>41 %</b>
492000 ECONOMIC DEVELOPMENT							
492000 ECONOMIC DEVELOPMENT							
	100 SALARIES	3,837.44	37,669.94	63,100.00	63,100.00	25,430.06	60 %
	109 FICA	293.34	2,986.46	4,800.00	4,800.00	1,813.54	62 %
	110 Retirement	728.72	7,401.93	11,400.00	11,400.00	3,998.07	65 %
	111 Group Insurance	639.58	6,610.76	9,500.00	9,500.00	2,889.24	70 %
	120 401 (K) Contribution	191.88	1,953.56	3,300.00	3,300.00	1,346.44	59 %
	585 Community Branding	0.00	2,379.58	15,500.00	45,500.00	43,120.42	5 %
	<b>Account Total:</b>	<b>5,690.96</b>	<b>59,002.23</b>	<b>107,600.00</b>	<b>137,600.00</b>	<b>78,597.77</b>	<b>43 %</b>
	<b>Account Group Total:</b>	<b>5,690.96</b>	<b>59,002.23</b>	<b>107,600.00</b>	<b>137,600.00</b>	<b>78,597.77</b>	<b>43 %</b>
493000 COMMUNITY DEVELOPMENT							
493000 COMMUNITY DEVELOPMENT							
	100 SALARIES	19,514.94	115,972.18	279,601.00	279,601.00	163,628.82	41 %
	109 FICA	1,442.76	9,262.70	21,227.00	21,227.00	11,964.30	44 %
	110 Retirement	3,640.13	23,267.48	50,500.00	50,500.00	27,232.52	46 %
	111 Group Insurance	2,516.78	16,447.90	38,410.00	38,410.00	21,962.10	43 %
	120 401 (K) Contribution	248.26	2,482.60	13,930.00	13,930.00	11,447.40	18 %
	180 Legal Services	6,771.60	11,255.80	20,000.00	20,000.00	8,744.20	56 %
	212 Supplies-Fuel	0.00	377.62	1,000.00	1,000.00	622.38	38 %
	214 Supplies-Dept	0.00	59.69	5,500.00	5,500.00	5,440.31	1 %
	310 Travel and Transportation	18.67	1,731.93	4,000.00	4,000.00	2,268.07	43 %
	324 Dues and Subscriptions	0.00	60.00	1,000.00	1,000.00	940.00	6 %
	370 Advertising	0.00	0.00	1,000.00	1,000.00	1,000.00	0 %
	410 RENTS	0.00	12,409.64	18,000.00	18,000.00	5,590.36	69 %
	691 Contractual Services	0.00	0.00	17,000.00	17,000.00	17,000.00	0 %
	<b>Account Total:</b>	<b>34,153.14</b>	<b>193,327.54</b>	<b>471,168.00</b>	<b>471,168.00</b>	<b>277,840.46</b>	<b>41 %</b>
	<b>Account Group Total:</b>	<b>34,153.14</b>	<b>193,327.54</b>	<b>471,168.00</b>	<b>471,168.00</b>	<b>277,840.46</b>	<b>41 %</b>
500000 HUMAN SERVICES							
500000 HUMAN SERVICES							
	500 CAPITAL OUTLAY	0.00	31,135.54	0.00	0.00	-31,135.54	*** %
	<b>Account Total:</b>	<b>0.00</b>	<b>31,135.54</b>	<b>0.00</b>	<b>0.00</b>	<b>-31,135.54</b>	<b>*** %</b>
	<b>Account Group Total:</b>	<b>0.00</b>	<b>31,135.54</b>	<b>0.00</b>	<b>0.00</b>	<b>-31,135.54</b>	<b>*** %</b>

Fund Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
10 GENERAL FUND							
613000 PARKS, RECREATION & LAKE							
613000 PARKS, RECREATION & LAKE							
	100 SALARIES	21,806.24	186,004.78	280,000.00	280,000.00	93,995.22	66 %
	102 Salaries-Part Time	0.00	1,653.76	0.00	0.00	-1,653.76	*** %
	109 FICA	1,579.58	15,639.35	22,500.00	22,500.00	6,860.65	70 %
	110 Retirement	4,183.97	41,358.73	51,000.00	51,000.00	9,641.27	81 %
	111 Group Insurance	3,837.48	35,734.50	57,000.00	57,000.00	21,265.50	63 %
	120 401 (K) Contribution	1,088.01	10,782.49	14,000.00	14,000.00	3,217.51	77 %
	212 Supplies-Fuel	0.00	7,726.41	15,000.00	15,000.00	7,273.59	52 %
	213 Supplies-Boat Fuel & Supplies	0.00	4,980.05	12,000.00	12,000.00	7,019.95	42 %
	214 Supplies-Dept	0.00	2,391.28	5,000.00	5,000.00	2,608.72	48 %
	215 Supplies-Materials	0.00	840.39	25,000.00	25,000.00	24,159.61	3 %
	216 Supplies-Fish Purchase	0.00	0.00	8,000.00	8,000.00	8,000.00	0 %
	217 Supplies-Uniforms	0.00	1,144.87	1,500.00	1,500.00	355.13	76 %
	219 Boat and Fishing Permits	0.00	5,736.68	6,500.00	6,500.00	763.32	88 %
	310 Travel and Transportation	0.00	1,438.41	2,000.00	2,000.00	561.59	72 %
	330 Utilities	0.00	0.00	6,700.00	6,700.00	6,700.00	0 %
	333 Utilities-Boat House and Range	0.00	67.78	0.00	0.00	-67.78	*** %
	335 Flowering Bridge Lighting	0.00	2,566.20	3,500.00	3,500.00	933.80	73 %
	351 Repairs and Maint-Grounds	0.00	64,980.63	100,000.00	100,000.00	35,019.37	65 %
	353 Repairs and Maint-Equipment	23.96	7,053.87	14,000.00	14,000.00	6,946.13	50 %
	691 Contractual Services	0.00	23,927.61	40,500.00	40,500.00	16,572.39	59 %
	697 Dredging & Debris Removal	0.00	53,041.84	0.00	0.00	-53,041.84	*** %
	<b>Account Total:</b>	<b>32,519.24</b>	<b>467,069.63</b>	<b>664,200.00</b>	<b>664,200.00</b>	<b>197,130.37</b>	<b>70 %</b>
	<b>Account Group Total:</b>	<b>32,519.24</b>	<b>467,069.63</b>	<b>664,200.00</b>	<b>664,200.00</b>	<b>197,130.37</b>	<b>70 %</b>
615000 BEACH & MARINA							
615000 BEACH & MARINA							
	214 Supplies-Dept	0.00	0.00	2,000.00	2,000.00	2,000.00	0 %
	350 Repairs and Maint-Buildings	0.00	342.00	4,000.00	4,000.00	3,658.00	9 %
	351 Repairs and Maint-Grounds	0.00	8,259.48	10,200.00	10,200.00	1,940.52	81 %
	353 Repairs and Maint-Equipment	0.00	1,740.03	1,300.00	1,300.00	-440.03	134 %
	<b>Account Total:</b>	<b>0.00</b>	<b>10,341.51</b>	<b>17,500.00</b>	<b>17,500.00</b>	<b>7,158.49</b>	<b>59 %</b>
	<b>Account Group Total:</b>	<b>0.00</b>	<b>10,341.51</b>	<b>17,500.00</b>	<b>17,500.00</b>	<b>7,158.49</b>	<b>59 %</b>
617000 GOLF							
617000 GOLF							
	350 Repairs and Maint-Buildings	0.00	35.00	0.00	0.00	-35.00	*** %
	<b>Account Total:</b>	<b>0.00</b>	<b>35.00</b>	<b>0.00</b>	<b>0.00</b>	<b>-35.00</b>	<b>*** %</b>
	<b>Account Group Total:</b>	<b>0.00</b>	<b>35.00</b>	<b>0.00</b>	<b>0.00</b>	<b>-35.00</b>	<b>*** %</b>
800000 CAPITAL OUTLAY/SPECIAL PROJECTS							
800000 CAPITAL OUTLAY/SPECIAL PROJECTS							
	506 HVAC System/Police	0.00	0.00	15,000.00	15,000.00	15,000.00	0 %
	516 PUBLIC SERVICES BLDG	0.00	0.00	50,000.00	50,000.00	50,000.00	0 %
	522 Pool Creek Bridge Light Replacement	0.00	14,380.00	10,000.00	10,000.00	-4,380.00	144 %
	530 P&R-Mower	0.00	2,650.00	18,000.00	18,000.00	15,350.00	15 %
	541 POLICE-Vehicles	0.00	42,320.36	57,000.00	57,000.00	14,679.64	74 %
	548 Parking Lot	0.00	0.00	200,000.00	200,000.00	200,000.00	0 %
	550 Other Equipment	0.00	187,584.92	421,504.00	155,000.00	-32,584.92	121 %

Fund Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
10	GENERAL FUND						
	555 PW Storage Bldg	0.00	0.00	450,000.00	450,000.00	450,000.00	0 %
	559 PW BLDG-Renovations	0.00	25,500.00	40,000.00	40,000.00	14,500.00	64 %
	576 DAM-AUTOMATION	0.00	216,833.00	256,560.00	256,560.00	39,727.00	85 %
	587 DAM BOOM REPLACEMENT	0.00	0.00	70,000.00	70,000.00	70,000.00	0 %
	592 PW-Street Paving	0.00	46,322.60	150,000.00	174,000.00	127,677.40	27 %
	697 Dredging & Debris Removal	68,756.16	769,226.46	1,000,000.00	1,000,000.00	230,773.54	77 %
	<b>Account Total:</b>	<b>68,756.16</b>	<b>1,304,817.34</b>	<b>2,359,064.00</b>	<b>2,495,560.00</b>	<b>1,190,742.66</b>	<b>52 %</b>
	<b>Account Group Total:</b>	<b>68,756.16</b>	<b>1,304,817.34</b>	<b>2,359,064.00</b>	<b>2,495,560.00</b>	<b>1,190,742.66</b>	<b>52 %</b>
	910000 DEBT SERVICE						
	910000 DEBT SERVICE						
	504 VEHICLES	0.00	34,592.04	44,500.00	44,500.00	9,907.96	78 %
	531 FIRE-Fire Engine	0.00	0.00	46,300.00	46,300.00	46,300.00	0 %
	541 POLICE-Vehicles	0.00	4,199.18	17,225.00	17,225.00	13,025.82	24 %
	550 Other Equipment	0.00	35,935.90	144,500.00	144,500.00	108,564.10	25 %
	561 Brdwalk-Marina Bay	0.00	0.00	101,900.00	101,900.00	101,900.00	0 %
	573 Barge/Excavator	0.00	106,626.77	0.00	0.00	-106,626.77	*** %
	700 DEBT SERVICE	0.00	1,432.10	0.00	0.00	-1,432.10	*** %
	720 Bond Interest	0.00	23,170.37	58,500.00	58,500.00	35,329.63	40 %
	<b>Account Total:</b>	<b>0.00</b>	<b>205,956.36</b>	<b>412,925.00</b>	<b>412,925.00</b>	<b>206,968.64</b>	<b>50 %</b>
	<b>Account Group Total:</b>	<b>0.00</b>	<b>205,956.36</b>	<b>412,925.00</b>	<b>412,925.00</b>	<b>206,968.64</b>	<b>50 %</b>
	920000 Non-Governmental						
	920000 Non-Governmental						
	130 Unemployment	0.00	4,211.45	5,000.00	5,000.00	788.55	84 %
	450 Insurance	0.00	172,114.70	165,000.00	165,000.00	-7,114.70	104 %
	751 Bank Fees	0.00	6.50	2,500.00	2,500.00	2,493.50	0 %
	<b>Account Total:</b>	<b>0.00</b>	<b>176,332.65</b>	<b>172,500.00</b>	<b>172,500.00</b>	<b>-3,832.65</b>	<b>102 %</b>
	<b>Account Group Total:</b>	<b>0.00</b>	<b>176,332.65</b>	<b>172,500.00</b>	<b>172,500.00</b>	<b>-3,832.65</b>	<b>102 %</b>
	980000 TRANSFERS						
	980000 TRANSFERS						
	967 Transfer to Capital Reserve Fund	0.00	0.00	1,600,000.00	1,600,000.00	1,600,000.00	0 %
	<b>Account Total:</b>	<b>0.00</b>	<b>0.00</b>	<b>1,600,000.00</b>	<b>1,600,000.00</b>	<b>1,600,000.00</b>	<b>0 %</b>
	<b>Account Group Total:</b>	<b>0.00</b>	<b>0.00</b>	<b>1,600,000.00</b>	<b>1,600,000.00</b>	<b>1,600,000.00</b>	<b>0 %</b>
	<b>Fund Total:</b>	<b>370,140.64</b>	<b>5,054,291.67</b>	<b>9,928,110.00</b>	<b>10,183,306.00</b>	<b>5,129,014.33</b>	<b>50 %</b>
	21 Capital Reserve Fund						
	980000 TRANSFERS						
	980000 TRANSFERS						
	958 Transfer to Fund Balance	0.00	0.00	1,150,000.00	1,150,000.00	1,150,000.00	0 %
	966 Transfer To General	0.00	0.00	450,000.00	450,000.00	450,000.00	0 %
	<b>Account Total:</b>	<b>0.00</b>	<b>0.00</b>	<b>1,600,000.00</b>	<b>1,600,000.00</b>	<b>1,600,000.00</b>	<b>0 %</b>
	<b>Account Group Total:</b>	<b>0.00</b>	<b>0.00</b>	<b>1,600,000.00</b>	<b>1,600,000.00</b>	<b>1,600,000.00</b>	<b>0 %</b>
	<b>Fund Total:</b>	<b>0.00</b>	<b>0.00</b>	<b>1,600,000.00</b>	<b>1,600,000.00</b>	<b>1,600,000.00</b>	<b>0 %</b>

Fund Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
53 WATER AND SEWER FUND							
713000 WATER							
713000 WATER							
	212 Supplies-Fuel	0.00	35.46	0.00	0.00	-35.46	*** %
	214 Supplies-Dept	0.00	387.50	15,000.00	15,000.00	14,612.50	3 %
	310 Travel and Transportation	0.00	355.00	4,000.00	4,000.00	3,645.00	9 %
	324 Dues and Subscriptions	0.00	160.00	2,000.00	2,000.00	1,840.00	8 %
	330 Utilities	0.00	8,308.88	15,000.00	15,000.00	6,691.12	55 %
	350 Repairs and Maint-Buildings	0.00	12,579.01	20,000.00	20,000.00	7,420.99	63 %
	353 Repairs and Maint-Equipment	9,799.00	16,997.11	30,000.00	30,000.00	13,002.89	57 %
	354 Repairs and Maint-Vehicles	0.00	50.00	0.00	0.00	-50.00	*** %
	358 Repairs and Maint-Lines	0.00	0.00	18,000.00	18,000.00	18,000.00	0 %
	430 Equipment Rental	0.00	0.00	500.00	500.00	500.00	0 %
	691 Contractual Services	0.00	18,769.88	20,000.00	20,000.00	1,230.12	94 %
	<b>Account Total:</b>	<b>9,799.00</b>	<b>57,642.84</b>	<b>124,500.00</b>	<b>124,500.00</b>	<b>66,857.16</b>	<b>46 %</b>
	<b>Account Group Total:</b>	<b>9,799.00</b>	<b>57,642.84</b>	<b>124,500.00</b>	<b>124,500.00</b>	<b>66,857.16</b>	<b>46 %</b>
714000 SEWER							
714000 SEWER							
	103 Professional Services	0.00	300.00	3,000.00	3,000.00	2,700.00	10 %
	214 Supplies-Dept	0.00	75.61	800.00	800.00	724.39	9 %
	215 Supplies-Materials	0.00	65,634.81	180,000.00	180,000.00	114,365.19	36 %
	310 Travel and Transportation	0.00	952.01	4,000.00	4,000.00	3,047.99	24 %
	320 Postage	0.00	8,979.96	4,000.00	4,000.00	-4,979.96	224 %
	330 Utilities	0.00	4,624.59	16,000.00	16,000.00	11,375.41	29 %
	350 Repairs and Maint-Buildings	0.00	10,270.25	20,000.00	20,000.00	9,729.75	51 %
	353 Repairs and Maint-Equipment	0.00	13,014.83	45,000.00	45,000.00	31,985.17	29 %
	355 Repairs and Maint-Collection System	0.00	4,277.95	25,000.00	25,000.00	20,722.05	17 %
	358 Repairs and Maint-Lines	0.00	704.80	0.00	0.00	-704.80	*** %
	550 Other Equipment	0.00	14,937.50	0.00	155,000.00	140,062.50	10 %
	613 Manhole Rehabi Project	0.00	129,044.20	0.00	0.00	-129,044.20	*** %
	690 Contractual Services-Sludge Hauling	9,000.00	69,320.77	160,000.00	160,000.00	90,679.23	43 %
	691 Contractual Services	250.00	30,720.36	79,000.00	79,000.00	48,279.64	39 %
	699 Contractual Services-WWTP Operator	0.00	11,045.00	40,000.00	40,000.00	28,955.00	28 %
	<b>Account Total:</b>	<b>9,250.00</b>	<b>363,902.64</b>	<b>576,800.00</b>	<b>731,800.00</b>	<b>367,897.36</b>	<b>50 %</b>
	<b>Account Group Total:</b>	<b>9,250.00</b>	<b>363,902.64</b>	<b>576,800.00</b>	<b>731,800.00</b>	<b>367,897.36</b>	<b>50 %</b>
720000 ELECTRIC OPERATIONS							
720000 ELECTRIC OPERATIONS							
	330 Utilities	0.00	27.95	0.00	0.00	-27.95	*** %
	<b>Account Total:</b>	<b>0.00</b>	<b>27.95</b>	<b>0.00</b>	<b>0.00</b>	<b>-27.95</b>	<b>*** %</b>
	<b>Account Group Total:</b>	<b>0.00</b>	<b>27.95</b>	<b>0.00</b>	<b>0.00</b>	<b>-27.95</b>	<b>*** %</b>
800000 CAPITAL OUTLAY/SPECIAL PROJECTS							
800000 CAPITAL OUTLAY/SPECIAL PROJECTS							
	511 WATER METERS	0.00	0.00	200,000.00	200,000.00	200,000.00	0 %
	547 CAMERAS/CAMERAS	0.00	0.00	8,500.00	8,500.00	8,500.00	0 %
	557 FIREFLY COVE SYSTEM	0.00	0.00	250,000.00	250,000.00	250,000.00	0 %
	<b>Account Total:</b>	<b>0.00</b>	<b>0.00</b>	<b>458,500.00</b>	<b>458,500.00</b>	<b>458,500.00</b>	<b>0 %</b>
	<b>Account Group Total:</b>	<b>0.00</b>	<b>0.00</b>	<b>458,500.00</b>	<b>458,500.00</b>	<b>458,500.00</b>	<b>0 %</b>

Fund Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
53 WATER AND SEWER FUND							
910000 DEBT SERVICE							
910000	DEBT SERVICE						
	611 SRL Fund Project	0.00	2,579.49	55,955.00	55,955.00	53,375.51	5 %
	612 Joint Wrapping Project	0.00	0.00	63,990.00	63,990.00	63,990.00	0 %
	720 Bond Interest	0.00	0.00	5,160.00	5,160.00	5,160.00	0 %
	<b>Account Total:</b>	<b>0.00</b>	<b>2,579.49</b>	<b>125,105.00</b>	<b>125,105.00</b>	<b>122,525.51</b>	<b>2 %</b>
	<b>Account Group Total:</b>	<b>0.00</b>	<b>2,579.49</b>	<b>125,105.00</b>	<b>125,105.00</b>	<b>122,525.51</b>	<b>2 %</b>
980000 TRANSFERS							
980000	TRANSFERS						
	958 Transfer to Fund Balance	0.00	0.00	365,455.00	365,455.00	365,455.00	0 %
	<b>Account Total:</b>	<b>0.00</b>	<b>0.00</b>	<b>365,455.00</b>	<b>365,455.00</b>	<b>365,455.00</b>	<b>0 %</b>
	<b>Account Group Total:</b>	<b>0.00</b>	<b>0.00</b>	<b>365,455.00</b>	<b>365,455.00</b>	<b>365,455.00</b>	<b>0 %</b>
	<b>Fund Total:</b>	<b>19,049.00</b>	<b>424,152.92</b>	<b>1,650,360.00</b>	<b>1,805,360.00</b>	<b>1,381,207.08</b>	<b>23 %</b>
56 ELECTRIC FUND							
720000 ELECTRIC OPERATIONS							
720000	ELECTRIC OPERATIONS						
	100 SALARIES	17,307.18	151,776.51	87,500.00	87,500.00	-64,276.51	173 %
	103 Professional Services	0.00	0.00	40,000.00	40,000.00	40,000.00	0 %
	109 FICA	1,248.21	13,072.57	6,950.00	6,950.00	-6,122.57	188 %
	110 Retirement	3,286.64	32,783.33	15,000.00	15,000.00	-17,783.33	219 %
	111 Group Insurance	1,918.74	19,697.24	10,000.00	10,000.00	-9,697.24	197 %
	120 401 (K) Contribution	594.78	4,313.00	4,313.00	4,313.00	-1,634.80	138 %
	212 Supplies-Fuel	0.00	4,594.41	6,000.00	6,000.00	1,405.59	77 %
	214 Supplies-Dept	0.00	257.19	6,200.00	6,200.00	5,942.81	4 %
	320 Postage	0.00	44.32	0.00	0.00	-44.32	*** %
	321 Telephone	0.00	1,247.29	3,000.00	3,000.00	1,752.71	42 %
	330 Utilities	0.00	1,790.60	6,000.00	6,000.00	4,209.40	30 %
	350 Repairs and Maint-Buildings	0.00	2,703.45	15,000.00	15,000.00	12,296.55	18 %
	352 Repairs and Maint-Dam	0.00	123.84	0.00	0.00	-123.84	*** %
	353 Repairs and Maint-Equipment	0.00	1,948.14	40,000.00	40,000.00	38,051.86	5 %
	691 Contractual Services	0.00	2,640.00	42,000.00	42,000.00	39,360.00	6 %
	<b>Account Total:</b>	<b>24,355.55</b>	<b>238,626.69</b>	<b>281,963.00</b>	<b>281,963.00</b>	<b>43,336.31</b>	<b>85 %</b>
	<b>Account Group Total:</b>	<b>24,355.55</b>	<b>238,626.69</b>	<b>281,963.00</b>	<b>281,963.00</b>	<b>43,336.31</b>	<b>85 %</b>
980000 TRANSFERS							
980000	TRANSFERS						
	958 Transfer to Fund Balance	0.00	0.00	118,187.00	118,187.00	118,187.00	0 %
	<b>Account Total:</b>	<b>0.00</b>	<b>0.00</b>	<b>118,187.00</b>	<b>118,187.00</b>	<b>118,187.00</b>	<b>0 %</b>
	<b>Account Group Total:</b>	<b>0.00</b>	<b>0.00</b>	<b>118,187.00</b>	<b>118,187.00</b>	<b>118,187.00</b>	<b>0 %</b>
	<b>Fund Total:</b>	<b>24,355.55</b>	<b>238,626.69</b>	<b>400,150.00</b>	<b>400,150.00</b>	<b>161,523.31</b>	<b>60 %</b>

Fund Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
58	Capital Sewer Project Fund						
714000	SEWER						
714000	SEWER						
	190 Engineering Services	0.00	225,728.00	0.00	0.00	-225,728.00	*** %
	573 Barge/Excavator	0.00	479,848.38	0.00	0.00	-479,848.38	*** %
	635 Contract for Design Build -Sewer	0.00	512,000.00	0.00	0.00	-512,000.00	*** %
	760 Closing Cost	0.00	45,686.00	0.00	0.00	-45,686.00	*** %
	<b>Account Total:</b>	<b>0.00</b>	<b>1,263,262.38</b>	<b>0.00</b>	<b>0.00</b>	<b>-1,263,262.38</b>	<b>*** %</b>
	<b>Account Group Total:</b>	<b>0.00</b>	<b>1,263,262.38</b>	<b>0.00</b>	<b>0.00</b>	<b>-1,263,262.38</b>	<b>*** %</b>
	<b>Fund Total:</b>	<b>0.00</b>	<b>1,263,262.38</b>	<b>0.00</b>	<b>0.00</b>	<b>-1,263,262.38</b>	<b>*** %</b>
75	CHIMNEY ROCK WATER FUND						
713000	WATER						
713000	WATER						
	214 Supplies-Dept	0.00	1,637.50	0.00	0.00	-1,637.50	*** %
	320 Postage	0.00	537.65	0.00	0.00	-537.65	*** %
	968 Payments to Chimney Rock Water Works	5,767.44	49,762.33	0.00	0.00	-49,762.33	*** %
	<b>Account Total:</b>	<b>5,767.44</b>	<b>51,937.48</b>	<b>0.00</b>	<b>0.00</b>	<b>-51,937.48</b>	<b>*** %</b>
	<b>Account Group Total:</b>	<b>5,767.44</b>	<b>51,937.48</b>	<b>0.00</b>	<b>0.00</b>	<b>-51,937.48</b>	<b>*** %</b>
	<b>Fund Total:</b>	<b>5,767.44</b>	<b>51,937.48</b>	<b>0.00</b>	<b>0.00</b>	<b>-51,937.48</b>	<b>*** %</b>
	<b>Grand Total:</b>	<b>419,312.63</b>	<b>7,032,271.14</b>	<b>13,578,620.00</b>	<b>13,988,816.00</b>	<b>6,956,544.86</b>	<b>50 %</b>

# V

## PUBLIC HEARING

A. Ordinance No. 23-05-09 Amending the Town of Lake Lure Code of Ordinances, Chapter 6 (“Buildings and Building Regulations”), Article III (“Lake Structures”)

- ii. Staff Report
- ii. Public Hearing
- iii. Council Deliberation
- iv. Consideration of Adoption of Ordinance No. 23-05-09

B. Ordinance No. 23-05-09A Amending the Town of Lake Lure Code of Ordinances Section 6-49 (a) (12) and Section 36-140 (b) (5), and Adding Section 22-23 (a) (1) and Section 36-297 to Establish Doubled Permit Fees for Projects Commenced Prior to Obtaining Permit(s)

- ii. Staff Report
- ii. Public Hearing
- iii. Council Deliberation
- iv. Consideration of Adoption of Ordinance No. 22-05-09A



**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM**

**Meeting Date:** May 9, 2023

**SUBJECT:** Ordinance No. 23-05-09 Amending the Town of Lake Lure Code of Ordinances, Chapter 6 ("Buildings and Building Regulations"), Article III ("Lake Structures")

**AGENDA INFORMATION:**

**Agenda Location:** Public Hearing

**Item Number:** A

**Department:** Community Development

**Contact:** Michael Williams, Community Development Director

**Presenter:** Michael Williams, Community Development Director

**BRIEF SUMMARY:**

The Town of Lake Lure Code of Ordinances Chapter 6, Article III, establishes regulations governing all structures to be erected and maintained within the boundaries of the lake for the purpose of enhancing the health, safety, and welfare of the general public and to preserve the property of the town and the properties of upland landowners. As of current, the regulation of lake structures is prescribed and enforced in a uniform manner regardless of severity or type of construction or maintenance. Community Development staff has found that the severity and type of construction and maintenance of lake structures are diverse, and it is sensible and appropriate to regulate the construction and maintenance of lake structures in varied fashion. The Zoning and Planning Board recommended the proposed changes to Chapter 6, Article III, detailed in Ordinance No. 23-05-09.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:**

To adopt Ordinance No. 23-05-09 Amending the Town of Lake Lure Code of Ordinances, Chapter 6 ("Buildings and Building Regulations"), Article III ("Lake Structures")

**ATTACHMENTS:**

Ordinance No. 23-05-09 Amending the Town of Lake Lure Code of Ordinances, Chapter 6 ("Buildings and Building Regulations"), Article III ("Lake Structures")

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

Community Development Staff recommends that the Town Council adopt Ordinance No. 23-05-09 Amending the Town of Lake Lure Code of Ordinances, Chapter 6 ("Buildings and Building Regulations"), Article III ("Lake Structures")his re-sanding of the Town's existing public beach located at 2724 Memorial Highway.

**ORDINANCE NUMBER 23-05-09**

**AN ORDINANCE AMENDING THE TOWN OF LAKE LURE CODE OF ORDINANCES, CHAPTER 6 (“BUILDINGS AND BUILDING REGULATIONS”), ARTICLE III (“LAKE STRUCTURES”)**

**WHEREAS**, The Town of Lake Lure establishes regulations governing all structures to be erected and maintained within the boundaries of the lake for the purpose of enhancing the health, safety, and welfare of the general public and to preserve the property of the town and the properties of upland landowners; and

**WHEREAS**, The Town of Lake Lure Code of Ordinances Chapter 6, Article III, establishes the regulation of lake structures; and

**WHEREAS**, The regulation of lake structures is prescribed and enforced in a uniform manner regardless of severity or type of construction or maintenance; and

**WHEREAS**, The Town of Lake Lure finds that the severity and type of construction and maintenance of lake structures are diverse, and it is sensible and appropriate to regulate the construction and maintenance of lake structures in varied fashion.

**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 definition is hereby added to Chapter 6 (“Buildings and Building Regulations”), Article III (“Lake Structures”), Section 6-48 (“Definitions”):

*Repairs, Minor Structural.* Structural repair or replace in like kind actions to an existing lake structure costing no more than \$4,999.

**SECTION TWO.** Chapter 6 (“Buildings and Building Regulations”), Article III (“Lake Structures”), Section 6-52 (“Repair, Reconstruct, and Removal of Structures”), is hereby amended as follows:

**Sec. 6-52. Repair, reconstruction, and removal of structures.**

- (a) Internal, external, and cosmetic repairs do not require a lake structure permit, unless a county building permit is required. It is the property owner's responsibility to determine if a county building permit is required for the work being performed.
- (b) Minor structural repairs and replacements may be excluded from the requirement that plans be professionally sealed if presented plans are approved by the Lake Structure Administrator as sufficient to justify the applicant’s assurance of structural integrity of the project.
- ~~(b)~~ (c) Structural repairs and reconstruction of lake structures require a lake structure permit as described in section 6-49 before any work is performed. A survey shall be required,

and must accompany the application for all structural repair and reconstruction endeavors that affect the physical location, outer dimensions (height, length, width), projection into the lake, or setbacks of a lake structure. A county building permit may also be required depending on the nature and extent of the work.

~~(e)~~ (d) Reconstruction of lake structures shall be permitted as described in section 6-49; shall begin within 18 months from the date of condemnation, collapse, or destruction; and shall meet the following requirements:

- (1) The original structure may be replaced with a like structure, not necessarily of the same dimensions, (i.e., a dock with a dock, a boathouse with a boathouse) and shall not include living quarters over the water.
- (2) Height and projection into the lake meets current standards as described in section 6-51.
- (3) The number of permanent moorings meets current standards as described in section 6-51.
- (4) The distance from the lake structure to the projected upland lot property lines, if less than 15 feet, shall be no closer to the projected lot line than the structure being replaced and shall not encroach on or over projected property lines.

~~(d)~~ (e) Cleanup and removal of condemned, collapsed, or involuntarily destroyed structures shall begin within 90 days of the date of condemnation, collapse, or destruction. Hazardous items such as fuel, lubricants, paint, chemicals, unused boat batteries, etc., shall be removed immediately to protect water quality.

~~(e)~~ (f) These standards shall not apply to any lake structures owned by the town, providing that designs for such structures have been reviewed and approved by the lake advisory board and the town council.

**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.

**READ, APPROVED, AND ADOPTED** this 9<sup>th</sup> day of May, 2023.

ATTEST:

\_\_\_\_\_  
Olivia Stewman  
Town Clerk

\_\_\_\_\_  
Carol C. Pritchett  
Mayor

Approved as to content & form:

\_\_\_\_\_  
William C. Morgan, Jr.  
Town Attorney

**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM  
Meeting Date: May 9, 2023**

**SUBJECT:** Ordinance No. 23-05-09A Amending the Town of Lake Lure Code of Ordinances Section 6-49 (a) (12) and Section 36-140 (b) (5), and Adding Section 22-23 (a) (1) and Section 36-297 to Establish Doubled Permit Fees for Projects Commenced Prior to Obtaining Permit(s)

**AGENDA INFORMATION:**

**Agenda Location:** Public Hearing  
**Item Number:** B  
**Department:** Community Development  
**Contact:** Michael Williams, Community Development Director  
**Presenter:** Michael Williams, Community Development Director

**BRIEF SUMMARY:**

The Community Development Department has expressed concern regarding consistent occurrences of projects commenced prior to obtaining necessary permitting. As a deterrent, the Department is recommending the implementation of doubled permit fees for lake structure, zoning, and land disturbance projects commenced prior to obtaining necessary permit(s). The Department further recommends that the doubled permit fee not apply to mobile food vendor operators or vacation rental operators, but such operators may be subject to civil fines as provided in the Town fee schedule if caught commencing a project prior to obtaining necessary permit(s). The Zoning and Planning Board recommended the language proposed in Ordinance No. 23-05-09A.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:**

To adopt Ordinance No. 23-05-09A Amending the Town of Lake Lure Code of Ordinances Section 6-49 (a) (12) and Section 36-140 (b) (5), and Adding Section 22-23 (a) (1) to Establish Doubled Permit Fees for Projects Commenced Prior to Obtaining Permit(s)

**ATTACHMENTS:**

Ordinance No. 23-05-09A Amending the Town of Lake Lure Code of Ordinances Section 6-49 (a) (12) and Section 36-140 (b) (5), and Adding Section 22-23 (a) (1) to Establish Doubled Permit Fees for Projects Commenced Prior to Obtaining Permit(s)

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

Community Development Staff recommends that the Town Council adopt Ordinance No. 23-05-09A Amending the Town of Lake Lure Code of Ordinances Section 6-49 (a) (12) and Section 36-140 (b) (5), and Adding Section 22-23 (a) (1) to Establish Doubled Permit Fees for Projects Commenced Prior to Obtaining Permit(s)

**ORDINANCE NUMBER 23-05-09A**

**AN ORDINANCE AMENDING THE TOWN OF LAKE LURE CODE OF ORDINANCES SECTION 6-49 (A) (12) AND SECTION 36-140 (B) (5), AND ADDING SECTION 22-23 (A) (1) AND SECTION 36-297 TO ESTABLISH DOUBLED PERMIT FEES FOR PROJECTS COMMENCED PRIOR TO OBTAINING PERMIT(S)**

**WHEREAS**, The Town of Lake Lure is authorized to establish certain fees; and

**WHEREAS**, The Town of Lake Lure collects Community Development permit fees for lake structures, zoning, land disturbances, and more; and

**WHEREAS**, The Town of Lake Lure Community Development staff has expressed concern regarding consistent occurrences of projects commenced prior to obtaining necessary permitting; and

**WHEREAS**, The Town of Lake Lure finds it necessary to implement techniques to mitigate the commencement of projects prior to obtaining necessary permitting; and

**WHEREAS**, The Town of Lake Lure supports the implementation of doubled permit fees for lake structure, zoning, and land disturbance projects commenced prior to obtaining permit(s).

**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.** Chapter 6 (“Buildings and Building Regulations”), Article III (“Lake Structures”), Section 6-49 (a) (12), is hereby amended as follows:

- (12) The application fee, the amount of which shall be established by the town council. Failure to obtain a required permit prior to commencing work shall subject applicant to double application fee.

**SECTION TWO.** Chapter 36 (“Zoning”), Article V (“Administration, Enforcement, Appeals”), Section 36-140 (b), is hereby amended as follows:

- (b) All applications for certificates of zoning compliance shall be accompanied by the following:
  - (1) Detailed site plans, in duplicate and drawn to scale, showing the following:
    - a. Actual dimensions and general topography of the lot to be built upon;

- b. Accurate dimensions, uses and locations on the lot of the building proposed to be erected or altered;
  - c. The significant trees to be protected or removed; and
  - d. A steep slope plan in accordance with section 36-262 where such slopes occur.
- (2) If connection is to be made to the town's water or sewer systems, proof of approval for taps from the town, or a completed "waiver of liability" on a form obtainable from the town.
  - (3) If individual septic tanks and/or wells are to be used, proof of approval from the county health department.
  - (4) Such other information as may be necessary to provide for the enforcement of the provisions of this chapter.
  - (5) The application package shall include the review fee, the amount of which shall be established by the town council. Failure to obtain a required permit prior to commencing work shall subject applicant to double application review fee.

**SECTION THREE.** Chapter 22 (“Planning and Development”), Article II (“Soil Erosion and Sediment Control”), Section 22-23 (a) (1), is hereby amended as follows:

(a) *Permit required.*

- (1) A land disturbance permit approved by the erosion control officer shall be required for all non-exempt land disturbing activities, except that no permit shall be required for land disturbing activity:
  - a. Where land disturbing activities are essential to protect human life and only for the duration of an emergency;
  - b. Where land disturbing activities are within 35 feet of a lake or natural watercourse and do not exceed 100 square feet in surface area; or
  - c. Where land disturbing activities are not within 35 feet of a lake or natural watercourse and do not exceed 2,000 square feet in surface area;
  - d. The application package shall include the review fee, the amount of which shall be established by the town council. Failure to obtain a required permit and plan approval prior to commencing work shall result in double the normal application review fee.

**SECTION FOUR.** Chapter 36 (“Zoning”), Article X (“Exemptions”), is hereby amended as follows:

**Sec. 36-297. Exceptions to 36-140 (b) (5).**

The doubled permit fee penalty for failing to obtain a required permit prior to commencing work shall not apply to either a Mobile Food Vendor Operator or a Vacation Rental Operator who begin operating within the Town without the required Town permit. However, the violation may subject that violator to civil fines as provided in the Town fee schedule.

~~Secs. 36-297 – 36-323. Reserved.~~

**Secs. 36-298 – 36.323. Reserved.**

**SECTION FIVE.** The Town of Lake Lure Town Council deems Ordinance No. 23-05-09A to be consistent with the Lake Lure comprehensive plan because it enhances the enforcement of land use and zoning regulations.

**SECTION SIX.** The Town of Lake Lure Town Council deems Ordinance No. 23-05-09A to be reasonable and in the public interest because it provides additional enforcement of the Code of Ordinances put in place to meet the needs of the community.

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

**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.

**READ, APPROVED, AND ADOPTED** this 9<sup>th</sup> day of May, 2023.

ATTEST:

\_\_\_\_\_  
Olivia Stewman  
Town Clerk

\_\_\_\_\_  
Carol C. Pritchett  
Mayor

Approved as to content & form:

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William C. Morgan, Jr.  
Town Attorney



**VI  
COUNCIL LIAISON  
REPORTS AND  
COMMENTS**

# VII

## PUBLIC COMMENT

*The public is invited to speak. Please keep comments limited to three minutes or less. Comments may also be submitted in writing to the Town Clerk, [ostewman@townoflakelure.com](mailto:ostewman@townoflakelure.com), at least one hour prior to the meeting.*

# VIII

## CONSENT AGENDA

- A. Approval of the April 11, 2023 Regular Town Council Meeting Minutes, the April 18, 2023 Special Round Table Meeting Minutes, the April 20, 2023 Special Round Table Meeting Minutes, and the April 26, 2023 Regular Town Council Work Session Meeting Minutes
- B. Resolution No. 23-05-09 Amending the Rules of Procedure for the lake Lure Town Council
- C. Approval of Rumbling Bald Request to Rearrange the Placement of the Cluster Mooring Located on the Northwest end of the Lake



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL  
HELD TUESDAY, APRIL 11, 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 Jim Proctor  
Commissioner Patrick Bryant

William Morgan, Jr., Town Attorney  
William Hank Perkins, Jr., Town Manager  
Michael Dydula, Project Manager

**ABSENT:** N/A

**I. CALL TO ORDER**

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

**II. APPROVE THE AGENDA**

Commissioner DiOrio requested the removal Item D (“Resolution No. 23-04-11D Approving Schnabel Work Order No. 7A - Reservoir Drain Construction Services”) from Section X (“New Business”). Commissioner Doster requested the addition of a new Section X (“New Business”) Item D for “Duke Energy ABC Store Payment Transfer.”

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

### **III. MAYOR'S COMMUNICATIONS**

Mayor Pritchett thanked all individuals in attendance. Mayor Pritchett detailed procedures for public comment and presentation items.

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

Town Manager Hank Perkins summarized highlights from his Manager's Report for March (available in the meeting packet).

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

Commissioner Scott Doster reported the activities of the Zoning and Planning Board and the ABC Board.

Commissioner David DiOrio reported the activities of the Lake Advisory Board and the Board of Adjustment / Lake Structure Appeals Board.

Commissioner Jim Proctor reported the activities of the Parks and Recreation Board.

### **VI. PRESENTATIONS**

#### **A. MORSE PARK MASTER PLAN – PARKS AND RECREATION TRUST FUND (PARTF)**

Mr. Don Cason explained the Rutherford Bound mission and the purpose of the Lake Lure Steering Committee. Mr. Cason introduced Mr. Ron Hancock who presented the Morse Park Master Plan Phase I and detailed the Town's plan to apply for the Parks and Recreation Trust Fund (PARTF) Grant program.

Mr. Hancock with Destination by Design explained that the Accessibility for Parks grant was not received, so the Town is now applying for the PARTF grant, which is a one for one match. Mr. Hancock displayed the map for Morse Park Phase I and reviewed the project description and justification. Mr. Hancock also reviewed previous planning efforts for the project. Mr. Hancock detailed the project proposal, reviewed the project budget, and explained the matching requirements for PARTF.

Mr. Hancock asked if there were any questions and there were none. Town Council thanked Mr. Hancock.

## **VI. PRESENTATIONS**

### **B. LAKE LURE GREEN SPACE PLANNING**

Town Manager Hank Perkins detailed the history of the Morse Park master planning process. Manager Perkins noted that the final Morse Park Plan does not include some active recreational amenities, so the Town will need to determine where to put the active recreation amenities in the future. Manager Perkins expressed the need for a master plan for the Green Space, as well. It was noted the Parks, Recreation, and Lake Department office was located at the Green Space and there is a possibility that a future Fire Department will be built on the property. Manager Perkins described the process for a master plan which would include working with a firm, public meetings, and community input. Manager Perkins reiterated the need for a new Fire Department and explained that the Town will have a space needs assessment conducted to determine the best location for a future Fire Department. Manager Perkins added that the assessment will consider the possibility of a future Police station, as well. Manager Perkins detailed the space needs assessment purpose and process. It was noted that the Parks and Recreation Board would be involved and would need to make recommendations to Council in regard to the Green Space property master planning. Manager Perkins summarized that a master plan for the Green Space is a beneficial alternative to looking at the site through a piecemeal approach.

Laura Doster noted that there had been a similar study conducted for the Green Space in the past and that the only recommendation from the study that was accomplished was the signage. Mrs. Doster asked what had happened to the plan. Manager Perkins expressed uncertainty and asked when it was completed. Mrs. Doster estimated that it was completed around 2012. Manager Perkins noted that he had not gotten a chance to see the plan, but expressed that it would be beneficial to look at the plan moving forward to determine what has changed and what should remain in a plan. Mrs. Doster explained that the plan did mention moving some of the active recreational facilities to the Green Space property. Manager Perkins expressed that the former plan should be reviewed and taken into consideration moving forward.

Crystal Morrison expressed that the 2017 Morse Park Plan has not made much progress and that she is concerned that a green space plan would not come to fruition. Mrs. Morrison also expressed concern in regard to funding and timeliness of the master planning process.

Richard Sayles asked why the fire and police departments need to be relocated. Manager Perkins explained that there is a need for a new Fire Department building because the existing building is not meeting the standards that it should be meeting. Manager Perkins added that the Police Department's relocation is not urgent, but it could be relocated in the future and it may be beneficial to have it near the Fire Department.

Annie Dance, Journalist, noted that past minutes stated that the Police Department was going to be moved to the current ABC Store. Manager Perkins stated that that is no longer the plan, but it was noted that the ABC Store is moving and the existing space will be vacant. Ms. Dance asked if there will ever be golf on the green space property again and Manager Perkins expressed that golf is not precluded for uses on the green space.

Mrs. Doster asked for verification that the Fire Department would be located on the Green Space and Manager Perkins said yes. Mrs. Doster noted that the property is not zoned for that.

An unnamed attendee asked if the Town has the funding available for the Morse Park Plan Phase I. Manager Perkins reviewed the grants that the Town will be applying for and explained that the Town has the matching funds for the grants. The attendee asked about the amphitheater. Manager Perkins explained that there is a three year time limit for the completion of Phase I for PARTF, and then the Town could work towards funding future phases including the amphitheater. The attendee expressed support for the amphitheater and expressed concern for the time of completion for any plans for the Green Space.

Manager Perkins noted that master plans are essential for grant funding opportunities.

An unnamed attendee noted that they understand that the golf course was closed because of expenses. The attendee expressed that other uses for the Green Space are also expensive and questioned how revenues would be produced.

Debbie Warren suggested that citizens would be interested in knowing how critical the fire department update is and if the Town should be seeking grants for that. Asked to explain how to deal with the Fire Department need. Manager Perkins explained that there was discussion about the Fire Department during the retreat meeting in January and that there are plans to engage in a space needs assessment and begin working with a designer within the next fiscal year. Manager Perkins added that is in the planning phase and the Town will begin funding the new fire department in the next fiscal year.

An unnamed attendee asked why there are plans to eliminate the courts at Morse Park. Manager Perkins explained that there are no current plans to eliminate the courts, but they are not a part of the complete Morse Park Master Plan.

An unnamed attendee asked if there are short term plans for pickle ball courts. Manager Perkins explained that the short term plan is to rehabilitate the existing courts. Manager Perkins added that the courts could exist in the current location for a long time, so the Town will be improving and maintaining them.

Esther Lusk noted she was involved in conducting the Morse Park Plan and that her understanding was that the plans were to move the courts to the Green Space property in the future.

An unnamed attendee asked for an estimated timeline for the pickle ball court updates. Manager Perkins estimated that updates would be made in the next few months or in the next budget cycle.

Commissioner Proctor noted that the green space zoning is Governmental Use, which would allow for a fire department, but the comprehensive plan would need to be changed.

Sunny Clark noted that a property owner neighboring the green space expressed concerns with noise involved with pickle ball. Ms. Clark recommended that the Town consider this in the

planning process. Manager Perkins thanked Ms. Clark for the recommendation and noted that Town should keep in mind the best overall needs of the community and that a process will be followed to determine the best overall use of the property.

## **VI. PRESENTATIONS**

### **C. GOLF COURSE PROPOSAL**

Mr. Luke Davis, Lie + Loft and Hickory Revival, proposed a long-term lease partnership to benefit multiple parties in regard to the Green Space through a Lake Lure Golf Course revitalization. Mr. Davis expressed that there would not be any cost to the Town and that there would be no subsidy. Mr. Davis detailed the proposed plan to develop the Golf Course and noted that he had been working with the Chamber of Hickory Nut Gorge for months. Mr. Davis reviewed his companies' proposed economic sustainability plan and environmental sustainability plan. Mr. Davis mentioned that he is aware of the Town easement with Equinox Environmental and that he would like to partner with them if his plan is pursued. Mr. Davis reviewed his companies' social sustainability plan. Mr. Davis expressed that his the revitalization proposal would benefit the community, and that the property could also be used for trails and other mixed-uses. Mr. Davis detailed his PGA team history and operations. Mr. Davis also detailed his qualifications. Mr. Davis explained marketing plans. Mr. Davis noted that the next steps to work with the Town would include an agreement in principle, a solution for both entities, and due diligence. Mr. Davis expressed that he understands the need for storage and other Town needs, and that he would like to work with the Town to accommodate these needs. Mr. Davis concluded that his immediate solution and proposal is to revive the golf course and if it fails, the Town would be left with a beautified greenspace.

Commissioner Proctor asked for detailed regarding Mr. Davis' organizations. Commissioner Proctor expressed that he has written a lot of business plans, and that the packet that he had received from Mr. Davis does not include a business plan with a budget or other necessary details. Commissioner Proctor stated that he would like to see a business plan. Mr. Davis noted that an agreement would be needed by Council in order for him to provide additional details regarding the business plan.

Commissioner Proctor reviewed notes that he had taken on Mr. Davis' proposal. Commissioner Proctor expressed that Mr. Davis' claim that golf participation is at an all-time high conflicts with the National Golf Foundation statistics that show that there was a decline in golf participation since 2006. Mr. Davis explained that he thought the 2006 numbers included any golf engagement. Commissioner Proctor reviewed Mr. Davis' list of other planned uses for the property, including a building camp and lodging structure. Commissioner Proctor asked if there is enough land to accomplish all of Mr. Davis' proposed uses and Mr. Davis answered that there is a lot of land and that he thought that other amenities could be included. Commissioner Proctor recommended submitting a site plan alongside a business plan. Commissioner Proctor noted that Mr. Davis uses Moore County, NC, as an example of what economic impact a course can have on the Town and expressed that Lake Lure's 9-hole golf course cannot be compared to Moore County's, which is one of the most famous golfing counties in the world. Mr. Davis explained that his Moore County example was to show how golf can be marketed and impact a community.



Commissioner Proctor explained that Mr. Davis' proposal discusses Buncombe County Tourism Development Authority (TDA) funding for the Asheville Municipal Golf Course and that Buncombe County TDA is expected to collect \$40.8 million whereas the Rutherford County TDA is projected to collect only \$2.6 million. Commissioner Proctor added that the City of Asheville will still spend millions of dollars to initiate capital improvements on their course while the current company running the course pays the city a portion of their profits, and that the former company that operated the course still owes the City about \$325,000 in unpaid fees. Commissioner Proctor noted that the round numbers had changed in proposals. Commissioner Proctor recommended adding marketing line item to a business plan and Mr. Davis expressed that Lie + Loft is involved in Marketing. It was noted that Lie + Loft is golf artwork and media company. Commissioner recommended additional information on Lie + Loft in a business plan. Commissioner Proctor noted that Mr. Davis' proposal includes a map of locations that the Town could use for facilities and explained that the majority of the locations are not useable due to existing trails, restricted uses, Lake Lure Classical Academy expansion, police firing range, and issues with slope.

Mr. Davis mentioned a par-3 course that could be separate from the 9-hole course. Jim expressed that the Town has specific needs.

Commissioner Proctor noted that Mr. Davis' proposal discusses Winter Park, Florida, in Orange County and expressed that Rutherford County cannot be compared to Orange County which receives about 44 million visitors annually. Mr. Davis explained that he thinks that the Lake Lure Course and the Winter Park Course could be comparable per round. Commissioner Proctor explained that Mr. Davis' proposal mentions a long-term good faith lease agreement and expressed that the lease would need to be included in a business plan.

Commissioner DiOrio thanked Mr. Davis. Commissioner DiOrio noted that there were a lot of business assumptions in the presentation. Commissioner DiOrio also noted that he had sent an email to Mr. Davis with questions in regard to the proposal and did not receive a response. Commissioner DiOrio asked who the Town would be partnering with since Mr. Davis is representing two organizations and Mr. Davis answered Hickory Revival. Commissioner DiOrio expressed concern that there is not an LLC to work with. Mr. Davis explained that they are golf course operators. Commissioner DiOrio asked if all of the golf courses that Hickory Revival had run are profitable and where their working capital is from. Mr. Davis answered that Hickory Revival is happy to provide that information and noted investors. Commissioner DiOrio asked if there are commitments from investors and Mr. Davis said yes, depending on a lease. Mr. Davis expanded that Hickory Revival is looking for a 20 year lease. It was noted that there are issues with that lease length due to state requirements surrounding leases exceeding 10 years. Commissioner DiOrio expressed concern regarding the history of golf courses failing due to unsustainable business models and asked what independent marketing analysis would be used to ensure that this course does not fail. Mr. Davis answered that there was a Strengths, Weaknesses, Opportunities, and Threats (SWOT) analysis done. Commissioner DiOrio noted that there were two independent marketing analyses completed and that golf did not make the top of the list of recreational uses for the green space. Commissioner DiOrio expressed that there are difficulties with maintain golf courses as businesses. Commissioner DiOrio also expressed that local support is not enough to sustain the 9-hole golf course and asked where other users would come from. MR. Davis noted a camping golf event that he runs and that people would visit for that and estimated

that it would bring in \$50,000 for one weekend. Mr. Davis expressed that creative events would help. Commissioner DiOrio asked how many creative events would be needed and Mr. Davis answered that no creative events would be needed, but they would help. Commissioner DiOrio asked where the people are to sustain the golf course business and Mrs. Doster noted petitions. Commissioner DiOrio explained that there were only about 40 members at the old golf course. Commissioner DiOrio expressed that he would be in favor of the plan if he knew it was sustainable. Commissioner DiOrio recommended completing an independent marketing analysis. Mr. Davis stated that there are references that he can provide.

Kathy Tanner expressed that you cannot compare the old golf course plan to the one being proposed.

Commissioner Doster asked if the plan is 33 rounds a day and 12,000 per year. Mr. Davis answered yes, but expressed that he thinks it will actually be more around 15,000.

Commissioner DiOrio noted that in Asheville, there company that said much of the things that Mr. Davis is saying including that there would be no costs to the city, and they ultimately had to ask the City of Asheville for \$3.6 million to prepare the golf course. Commissioner DiOrio asked if the estimated \$500,000 would be sufficient to prepare the course. Mr. Davis expressed that Lake Lure and Asheville cannot be compared because Asheville is a hard course to manage and was neglected, but the Town course is compact and easier to maintain. Mr. Davis noted that he could get additional private capital, if needed. Commissioner Doster asked how far he thinks Hickory Revival would get with \$500,000 and Mr. Davis estimated it could get them completed by fall. Commissioner Doster noted that the Town had spent \$300,000 years ago to rehabilitate the greens, but the company did not do it correctly and failed and were unable to compensate because their company closed. Commissioner Doster asked how the greens issues would be fixed and Mr. Davis answered that there are different types of greens. Commissioner Doster noted to keep in mind that the lake was the irrigation for the greens and asked what the plan would be during drawdowns. Mr. Davis expressed that the type of grass that he is proposing would not need as much water and a collection and irrigation solutions would be looked at. Commissioner DiOrio noted that there had been investments made by the Town for the property such as the Parks, Recreation, and Lake Office which would be the club house and asked where the offices would be relocated. Mrs. Doster expressed that Chamber could help with relocated the offices. Commissioner DiOrio noted that his point is that there would ultimately be costs required by the Town. Commissioner DiOrio also noted that Fire building is out of date and there is a big gap in paramedic standards in Rutherford County in which the Town is working towards initiatives. Commissioner DiOrio expanded that this is another example of significant opportunity costs if there is a 10 year lease. Mr. Davis reiterated that if the business fails, the course would still be improved.

Kathy Tanner noted that Commissioner Proctor had said that there were immediate needs and asked what those immediate needs are. Commissioner Proctor expressed there are some Town facilities that are in the process of being located on the property. Mrs. Tanner expressed concern that the community was not informed of this. It was noted that this was discussed at meetings and that discussions can be found in past meeting minutes. Mrs. Tanner expressed concern with Town uses of the green space.

Moe Bay noted that Mrs. Davis had alluded to tax benefits in his presentation and asked what the tax benefits would be for the Town and residents. Mr. Davis noted occupancy tax and lodging, local sales tax, and bringing more people in to spend money in the Town. Mrs. Doster noted that occupancy tax goes to the County and that the benefit comes back to Town, real estate sales, and increased resident taxes. Mrs. Doster also noted that maintenance responsibilities would be taken over from the Town. Mrs. Bay asked about funding got maintenance and it was explained that maintenance of the Green Space is currently in the Parks and Recreation budget which is funded by lake use fees and not tax dollars. Commissioner DiOrio explained occupancy taxes and the County Tourism and Development Authority, and noted that the majority of County funds from occupancy tax are from Lake Lure and that the Town only gets a small fraction of return. Commissioner DiOrio noted that sales tax goes to the state. It was noted that a concession agreement and lease money would be the only director monetary benefit for the Town.

William Frykberg asked if Mr. Davis' company is willing to create a detailed plan to rehabilitate the course and provide the Town with a performance bond if the rehabilitation plan fails. Mr. Davis answered that the company did compile a list of rehabilitation plans in the business plan and that it is his understanding that other concessions do not include maintenance costs and that golf courses are different because of the associated risks. Mr. Frykberg detailed an example of Grey Rock Golf Course and the performance bonds that were required for that course. Mr. Frykberg explained that the county used performance bonds for Grey Rock when performances were not met and the county had to finish the project. Mr. Frykberg expressed that the costs to rehabilitate the course are being underestimated by Mr. Davis and that he thinks the costs will much higher and that a performance bond should be included. Mr. Davis rebutted that his company has experts that say otherwise.

An unnamed attendee asked if Mr. Davis is confident that he can return the course as is and Mr. Davis said yes. The attendee thanked the Mayor and Council for allowing this conversation to happen, and expressed love for the community and finding the highest and best use for town assets. The attendee also expressed that they understand past decisions, but thinks that there are new solutions now to explore. The attendee noted concern with delays in progress, such as delays on the Morse Park plan.

Commissioner Project noted that he cannot personally endorse anything without a business plan.

An unnamed attendee noted that it is appropriate for the Town to ask for a performance bond for contractors, but not for something where no funds are being asked for from the Town. Mr. Davis noted that this would be a private-public partnership, that he does not want to collect subsidy, and that he wants to make this a successful business. Commissioner Doster noted that costs will be incurred by the Town and that if the business fails, it will impact the Town.

An unnamed attendee asked if language could be added to the agreement that if it fails, there will be compensation. Commissioner Doster noted that he thinks that details like that could be included in an agreement.

Debbie Warren asked what the steps are to move forward. Mayor Pritchett expressed the importance of reflecting on the Green Space presentation by Manager Perkins. Mayor Pritchett noted that one thing to consider is what opportunities could be lost for residents who are not golfers and who could use the property for other purposes. Mayor Pritchett explained that there will not be a decision or vote tonight and that the Council needs additional information that could determine how the Town would like to move forward. Mayor Pritchett expressed that everyone in the community will be considered.

Mayor Pritchett called for a five minute break.

## **VII. PUBLIC COMMENT**

Mayor Carol C. Pritchett invited the audience to speak.

Moe Bay, detailed that the 5<sup>th</sup> annual Trash Talkin' event will take place on April 18th at 9:00 a.m. and volunteers will meet at the Lake Lure Village Resort main entrance. Mrs. Bay provided a sign-up sheet for those interested in volunteering for the event. Mrs. Bay added that the Police Department should be aware that people will be walking on Boys Camp Road during the event. Mrs. Bay also detailed that the Flowering Bridge 10th anniversary event will be held at Riverside Event Center on June 2nd and that limited tickets are available on the Lake Lure Flowering Bridge Website.

Pat Buede, expressed the need for a steering committee consisting of full time residents to work on how to allow the permanent resident to have the best quality of life. Ms. Buede noted that some examples are that there is still no dog park despite efforts from residents and that there are needs that are not being met for pickle ball and more. Ms. Buede expressed that she would like to see progress on the Fire Department for the safety of residents. Ms. Buede also expressed that Project Manager Mike Dydula has too much on his plate. Ms. Buede reiterated the need for a steering committee.

Mayor Pritchett explained the fiduciary responsibilities of the Council and that the Town cannot delay addressing infrastructure issues any longer because infrastructure supports the community. Mayor Pritchett expressed that Council has to focus on infrastructure issues, so she is grateful to have people in the community who are willing to focus on other aspects of the Town. Mayor Pritchett noted that Council is committed to prioritizing the residents of Lake Lure. Mayor Pritchett expressed appreciation for Town staff. Mrs. Moe Bay thanked Council.

There were no further comments from the public.

## **VIII. CONSENT AGENDA**

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

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

- A. Approval of the March 14, 2023 Regular Town Council Meeting Minutes and the March 22, 2023 Regular Town Council Work Session Meeting Minutes
- B. Resolution No. 23-04-11 Authorizing Addendum to the Lake Lure Tours Concession Agreement
- C. Resolution No. 23-04-11E Authorizing Deep Pipe Crossing Easements and/or Temporary Dredging Construction Easements for the Horizontal Directional Drill Project
- D. Olympiad Lure of the Lake Swim Event Request for Waivers
- E. Waiver for the Lake Lure Memorial Day Service Scheduled for 5/29/23
- F. Waivers for the Lake Lure Community Independence Celebration Scheduled for 7/1/23 at the Lake Lure Beach
- G. Waiver and Suspension for the Lake Lure Farmers Market Scheduled for Fridays Starting on 5/5/23 through 10/27/23.

**RESOLUTION NO. 23-04-11**

**RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE  
AUTHORIZING ADDENDUM TO THE LAKE LURE TOURS CONCESSION  
AGREEMENT**

**WHEREAS**, the Town and LLT entered into a “Concession Agreement for the Town of Lake Lure Beach, Marina and Tour Boats” (hereinafter the “concession agreement”) dated February 15, 2023; and

**WHEREAS**, the concession agreement contemplates, but does not require, the sale of concessions to the Beach’s patrons; and,

**WHEREAS**, LLT has proposed to arrange for a Food Truck to operate on the premises during the 2023 season based on the terms and conditions set forth in an email memorandum dated March 21, 2023 (attached hereto and incorporated herein by reference); and,

**WHEREAS**, the Town of Lake Lure finds the terms set out in the March 21, 2023, email memorandum to be acceptable;

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

**SECTION ONE.** The Town of Lake Lure authorizes Lake Lure Tours to arrange for the operation of a food truck to serve patrons of the Beach during the 2023 season, and any season thereafter that Lake Lure Tours chooses to do so during the term of the February 15, 2023, Concession Agreement.

**SECTION TWO.** Lake Lure Tours may contract with a Rutherford County Health Department approved and Town of Lake Lure permitted food truck for the provision of concessions and require the food truck operator to conduct its business substantially in compliance with the March 21, 2023, email memorandum attached hereto.

**READ APPROVED AND ADOPTED** this 11<sup>th</sup> day of April, 2023

**RESOLUTION NO. 23-04-11E**

**RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE  
AUTHORIZING DEEP PIPE CROSSING EASEMENTS AND/OR TEMPORARY  
CONSTRUCTION EASEMENTS FOR THE HORIZONTAL DIRECTIONAL DRILL  
PROJECT**

**WHEREAS,** The Town of Lake Lure's 1927 sewer system utilizes a series of pipes that are submerged beneath the lake and these iron pipes, and associated concrete manholes, and older septic systems are deteriorating and must be replaced to protect the lake; and

**WHEREAS,** The Town is embarking upon a phased rehabilitation and replacement approach that maintains sewer service while improving system performance and the design and implementation of the new state-of-the-art engineering solution is challenging because the new system remains in the lake. Specifically, the new collection system will be installed in the backshore, which is the land exposed during lake drawdown periods; and

**WHEREAS,** citizens' future renovation options and property values will significantly increase with the new system in place; and,

**WHEREAS,** part of the work involves the use of a Horizontal Directional Drill (HDD) which will drill into the backshore during lake drawdown periods (the "backshore" is the area exposed during drawdown periods) creating a tunnel bored very deep in the ground in several areas creating the need for "Deep Pipe Crossing Easements" from several property owners including Grantors;

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

**SECTION ONE.** The Town of Lake Lure authorizes deep pipe crossing easements and/or temporary construction easements between the Town of Lake Lure and the following property owners:

MELISSA D. CORNETT, AS TRUSTEE OF THE CHLOE CORNETT MOORE TRUST  
119 Buffalo Shoals Road, Lake Lure, NC 28746 (Parcel Id. 230389)

WILLIAM C. DEVINEY AND WIFE, ANN J. DEVINEY  
106 Rock Point Road, Lake Lure, NC 28746 (Parcel Id. 160686)

DANIEL REED MARGULIES AND JODY ELIZABETH MARGULIES, AS  
TRUSTEES OF THE DANIEL AND JODY MARGULIES TRUST, DATED  
DECEMBER 21, 2016 AND SHANU NIKHIL AND MARGARET F. KOTHARI, A  
MARRIED COUPLE AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP  
227 Picnic Park Road, Lake Lure, NC 28746 (Parcel Id. 226033)  
JOHN E. McKEE AND WIFE, BETSY McKEE  
228 Picnic Park Road, Lake Lure, NC 28746 (Parcel # 232100)

WILLIAM G. MERRILL  
505 Charlotte Drive, Lake Lure, NC 28746 (Parcel Id. 216707)

CONSTANCE H. WALDREP  
241 Picnic Point Road, Lake Lure, NC 28746 (Parcel #231030)

**SECTION TWO.** The Town of Lake Lure and the parties specified above shall abide by any specifications within the authorized easements.

**SECTION THREE.** Any additional deep pipe crossing easements and/or temporary construction easements for the Horizontal Directional Drill Project are hereby authorized at the discretion of the Town Attorney and Town Manager.

**READ APPROVED AND ADOPTED** this 11<sup>th</sup> day of April, 2023

**IX. UNFINISHED BUSINESS**

**A. RESOLUTION NO. 23-04-11A AUTHORIZING A LEASE AGREEMENT  
BETWEEN THE TOWN OF LAKE LURE AND THE RUTHERFORD COUNTY  
TOURISM DEVELOPMENT AUTHORITY**

Manager Perkins detailed the agreement terms for the lease agreement between the Town and Rutherford County Tourism Development Authority

Commissioner Bryant made a motion to adopt Resolution No. 23-04-11A Authorizing a Lease Agreement Between the Town of Lake Lure and the Rutherford County Tourism Development Authority. Commissioner DiOrio seconded and all voted in favor.

**RESOLUTION NO. 23-04-11A**

**RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE  
AUTHORIZING A LEASE AGREEMENT BETWEEN THE TOWN OF LAKE LURE  
AND THE RUTHERFORD COUNTY TOURISM DEVELOPMENT AUTHORITY**

**WHEREAS**, the Town Council of the Town of the Town of Lake Lure expressed its intent to consider at its regular meeting to be held on the 11<sup>th</sup> day of April, 2023, the lease or rental of certain real property of the Town; and

**WHEREAS**, the Town of Lake Lure abided by all General Statutes in regard to the lease of real property for a term of up to 10 years; and

**WHEREAS**, at its regular meeting on the 11<sup>th</sup> day of April, 2023, the Town Council considered the lease or rental of the property and desires to lease or rent the real property of the Town described below;

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

**SECTION ONE.** The following described property is hereby declared to be surplus to the needs of the Town:

Visitor Center located at 2932 Memorial Highway, Lake Lure, NC 28746.

**SECTION TWO.** The Mayor and the Town Clerk are hereby authorized to execute a lease or rental agreement for the real property of the Town described above, said lease or rental agreement for a term of one year with the option to renew for nine additional terms of one year.

**SECTION THREE.** The annual rental or lease payment for the real property of the Town of Lake Lure described above will be \$1.00.

**READ APPROVED AND ADOPTED** this 11<sup>th</sup> day of April, 2023

**IX. UNFINISHED BUSINESS**

**A. RESOLUTION NO. 23-04-11B AUTHORIZING A 10-YEAR GROUNDS LEASE AGREEMENT BETWEEN THE TOWN OF LAKE LURE AND THE LAKE LURE FLOWERING BRIDGE**

Manager Perkins explained that last month, a one-year grounds lease agreement between the Town and the Lake Lure Flowering Bridge was approved in order to avoid the delay of the Flowering Bridge's projects. Manager Perkins expanded that Resolution No. 23-04-11B would replace the one-year grounds lease agreement with a 10-year grounds lease agreement. Manager Perkins noted the local bill being sought to enter into an agreement with the Flowering Bridge that exceeds 10 years without following sale of real property procedures per North Carolina General Statute. Manager Perkins stated that if the local bill is approved, the 10 year lease will be revisited.

Commissioner Proctor made a motion to adopt Resolution No. 23-04-11B Authorizing a 10-Year Grounds Lease Agreement between the Town of Lake Lure and the Lake Lure Flowering Bridge. Commissioner Bryant seconded and all voted in favor.



**RESOLUTION NO. 23-04-11B**

**RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE  
AUTHORIZING A 10-YEAR GROUNDS LEASE AGREEMENT BETWEEN THE  
TOWN OF LAKE LURE AND THE LAKE LURE FLOWERING BRIDGE**

**WHEREAS**, the Town Council of the Town of the Town of Lake Lure expressed its intent to consider at its regular meeting to be held on the 11<sup>th</sup> day of April, 2023, the lease or rental of certain real property of the Town; and

**WHEREAS**, the Town of Lake Lure abided by all General Statutes in regard to the lease of real property for a term of up to 10 years; and

**WHEREAS**, at its regular meeting on the 11<sup>th</sup> day of April, 2023, the Town Council considered the lease or rental of the property and desires to lease or rent the real property of the Town described below;

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

**SECTION ONE.** The following described property is hereby declared to be surplus to the needs of the Town:

Lake Lure Bridge No. 7 and a .36 acre lot (PIN #23163)

**SECTION TWO.** The Mayor and the Town Clerk are hereby authorized to execute a lease or rental agreement for the real property of the Town described above, said lease or rental agreement for a term of 10 years.

**SECTION THREE.** The annual rental or lease payment for the real property of the Town of Lake Lure described above will be \$1.00.

**SECTION FOUR.** The existing one year grounds lease shall become obsolete and shall be replaced by the authorized 10-year grounds lease.

**READ APPROVED AND ADOPTED** this 11<sup>th</sup> day of April, 2023

**X. NEW BUSINESS**

**A. APPROVAL OF BASIC FACTS AND ASSURANCES FOR THE 2022-2023  
PARKS AND RECREATION TRUST FUND (PARTF) APPLICATION**

Manager Perkins explained the basic facts and assurances is a requirement for the Parks and Recreation Trust Fund application that was discussed prior in the meeting.

Commissioner Doster made a motion to approve the Basic Facts and Assurances for the 2022-2023 Parks and Recreation Trust Fund application. Commissioner Proctor seconded and all voted in favor.

**X. NEW BUSINESS**

**B. RESOLUTION NO. 23-04-11C EXTENDING THE CHIMNEY ROCK VILLAGE AGREEMENT TO OPERATE WATER SYSTEM**

Manager Perkins explained that the current agreement to operate water system between the Town and Chimney Rock Village is currently set to expire on April 15<sup>th</sup>. Manager Perkins detailed that it was a 20 year agreement and both parties have been engaged in regard to a new agreement for the past 6 months. Manager Perkins added that it is more complicated to make necessary changes than originally anticipated and that Resolution No. 23-04-11C is a mutually agreed upon resolution to extend the current agreement to operate water system until December 31, 2023, in order to craft the best agreement to move forward.

Commissioner Doster made a motion to adopt Resolution No. 23-04-11X Extending the Chimney Rock Village Agreement to Operate Water System. Commissioner Bryant seconded and all voted in favor.

**RESOLUTION NO. 23-04-11C**

**RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE  
EXTENDING THE CHIMNEY ROCK VILLAGE AGREEMENT TO OPERATE  
WATER SYSTEM**

**WHEREAS**, the Town and Village previously entered into an Agreement to Operate Water System ("prior agreement") on or about April 15, 2003; and

**WHEREAS**, Village has tended written notice as required by the prior agreement to Town of its intent to renew the prior agreement subject to the modifications contained herein; and

**WHEREAS**, the Town and Village have each requested additional time to respond to the Village's and Town's notice of their intent to renew the prior agreement; and

**WHEREAS**, the Town and Village have a mutual interest in maintaining a level of cooperation between their water services delivery programs until the Town and Village have sufficient time to investigate and respond to each municipality's proposals;

**WHEREAS**, the expiration of the prior agreement is approaching and it is in the best interests of the Town and Village to extend the prior agreement until December 31st, 2023.

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

**SECTION ONE.** The Town of Lake Lure and Chimney Rock Village mutually agree to extend the existing agreement to operate water system until December 31st, 2023.

**READ APPROVED AND ADOPTED** this 11<sup>th</sup> day of April, 2023

**X. NEW BUSINESS**

**C. DRAIN VALVE CONSTRUCTION BID UPDATE**

Manager Perkins announced that the Town opened re-bids for the installation of the reservoir drain valve this morning after not receiving a sufficient amount of bids the first round of bid advertisement. Manager Perkins detailed that there were two bids received and that Town staff and Schnabel Engineering are in the process of reviewing the bids. It was noted that the Town staff will make a recommendation to Council to award a bid on a future date.

**X. NEW BUSINESS**

**D. DUKE ENERGY ABC STORE PAYMENT TRANSFER**

Commissioner Doster explained that the ABC Store is moving and Duke Energy requested that the ABC Board vote to change locations for their power services. Commissioner Doster and staff discussed that the energy bill is already in the Town’s name, and it was proposed that the Town assume the responsibility for Duke Energy payments for the building beginning in May. Commissioner Doster made a motion to authorize the Town to assume responsibility for making payments to Duke Energy for the ABC Store location beginning in May. Commissioner Proctor seconded and all voted in favor.

**XI. ADJOURNMENT**

With no further business, Commissioner Proctor made a motion to adjourn the meeting at 7:43 p.m. Commissioner Doster seconded and the motion carried 4-0.

ATTEST:

\_\_\_\_\_  
Olivia Stewman, Town Clerk

\_\_\_\_\_  
Mayor Carol C. Pritchett



**MINUTES OF THE SPECIAL ROUND TABLE MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, APRIL 18, 2023, 6:00 P.M. AT THE TERRACE OF RUMBLING BALD**

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

William Hank Perkins, Jr., Town Manager  
Michael Dydula, Project Manager  
Stephen Ford, Finance Director  
Laura Krejci, Communications Director

**ABSENT:** Commissioner Patrick Bryant

**I. CALL TO ORDER**

Mayor Carol C. Pritchett called the round table meeting to order at 6:00 p.m.

**II. AGENDA ADOPTION**

Commissioner Scott Doster made a motion to adopt the agenda, as presented. Commissioner David DiOrio seconded and all voted in favor.

**III. TOWN UPDATES WITH TOWN MANAGER HANK PERKINS**

Town Manager Hank Perkins and Project Manager Michael Dydula provided attendees with updates regarding staffing and staffing development, the sewer and funding, maintenance and technologies, Sunset Cove, the HDD Project, Wastewater Treatment Plant (WWTP) & WWTP master planning, water system master planning, water meter replacement, Firefly Cove water system, dam and funding, drain valve installation, North Carolina Department of Transportation plans for the existing dam bridge, dredging, AT&T cell tower, Morse Park master plan and grants,

Green Space master planning, pedestrian connectivity between the Town of Lake Lure and Chimney Rock Village, and Fiscal Year 2023-2024 budget preparation.

#### **IV. PROJECT UPDATES WITH PROJECT MANAGER MICHAEL DYDULA**

There were no additional updates from Project Manager Michael Dydula.

#### **V. TOWN COUNCIL UPDATES**

Mayor Pritchett reviewed the 2023 Events Calendar.

Mayor Pritchett noted that there will be another round table meeting this Thursday at Town Hall and thanked all in attendance.

#### **VI. COMMUNITY QUESTION & ANSWER**

An attendee asked about relocation of recreational amenities from Morse Park and Manager Perkins explained that the plan is to move the recreational amenities in a future phase of the plan, but not in the near future.

An attendee asked for details the timeline for the construction of the new dam and if there is any imminent danger. Manager Perkins explained that there is no imminent danger at all. Project Manager Dydula explained that the completion of the new dam could take about 8-10 years and explained how the dam and sewer are related. Project Manager Dydula also explained that it is considered a high hazard dam due to the potential results of downstream impact if there is catastrophic failure.

An attendee expressed surprise with the County's property tax re-evaluations and asked how that will impact Town tax rates. Finance Director Stephen Ford explained that Rutherford County is in the process of a complete re-appraisal and in North Carolina re-appraisals require that towns adjust the levies to collect or maintain revenues. Director Ford added that the Town's goal is to adjust the levy to create the amount of revenue that is need. Director Ford and Manager Perkins explained the concept of revenue neutral. Director Ford noted that he will be having continued communications with the County and that anyone is welcome to call him with any questions.

An attendee explained that he used to play golf at the municipal course on Thursdays and asked if there are any companies that would fix the greens and re-open the course. Mayor Pritchett explained that the Town is currently in the process of evaluating the needs and wants of all citizens of Lake Lure in terms of utilizing the Green Space property.

An attendee asked how many acres the Green Space contains and Manager Perkins answered just over 200 acres. The resident noted that she is noticing a trend of younger families moving to Lake Lure and that there is a lot that could be done with the Green Space to accommodate the needs of all residents.

An attendee asked if the HDD pipes will be under existing dam or replacement dam. Project Manager Dydula explained that the pipes will initially span to the existing dam and that it is a process and there will eventually be a pipe that connects to the new dam.

An attendee asked if the new dam will produce hydroelectricity. Project Manager Dydula answered that the Town is unsure at this time and that Schnabel Engineering is looking into that possibility. Commissioner DiOrio explained that the Town is currently considered a miniature hydroelectric plant and that it would not be heavily regulated by the federal government, but a large plant would be. The attendee asked if Duke Energy would pay for the hydroelectric plant and it was answered that Duke would not pay for a plant. Mayor Pritchett noted that it will be a monetary decision based on comparing the revenues vs. expenditures of a hydroelectric plant.

An attendee asked about the anticipated amount of days that the lake will be drawn down for infrastructure projects. Project Manager Dydula answered that as of current, the Town is looking at drawing down the lake between November and April to give contractors five months of work. The attendee noted that this would impact the amount of days that boats can be used. Commissioner DiOrio explained that there are some things that we can do to reduce the number of days that the lake is unavailable. Commissioner Doster added that there are solutions ensure a quicker process to getting the boats in and out of the water. Mayor Pritchett added that the Town will never draw down the lake if it is not needed. The attendee noted when the lake was drawn down in anticipation for a hurricane that did not occur, the water was down for a long time. Commissioner DiOrio explained that there is an emergency plan in place that the Town must follow for events such as hurricanes. Commissioner DiOrio commented that the Town Council will take all necessary measures to keep the lake at full pond as much as possible. Commissioner noted that they always consider residents when making drawdown decisions.

An attendee asked how residents will get to voice theirs want for the Green Space. Manager Perkins explained that the Town will have a public input process including at least two public meetings and online surveys. Manager Perkins added that there will be recommendations to council from advisory committees based on surveys and public input. A resident asked if a vote will be tallied based on what resident feedback and Manager Perkins answered yes. Mayor Pritchett noted it will be similar to the process to the one that was used to update the Morse Park Master Plan in 2016.

An attendee expressed that there are more draws to the area than the lake including the mountains. The attendee asked if the hesitancy to accept the golf course proposal was because of need to gather input from all of the individuals. Manager Perkins explained that the hesitancy to date is for the purpose of balancing the needs of the entire town and that the proposer requires the entire footprint of the green space property.

An attendee asked for additional information regarding property tax increases. Mayor Pritchett explained that it is a County process to conduct property re-evaluations. The attendee asked if the state had any regulations on how high appraisals can be and Commissioner DiOrio answered no and that it is based on fair market value. Mayor Pritchett explained they must be done every 8 years, but the County does it every four years.

An attendee asked about revenue neutral. Director Ford explained that on the tax bill, residents will have a county and a town tax, and that each have to show residents what the revenue neutral rate will be. Director Ford noted that the Town will show the revenue neutral rate and may adjust rates based on financial needs.

An attendee expressed concern regarding the timeline and funding of green space planning while there is a firm who wants to run the golf course now. The attendee expressed support for the golf course proposal. Commissioner Proctor noted that Mayor Pritchett and Manager Perkins had asked for additional information from the firm and that the firm did not provide the information and instead went directly to the public. Commissioner Proctor added that the proposal plan is attractive, but there is no substantial information that was provided. Commissioner Proctor also noted that the proposer's firm is not a LLC in North Carolina and they have delinquent reports with the state of Wisconsin. Commissioner Proctor explained his concerns from a business standpoint, citing that it does not include principles or firm numbers. Commissioner Proctor reiterated that the Town has asked for additional information and continues to receive no answers. Commissioner Doster explained that the proposer was hesitant to give additional information without letter of intent from the Town. Commissioner Doster added that the proposer would like to speak with the Town Attorney on how the Town might adhere to their needs. Commissioner Doster expressed concern with the Town signing a letter of intent without any additional information. Commissioner Doster noted that if the Town receives necessary information, the proposal could be re-evaluated but Council must consider the entire community regardless. Council members expressed that it is important to look at all options and make equitable decisions. Mayor Pritchett explained that the proposer had contacted Manager Perkins, and there was a meeting held. Mayor Pritchett added that the Council was unaware that the Chamber was involved until an additional meeting was held including members of the Chamber. Mayor Pritchett noted that Manager Perkins had received other proposals for the Green Space and his answer is the same to all inquirers. Mayor Pritchett reiterated that the Council has to accommodate everyone's wants and must protect the lives and properties of residents.

An attendee asked if everyone will get off of septic when the new sewer is installed. Commissioner DiOrio said everyone in tier one will be on the new system instead of septic, some in tier two may as well, but tier three likely will remain on septic. Manager Perkins explained connection regulations. It was answered that the Town would allow the use of septic for those who cannot connect to the sewer.

An attendee asked about new dam location. Manager Perkins answered that it will be near the existing dam. The attendee asked about the new bridge. Manager Perkins explained that the Town is meeting with NCDOT to determine the location of the new bridge, because NCDOT is responsible for funding and constructing the bridge. It was added that the Town is hoping that the new bridge will be relatively close to the existing one.

An attendee noted that it is their understanding that there will be a meeting with Sunset Cove residents. Project Manager Dydula confirmed that there would be a meeting with Sunset Cove residents regarding the most recent drawdown work, in which Ruby Collins did not make as much progress as expected. An attendee asked if there are liquidated damages with contracts such as the one with Ruby Collins and Project Manager Dydula answered that it is not always possible

with North Carolina bidding requirements, but added that if there was an opportunity to add this, the Town would look into it would look into it. The attendee asked about substantial completion and Project Manager Dydula explained the substantial completion process for the dam and the sewer. Commissioner DiOrio noted that the important factor is that the Town continues to move forward. The resident expressed the need for transparency for setting project targets.

An attendee expressed that the Town has more capital needs than almost any other location and that the only way to fund these capital needs is through grants. The resident added that the funding schedules and grant awards would impact the timeline of the projects. Mayor Pritchett thanked Communications Director Laura Krejci for her work with grants administration.

<b>VII. ADJOURNMENT</b>
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With no further business, Commissioner Doster made a motion to adjourn the meeting at 7:49 p.m. Commissioner DiOrio seconded and the motion carried 4-0.

ATTEST:

\_\_\_\_\_  
Olivia Stewman, Town Clerk

\_\_\_\_\_  
Mayor Carol C. Pritchett





**MINUTES OF THE SPECIAL ROUND TABLE MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, APRIL 20, 2023, 6:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER**

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

William Hank Perkins, Jr., Town Manager  
Michael Dydula, Project Manager  
Dean Lindsey, Public Services Director  
Stephen Ford, Finance Director  
Laura Krejci, Communications Director

**ABSENT:** Commissioner Patrick Bryant

**I. CALL TO ORDER**

Mayor Carol C. Pritchett called the round table meeting to order at 6:00 p.m.

**II. AGENDA ADOPTION**

Commissioner Jim Proctor made a motion to adopt the agenda, as presented. Commissioner Doster seconded and all voted in favor.

Commissioner Proctor announced the passing of Dick McCallum and provided details in regard to his service. Commissioner Proctor recognized the positive impacts that Mr. McCallum had made on the community.

**III. TOWN UPDATES WITH TOWN MANAGER HANK PERKINS**

Town Manager Hank Perkins and Project Manager Michael Dydula provided attendees with updates regarding staffing and staffing development, the sewer and funding, maintenance and

technologies, Sunset Cove, the HDD Project, Wastewater Treatment Plant (WWTP) & WWTP master planning, water system master planning, water meter replacement, Firefly Cove water system, dam and funding, drain valve installation, North Carolina Department of Transportation plans for the existing dam bridge, dredging, AT&T cell tower, Morse Park master plan and grants, Green Space master planning, pedestrian connectivity between the Town of Lake Lure and Chimney Rock Village, and Fiscal Year 2023-2024 budget preparation.

Finance Director Stephen Ford explained the current status of the County property value re-evaluations and how the County will impact the Town's budget process. Director Ford explained the concept of revenue neutral and the requirements to show revenue neutral. Director Ford also explained how the mill rate will be calculated. It was noted that budget public hearing will take place in June.

#### **IV. PROJECT UPDATES WITH PROJECT MANAGER MICHAEL DYDULA**

There were no additional updates from Project Manager Dydula.

#### **V. TOWN COUNCIL UPDATES**

There were no updates from Council.

#### **VI. COMMUNITY QUESTION & ANSWER**

An attendee expressed concern regarding prioritization and funding for all of the various projects. The attendee added that the fire house is a priority for them as a full time resident. Manager Perkins agreed and noted that he would like to be prepared for future projects, even if they are not a current priority. Commissioner DiOrio noted that there is a hierarchy to prioritizing the projects, citing that infrastructure projects, maintenance of existing infrastructure, and public safety are the top priorities. Commissioner DiOrio added that recreation comes after the top priorities and that that for recreation, the Town is relying heavily on grants and Rutherford County Tourism Development Authority (TDA) funds. Commissioner DiOrio explained the operations of the TDA and their relationship with the state and tourism dollars. Commissioner DiOrio noted that the only way that the Town can generate recreational revenues is through lake use fees and explained how the Parks, Recreation, and Lake Department has a self-sustaining budget. Commissioner DiOrio expressed the importance of being good stewards of Town money.

An attendee noted past discussions on the Morse Park Plan process and the lengthy timeline for accomplishing the plan. The attendee expanded that the Town will have 3 years to complete the current phase with the Parks and Recreation Trust Fund Grant, but estimated that it will take at least nine years to finish the complete plan. The attendee stated that the Town will have to take time to plan for the green space and will have to acquire funding. The individuals asked if it will take at least 12 to 15 years for a shovel to get into the ground with the green space plan. Commissioner Proctor explained that the Morse Park Plan has been evolving for years, and that there have been many aspects of the plan accomplished. Commissioner Proctor added that Morse Park is updated based on plan details about every two to three years, and that he expects that the

Green Space would be no different. Another attendee asked if the Town plans to finish the Morse Park Plan before starting the Green Space Plan. Commissioner Proctor expressed he does not think so, and recommended a town wide recreation plan and making simultaneous improvements to multiple recreational amenities.

An attendee expressed that she would like for the Town to consider or at least discuss a community center. The attendee noted that community organizations are growing and need a place to gather that can accommodate the growth. Mayor Pritchett noted that there have been many mentions of a community center and that it would be good for the Town.

Mayor Pritchett read a statement sent from Nancy McNary on April 19<sup>th</sup>:

*I attended the Roundtable meeting last night and found it very informative. It was comprehensive and I certainly have a better understanding about many of the town issues.*

*There was a discussion about the use of the town golf course property. We have all though that since this is a centrally located tract of land, that it's logical that it be used for town recreation activities geared to the residents, ....a dog park, pickle ball courts, ball fields and a desperately needed Community Center. For years we had town Pot Luck Suppers in what is now is the Chamber building, we had ball parks where the children had Little league sports teams sponsor by local groups. That area is now the parking lot for the Marina. For years many various civic and social groups met in the back room of the old golf club house. It was where the Lake Lure Bridge Club met. And other civic groups held meetings there. It wasn't until the town stopped operating the golf course and leased it out that it was remodeled in to the one big room needed for retail sales and it was no longer available to be used for civic gatherings.*

*In making plans for the land use of the old golf course, I would appreciate you all giving some thought to adding spaces for the residents to gather and share fellowship and activities with their friends and neighbors*

Commissioner Proctor explained that the existing Welcome Center used to be a community center. Commissioner Proctor also noted that he had been visiting other current and former municipal golf course and noticed that the former Highlands Lake Golf Course, which is now the Park at Flat Rock, is a great example of how a former golf course can be transformed. Project Manager Dydula stated that the Town has to prioritize infrastructure projects, but these projects can take many years to complete, so the Town must continue to improve the community in the meantime.

An attendee asked how far the sewer HDD pipes will be from the dam. It was noted that they will be 24 feet to the dam. The resident asked why a different location is needed for the new WWTP. Project Manager Dydula explained that the Town and Schnabel Engineering are in the process of determining if the current location can house the new WWTP, but new regulations such as flood zone restrictions have been establish since the current plant was built was build and the Town must ensure that the current location abide by any regulations.

An attendee asked for a cost estimate for the WWTP and it was noted that an engineering report estimated \$52 million. The attendee noted a similar project that costed over \$90 million.

The attendee about a projected end date for the collection system and Project Manager Dydula estimated five to six years. The attendee asked if the lake will be lowered each year and it was noted that the Town will only drain the lake when needed. The attendee asked when the lake would be lowering it each draw down year. Commissioner DiOrio expressed that the framework with contractors is about five months, noted it takes longer for the lake to actually get back to full pond, and that the Town is trying to develop a concept that allows the lake to begin filling up while allowing contracts to continue to work during the five month period. The attendee noted unintended consequence such as shoreline structure.

An attendee asked if there are any plans for the ABC property. Commissioner Doster explained that the Town is looking into plans and Council wants to ensure the best use for that property.

An attendee noted the financial consequences of lowering the lake and expressed the importance of strategic drawdowns. Council members agreed. Commissioner Proctor noted that the Council is very mindful of being precise and concise with drawdowns. The attendee suggested that they are very familiar with various lake operations and that they have some equipment that they are willing to donate.

An attendee asked if there is capacity to bring in additional equipment and workers on the lake bed during drawdowns to be more efficient. Project Manager Dydula explained that the Town cannot ensure that contractors can increase their workforce due to shortage, qualifications, and other issues. Project Manager Dydula added that the Town has asked the contractor, Ruby Collins, to try to increase their crews.

An attendee asked if there is any thoughts as to shift crews from sewer and dam between drawdowns. The attendee expressed that they think there this might increase incentives in order to obtain more crews. Mayor Pritchett noted the WWTP and dam valve installation will not require a drawdown. Project Manager Dydula noted that there are specialist contractors that would not be able to work on both dam and sewer, but the Town could look into shift crews if an opportunity presents itself.

Another attendee suggested housings crews in local bed and breakfasts.

An attendee noted that they had learned a lot by watching operations. The attendee also noted that when they first moved to Lake Lure, they thought that it may have been a mistake because of the infrastructure issues. The attendee thanked Council for making progress on these and asked for them to continue to keep the residents in mind.

Commissioner DiOrio explained that the mobilization and de-mobilization that took place in the recent drawdown was a learning experience and that the Town understands the importance of a good working relationship with the contractors. Commissioner DiOrio noted that the Town is evaluating how to improve process in the next drawdown. Commissioner DiOrio added that the Town's strategy is to have multiple projects in progress per drawdown and complete as much as work as possible with available funding and permitting.

An attendee noted that if there another big flood event, it will flush the major sediment build up in the same manner that it did in 1996 when the Town had to complete the big dig. Mayor Pritchett noted that dredging is a major project that will be ongoing forever.

Mayor Pritchett noted the drawdown schedule is usually determined in June. An attendee recommended that Council gauge the rising of the lake and share the findings with residents.

An attendee asked about state agency involvement in the major project and how they have created barriers. Commissioner DiOrio cited relations with North Carolina Department of Environmental Quality and Fish and Wildlife. Commissioner Doster added that the State Historic Preservation Office has delayed the cell tower. The attendee asked how the state senators are helping and Commissioner DiOrio answered that the Town has a great relationship and communication with state officials. The attendee asked if the Council think that the census underestimates the Town's size. Mayor Pritchett noted that the Town's census numbers increased and many other locations did not increase. Mayor Pritchett also noted that it depends on how many people participate in the census.

An attendee asked if the Federal Energy Regulatory Commission (FERC) is the reason that the Town is not operating a hydroelectric plant in the new dam and noted that there are ways to avoid some FERC regulations. Commissioner DiOrio explained that the dam design is going to allow for a hydroelectric plant to be installed, but it is not yet decided if it will be utilized.

An attendee asked if there will be excavation dredging in the next drawdown. Project Manager Dydula answered that he is in the process of soliciting bids for dredgers and that he hopes to accomplish this in the next drawdown.

An attendee questioned how the community can create money and expressed that if the Town has opportunities to increase revenues, they should do so. The attendee shared their thoughts on the green space and applauded the Council for how they are addressing the Green Space and golf course proposal. The attendee that proponents of the golf course proposal have expressed that the Town should approve the proposal because it will take time to accomplish other plans and questioned what would happen if the proposal firm started the project and quit without finishing the project, which would create expenses for the Town. The attendee mentioned that one of the firm's requests is a 10 year lease and expressed that it is ludicrous. The attendee added that they are a business owner who is experienced in taking risks and expressed major concern with firm's request for \$1 rent if the green space is leased to them rather than fair market price.

An attendee detailed their past experiences with the YMCA initiatives and struggles with covering ongoing expenses. The attendee noted that they understand that the golf course proposal firm has good intentions, but recommended that if they do begin operating a golf course, they should require three to five year memberships to cover ongoing expenses.

An attendee expressed that Lake Lure is a tourist community and that the Town is competing with other tourist communities. The attendee expressed that master plans cost money and that some of that money could be spent improving the existing Town amenities, instead. The attendee noted that the Chamber would like to help, but there are some small expenses that could

be utilized to improve the Town rather than paying for master planning. Mayor Pritchett thanked the attendee and asked Manager Perkins to detail some the initiatives that the Town is taking to make improvements to existing Town assets. Manager Perkins detailed that the Town had painted Town Hall, pressure washed sidewalks and courts, and is currently in the process of rehabilitating the tennis court. Manager Perkins added that the Town also re-painted the gazebo, re-mulched and re-planted, and that hanging baskets should be visible within the next two to four weeks. Manager Perkins agreed with the need to enhance and maintain curb appeal.

An attendee mentioned that some individuals are unaware of what the Town does and does not own, and that some individuals assume that the Town owns the Arcade Building which is in need of major improvements. Mayor Pritchett explained Town Center.

Another attendee expressed that the community can work towards improving the community as well, through volunteer work.

It was noted that the Chamber had previously proposed the formation of a beautification committee, which incorporates Town staff input.

An attendee, the ABC Board Chair, asked that the community have patience with the ABC Store as they transition to a new store location.

An attendee noted that he had heard about a presentation regarding the firm proposing the golf course revival and asked for the status of the proposal. Manager Perkins explained that the Town is hoping to receive additional information from the firm and noted that it is a big decision and options are being weighed. Another attendee noted that Luke Davis, the proposer, had additional information and would like to set up a meeting with Council to share it. The original attendee expressed they would like to see some progress on something.

Another attendee expressed that they would also like to see progress made by the Town and that they have been waiting 16 years for a dog park.

Manager Perkins explained the firm's request for a lease exceeding 10 years and that it would be a long process and it might take a long time to arrange.

An attendee suggested a disc golf course on the Green Space property. Commissioner DiOrio noted that the Green Space can be used as a disc golf course, as is, and it would not take long to set up a course. The attendee expressed that they would like for a disc golf course to remain on the space year round. The attendee also expressed concern regarding the cell tower and lack of cell service hindering public safety, especially on the lake. The attendee recommended setting up CV radio systems as an interim solution. Mayor Pritchett explained that the Town had continuously expressed to the state that the lack of service is a public safety issue and added that this is an extremely important issue. Commissioner Doster suggested the Town can contact AT&T about possible interim solutions until the tower is constructed. Commissioner Doster added that because of delays through SHPO, AT&T rolled the project into their future budget which should take place in the first quarter of the next calendar year. Commissioner Doster noted that the Town has

increased training for Law Enforcement on the lake and that the lake should be increased patrol on the lake this year.

An attendee noted that Bills Creek recently held a CPR class and that the EMS at the class shared that even when cell service is not available, 911 calls should always go through. Mayor Pritchett recalled the tragedy involving a drowning in the Broad River last year and the issues that were experienced with multiple agencies call re-routing. Commissioner Proctor recalled a recent occurrence with calling 911 and it not working. An attendee noted that in the past, Lake Lure Tours had radios and that they were advised to stop and check on boaters that seemed to be in distress. Commissioner DiOrio added that per Lake Use Regulations, all individuals on the lake must help other boaters in distress.

An attendee noted the County's request to the state regarding the property value re-evaluations and asked if the County had received any updates. Mayor Pritchett explained that the County passed a resolution in 2019 to conduct re-evaluations every four years and that they are now hoping to postpone this year's re-appraisals which would conflict with their former resolution. Mayor Pritchett added that the state had not made any decisions and that the County's request was submitted past the deadline for a local bill. Mayor Pritchett explained that if the state does not uphold the request, the current re-evaluation numbers will stand. Director Ford noted that the County is preparing their budget as if the bill does not pass.

<b>VII. ADJOURNMENT</b>
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Mayor Pritchett thanked all in attendance.

With no further business, Commissioner Doster made a motion to adjourn the meeting at 8:05 p.m. Commissioner DiOrio seconded and the motion carried 4-0.

ATTEST:

\_\_\_\_\_  
Olivia Stewman, Town Clerk

\_\_\_\_\_  
Mayor Carol C. Pritchett



**MINUTES OF THE REGULAR WORK SESSION MEETING OF THE LAKE LURE TOWN COUNCIL HELD WEDNESDAY, APRIL 26, 2023, 8:30 A.M. AT THE LAKE LURE MUNICIPAL HALL**

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

William Hank Perkins, Jr., Town Manager  
William Morgan, Jr., Town Attorney  
Michael Dydula, Project Manager  
Stephen Ford, Finance Director  
Laura Krejci, Communications Director  
Michael Williams, Community Development Director

**ABSENT:** Commissioner Jim Proctor

**I. CALL TO ORDER**

Mayor Carol C. Pritchett called the work session to order at 8:30 a.m.

**II. AGENDA ADOPTION**

Commissioner Patrick Bryant made a motion to adopt the agenda, as amended. Commissioner Scott Doster seconded and the motion carried 3-0.

**III. REVIEW DRAFT PROCUREMENT POLICY**

Town Manager Hank Perkins explained that he was not aware of the Town's existing 2018 procurement policy until March when auditors began asking questions involving the policy. It was noted that Town staff is looking to replace the existing policy because it creates issues for the Town due to overly strict guidelines. Manager Perkins added that the current policy is lacking detail regarding contracts. Manager Perkins recommended replacing the existing policy with a



policy similar to the one provided in the meeting packets. It was noted that Town staff and a financial consultant are reviewing the draft replacement policy. Manager Perkins expressed that the new policy will be more of a tool that staff can realistically use for guidance in order to be fiducially responsible.

Manager Perkins detailed that this issue had arose when discussing the dredging grant and the auditor's increased scrutiny due to increased award amounts. Manager Perkins added that the Town anticipates that there will be increased scrutiny as whole moving forward, especially with American Rescue Plan Act (ARPA) and the State Revolving Fund (SRF) awards. Manager Perkins explained that the Town is finding that there are additional requirements for ARPA that the Town has not met, but will meet moving forward. Manager Perkins expanded that the Town needed to pass about six resolutions for ARPA and did not pass four of them, but Town staff is working on these resolutions. It was noted that the greatest threat is if the money had to be given back. It was also noted that the Town can budget the pledge of grant funds, but must be able to provide funds if returns were necessary. Manager Perkins emphasized the importance of the Town being in compliance. Manager Perkins expressed that the Town at the front end of major infrastructure projects and funding, and compliance will be even more crucial as the projects progress. It was noted that the Town provided all necessary documents detailed in the state award letter, but the state award letter did not include the federally required resolutions. Commissioner DiOrio expressed concerns regarding the state's failure to include these items in their award letters because the state is administering ARPA funds. Manager Perkins expressed that the Town may have been too trusting to have solely utilized the state's information in the past and moving forward the Town must trust the state, but check that all information is included and correct. It was clarified that this is in part an auditing step that will likely take place in the future. Commissioner DiOrio explained that in the past, the Town had passed reactive resolutions for grant funding. Director Ford noted that he working with the School of Government and consulting with a former Martin and Starnes auditor, Brian Epply. Manager Perkins noted that the state knows that the Town is pursuing a design-build route for the sewer project, but Town needs to make certain that design build can be an ARPA expenditure. Project Manager Dydula noted that when ARPA says it's approve, it is approved based on whether or not the project qualifies, but there are still a number of terms and conditions that must be met. Commissioner DiOrio expressed that he is in support of the passing the resolutions needed to gain compliance.

Manager Perkins reviewed the draft policy. Manager Perkins noted that the new draft procurement policy does a good job at working as a guideline for spending federal funds. Manager Perkins also noted that the existing policy has invoice transmittal and requisition requirements which the town had not been following, but will now be following, and it should be a good accounting and auditing resource. Commissioner Diorio asked if emergency purchases are covered in the new draft policy and Manager Perkins answered yes. Manager Perkins detailed the Mini Brooks Act and exemptions. Commissioner DiOrio asked what the threshold will be for Town Council approval and Manager Perkins answered that the current policy requires Council approval for procurements exceeding \$90,000, but the limit can be increased in the new policy. Council discussed details of the draft policy and there was consensus for support.

#### **IV. REVIEW DRAFT CARD POLICY**

Manager Perkins explained that the draft card policy is a companion document to the draft procurement policy. It was explained that the card policy will detail rules and guidelines for card usage. Commissioner Doster noted the importance of employee training and awareness of such policies. Manager Perkins agreed. Commissioner Bryant expressed that the policy is straightforward and clear.

#### **V. REVIEW PROPOSED AMENDMENTS TO THE RULES OF PROCEDURE FOR THE TOWN COUNCIL**

Town Attorney William Morgan explained that the *Rules of Procedure for the Town Council* was adopted in 2001 based on government publication for suggested procedures for small towns. Attorney Morgan reviewed his proposed changes that are based on current town operations and general statutes.

Mayor Pritchett asked public comment is just for residents or anyone. Attorney Morgan answered that general statute does not clarify this, but it was verified that the Council can ask people to state whether or not they are from Lake Lure residents.

Council expressed support for the proposed changes.

#### **VI. DISCUSS DREDGING CONTRACT**

Manager Perkins explained that the dredging contract was also mentioned by auditors. Manager Perkins expanded that the contract with Tim Edwards was entered into in 2018 and it included one year renewals that Council must take action on each year, but that has not been done since 2019. Manager Perkins noted that Mr. Edwards has stopped work for now and the Town suggesting working with an engineering firm who will produce an RFP for a dredging contract.

#### **VII. DISCUSS BUDGET SCHEDULE**

Director Ford and Manager Perkins noted that there needs to be at least one or two budget meetings with Council. Council discussed dates. Manager Perkins noted that at the May meeting, a resolution will be passed to set a budget public hearing date.

Director Ford reported that he had spoken with Rutherford County on Friday and the County is still in the throes of property value re-assessment and still anticipating May 1<sup>st</sup> for having final numbers. It was noted that the proposed bill to use past property values was entered and discussed by legislators yesterday. Council discussed that if the Town do not know the status of re-evaluations before July, the mill rate cannot be passed and the Town would have to pass an interim budget or continuum budget, which would be very restricted. It was noted that the County is doing budget preparations with re-evaluation numbers at this time. Manager Perkins explained that he will present the preliminary budget at the May meeting. Commissioner DiOrio expressed

concern with holding a public hearing with the mill rate before the County has made a decision on the re-evaluation. Commissioner DiOrio recommended proceeding with a revenue neutral budget based on new appraisal. Council discussed the proposed bill and the Town's lobbyists. There was consensus on pursuing a revenue neutral budget until decisions are made by the general assembly and County in regard to re-evaluations. Council discussed holding the budget public hearing in late June.

## **VIII. VIDEO PRODUCTION UPDATE**

Communications Director Laura Krejci explained that Council had approved three videos in the past for Lake Use Regulations, boater safety, and the statutory and advisory board handbook. Director Krejci expanded that upon further discussions, it was suggested that the Lake Use Regulations and boater safety videos be combined to one video. Director Krejci provided Council with an updated script to fit the suggestion. It was noted that the Parks, Recreation, and Lake Department had reviewed and approved of the script. Council members discussed and there was consensus to proceed with the videos as recommended before the end of the fiscal year.

## **IX. DISCUSS LAND AND WATER CONSERVATION FUND (LWCF) GRANT**

Manager Perkins summarized that in 1988 the Town received a grant from the Land and Water Conservation Fund (LWCF) for about \$26,000 and that a stipulation is that the entirety of Morse Park would be used for only outdoor recreation, but in the 1990s Town Hall was built on the property. Manager Perkins added that the LWCF figured this out after the Town had applied for another LWCF grant. The Town is asking for \$450,000 from LWCF for a match for the PARTF grant and are not eligible because of the non-compliance surrounding Town Hall. Manager Perkins explained that the solution is timely and may be costly because it may require surveys, appraisals of multiple properties, and transfer or exchange of properties. Manager Perkins noted that the LWCF application deadline is in the fall, which may delay the project. It was also noted that the decision regarding the PARTF award will be made later in this year and the Town could not utilize PARTF funds until receiving LWCF matching fund. Manager Perkins explained that he has been in contact with Destination by Design (DBD), who will charge \$125/hr. to work with the Town to resolve this issue, which would be about \$5,000. Manager Perkins expressed that if the Town is not awarded the PARTF grant, the project will be at a standstill regardless.

Manager Perkins noted that the Town is also in the process of declaring the picnic shelters and other amenities funded with the 1988 grant as obsolete because the deed restrictions never end and if the facilities were to get demolished the Town would have to replace them.

Manager Perkins stated that if the Town wants to pursue any LWCF grants in the future, then this process is necessary. Manager Perkins noted that LWCF was supposed to check on Morse Park per the grant agreement, but they did not do so. Manager Perkins also noted that the Rutherford County Tourism Development Authority would not be able to help the Town by funding DBD services. Manager Perkins expressed that he does not want to transfer these restrictions to another property, especially the Green Space, and the Town would need to transfer the restriction to a location that complies such as the campground or the three lake front properties.

Council expressed support for looking into the transfer of the lake front properties. It was noted that the cell tower should not be impacted by the LWCF restrictions, but the Town is re-asking for assurance. There Council consensus to proceed with necessary steps to resolving the LWCF issue.

**X. REVIEW RUMBLING BALD REQUEST TO REARRANGE THE PLACEMENT OF THE CLUSTER MOORING LOCATED ON THE NORTHWEST END OF THE LAKE**

Community Development Director Michael Williams noted that there was a similar request last year and detailed that the Council approved Rumbling Bald's cluster mooring in 2011 and that they must approve any relocation. There was consensus of support from Council.

**XI. REVIEW ZONING AND PLANNING BOARD RECOMMENDATION FOR AMENDING ARTICLE III SECTION 6-48 AND ADDING 6-52(B) OF THE BUILDING AND BUILDING REGULATIONS**

Director Williams explained that the Town currently has a one size fits all lake structure permitting regulations regardless of whether it is the construction of a boat house or the addition of a singular board. Director Williams proposed adopting a minor structural repair category that would potentially eliminate unnecessary requirements for small projects. Director Williams noted that the fee would be proposed to be \$240 for minor structural repairs. It was noted that the Town wants lake structures to be maintained and that rules that would discourage maintenance should not be implemented. There was Council consensus of support.

**XII. REVIEW ZONING AND PLANNING BOARD RECOMMENDATIONS FOR DOUBLED PERMIT FEES FOR PROJECTS STARTED WITHOUT PERMITS**

Director Williams explained that staff is experiencing a re-occurring issue of people beginning projects without permits. Director Williams proposed a doubled permit fee when these occurrences take place in an attempt to combat the non-compliance. Director Williams noted that a doubled permit fee will not be implemented for vacation rental or mobile food vendor permit because they can be enforced with fines. Commissioner DiOrio expressed that he still supports an annual administrative fee for vacation rentals inspections, as was discussed in a prior meeting. There was consensus of Council approval for the double fee.

**XIII. DISCUSS DRAIN VALVE INSTALLATION BID**

Project Manager Dydula explained that the Town had received two bids and that they are higher than originally estimated by Schnabel. Dydula explained that it is important that this project be completed because there are three criteria for high hazard dams that the Town is not meeting at this time including elements that account for handling drains, seismic activity, and dam overtopping. Project Manager Dydula added that Dam Safety expects that the Town complete this project and there could be consequences if it is not completed. It was reported that the Town staff does not think that the Town is going to be awarded a FEMA grant for the drain valve installation. Project Manager Dydula explained that the Town has about five to six weeks to award a bid, and that the Town has already

spent \$185,000 for design work and \$108,000 to handle procurement and bidding. It was explained that the Town can attempt to negotiate the bid 10 to 12 percent. Project Manager Dydula informed Council that both bidders estimated that the project would not be completed until next April, and Schnabel's fee for overseeing construction would likely increase because of a longer timeline. Project Manager Dydula estimated that the total exposure is \$9 to \$10 million and does not see construction contingency due to topographic uncertainties. Commissioner DiOrio noted that the Town may not need to draw the lake down since the valves will not be installed, but it was noted that Ruby-Collins could still work on boring and that would require a drawdown. Project Manager Dydula recommended reviewing Ruby-Collins' the GMP before making any drawdown decisions. Commissioner DiOrio agreed that Dam Safety Office support is essential. Council expressed that there is no choice as to whether or not to complete the project. Commissioner DiOrio expressed that he had thought that the Town would get through the foundation of the dam with the \$16 million grant that was received, but now that will not be possible. Commissioner DiOrio noted that a silver lining is that the NCDOT does not know where they are going to put the bridge and that this will match the pace of each entity. Commissioner DiOrio reiterated that the Town must keep this project timeline in mind when determining the next drawdown schedule. Project Manager Dydula explained that in terms of valve procurement, DeZurik is on track but the Town is having issues with Steel Fab. There was consensus to proceed with valves and go with low bidder, and to revisit the drawdown schedule after reviewing the GMP from Ruby-Collins.

**XIV. DISCUSS HORIZONTAL DIRECTIONAL DRILLING (HDD) PROJECT**

Project Manager Dydula announced that the Town did not receive any bids for the HDD project. It was noted that LaBella had spoken with pre-bid meeting attendees and that some issues were marine operations, bonding capabilities, and more. Project Manager Dydula expressed that there are a lot of uncertainties regarding costs and contractors abilities. Project Manager Dydula added that Brian Houston with LaBella has suggested the possibility of adding this to Ruby-Collins' Design Build contract, and that Ruby-Collins is willing to entertain the idea and would be sub it out. Council expressed they would like all 4 pipes done at once. Commissioner DiOrio expressed need to figure out planning factors. Council consensus to allow Town staff to proceed as necessary.

**XV. PROJECT UPDATES**

There were no other major project updates. Commissioner DiOrio recommended that when advertising bids for dredging contracts, look into both hydraulic and excavation. Council and staff discussed dredging bid details.

**XVI. TOWN MANAGER UPDATES**

Manager Perkins noted that appraisals should be done within the next couple of weeks and that the Town may have options for the lease rate of the ABC Store. Manager Perkins reported that easements for the HDD project are making progress and the Town has gotten all but three signed. Director Ford provided Council with fund balance information. Manager Perkins noted that new water meters are going to bring in more revenue because they are more accurate than the old meters.

**XVII. CLOSED SESSION**

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

During closed session, the Town Attorney and Town Manager provided updates regarding past topics discussed under attorney client privilege.

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

**XVIII. ADJOURNMENT**

Commissioner Bryant made a motion to adjourn. Commissioner Doster seconded and all voted in favor. The meeting was adjourned at 12:04 p.m.

ATTEST:

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Olivia Stewman, Town Clerk

\_\_\_\_\_  
Mayor Carol C. Pritchett

**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM**

**Meeting Date: May 9, 2023**

**SUBJECT:** Resolution No. 23-05-09 Amending the Rules of Procedure for the Lake Lure Town Council

**AGENDA INFORMATION:**

**Agenda Location:** Consent Agenda

**Item Number:** B

**Department:** Administration

**Contact:** William Morgan, Town Attorney

**Presenter:** William Morgan, Town Attorney

**BRIEF SUMMARY:**

In April 2001, Town Council adopted the *Rules of Procedure for the Lake Lure Town Council*. Town Attorney William Morgan has reviewed the 2001 procedures manual and has proposed amendments based on the current Town Council operations and/or North Carolina General Statutes. Resolution No. 23-05-09 adopts the proposed amendments to the *Rules of Procedure for the Lake Lure Town Council*.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:**

To adopt Resolution No. 23-05-09 Amending the Rules of Procedure for the Lake Lure Town Council.

**ATTACHMENTS:**

Resolution No. 23-05-09 Amending the Rules of Procedure for the Lake Lure Town Council

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

Staff recommends adoption of Resolution No. 23-05-09 Amending the Rules of Procedure for the Lake Lure Town Council.



## RESOLUTION NO. 23-05-09

### RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE AMENDING THE RULES FOR PROCEDURE FOR THE LAKE LURE TOWN COUNCIL

WHEREAS, the Town of Lake Lure Town Council adopted *Rules of Procedure for the Lake Lure Town Council* on April 10, 2001; and

WHEREAS, various aspects of the *Rules of Procedure for the Lake Lure Town Council* require amendments or updates;

**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 hereby amends the *Rules of Procedure for the Lake Lure Town Council*, as follows:

(ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~)

#### **Rules of Procedure for the Lake Lure Town Council**

##### **Rule 1. Regular Meetings**

The council shall hold a regular meeting on second Tuesday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day unless otherwise designated by the council. The meeting shall be held at The Lake Lure Municipal Center and shall begin at ~~7:00~~ 5:00 P.M. A copy of the council's current meeting schedule shall be filed with the city clerk.

##### **Rule 2. Special, Emergency, and Recessed [or Adjourned] Meetings**

(a) **Special Meetings.** The mayor, the mayor pro tempore, or any two members of the council may at any time call a special council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. At least forty-eight hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be (1) delivered to the mayor and each council member or left at his or her usual dwelling place; (2) posted on the council's principal bulletin board, or if none, at the door of the council's usual meeting room; ~~and~~ (3) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the city clerk; and, (4) posted on the Town's website. Only those items of business specified in the notice may be transacted at a special meeting called in this manner, unless all members are present or have signed a



written waiver of notice. Even in such a case, the council shall only discuss or transact items of business not specified in the notice if it determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

A special meeting may also be called or scheduled by vote of the council in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its time, place, and purpose. At least forty-eight hours before a special meeting called in this manner, notice of the time, place, and purpose of the meeting shall be (1) posted on the council's principal bulletin board, or if none, at the door of the council's usual meeting room; and (2) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the city clerk. Such notice shall also be mailed or delivered at least forty-eight hours before the meeting to each council member not present at the meeting at which the special meeting was called or scheduled, and to the mayor if he or she was not present at that meeting. Only those items of business specified in the notice may be discussed or transacted at a special meeting called in this manner, unless all members are present or those not present have signed a written waiver of notice, and the council determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

**(b) Emergency Meetings.** Emergency meetings of the city council may be called only because of generally unexpected circumstances that require immediate consideration by the council. Only business connected with the emergency may be considered at an emergency meeting. One of the following two procedures must be followed to call an emergency meeting of the council.

(1) The mayor, the mayor pro tempore, or any two members of the council may at any time call an emergency council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the mayor and each council member or left at his or her usual dwelling place at least six hours before the meeting.

(2) An emergency meeting may be held at any time when the mayor and all members of the council are present and consent thereto, or when those not present have signed a written waiver of notice, but only in either case if the council complies with the notice provisions of the next paragraph.

Notice of an emergency meeting under (1) or (2) shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written emergency meeting notice request, which includes the newspaper's, wire service's, or station's telephone number, with the city clerk. This notice shall be given either by telephone or by the same method used to notify the mayor and the council members and shall be given at the expense of the party notified.

**(c) Recessed Meetings.** A properly called regular, special, or emergency meeting may be recessed to a time and place certain by a procedural motion made and adopted as provided in Rule 18, Motion 2, in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of a recessed session of a properly called regular, special, or emergency meeting.

### **Rule 3. Organizational Meeting**

On the date and at the time of the first regular meeting in December following a general election in which council members are elected, or at an earlier date, if any, set by the incumbent council, the newly elected members shall take and subscribe the oath of office as the first order of new business. As the second order of new business, the council shall elect a mayor pro tempore. This organizational meeting shall not be held before the municipal election results are officially determined, certified, and published in accordance with Subchapter IX of Chapter 163 of the North Carolina General Statutes.

### **Rule 4. Agenda**

(a) **Proposed Agenda.** The city clerk shall prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received at least three working days before the meeting. Any council member may, by a timely request, have an item placed on the proposed agenda. A copy of all proposed ordinances shall be attached to the proposed agenda. An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce. Each council member shall receive a copy of the proposed agenda and the agenda package, and they shall be available for public inspection and distribution or copying when they are distributed to the council members.

(b) **Adoption of the Agenda.** As its ~~third~~ first order of business at each meeting, the council shall, as specified in Rule 6, discuss, and revise the proposed agenda and adopt an agenda for the meeting. If items are proposed to be added to the agenda of a meeting, the council may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all council members.

The council may by majority vote add items to or subtract items from the proposed agenda, except that (a) the council may not subtract items from the proposed agenda stated in the notice of a special meeting called by the mayor, mayor pro tempore, or two council members, unless those calling the meeting consent to the deletion, (b) the council may not add items to the proposed agenda stated in the notice of a special meeting called by the mayor, mayor pro tempore, or two council members, unless all members are present, or those who are absent sign a written waiver of notice, and (c) only business connected with the emergency may be considered at an emergency meeting. The council may add items to the proposed agenda of a special meeting only if it determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

The council may designate certain agenda items “for discussion and possible action.” Such designation means that the council intends to discuss the general subject area of that agenda item before making any motion concerning that item.

(c) **Consent Agenda.** The council may designate a part of the agenda as the “consent agenda.” Items shall be placed on the consent agenda by those preparing the proposed agenda if they are judged to be noncontroversial and routine. Any member may remove an item from the consent agenda and place it on the regular agenda while the agenda is being discussed and revised prior to its adoption at the beginning of the meeting. All items on the consent agenda shall be voted on and adopted by a single motion, with the minutes

reflecting the motion and vote on each item.

(d) **Open Meetings Requirements.** The council shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number, or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the council to understand what is being deliberated, voted, or acted on. The council may, however, deliberate, vote, or otherwise take action by reference to an agenda, if copies of the agenda sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on are available for public inspection at the meeting.

### **Rule 5. Public Address to the Council**

~~Any individual or group who wishes to address the council shall make a request to be on the agenda to the city clerk. However, the council shall determine at the meeting whether it will hear the individual or group.~~

The council shall provide at least one period for public comment per month at a regular meeting of the council. The council may adopt reasonable rules governing the conduct of the public comment period, including, but not limited to, rules (i) fixing the maximum time allotted to each speaker (currently set as three (3) minutes, (ii) providing for the designation of spokesmen for groups of persons supporting or opposing the same positions, (iii) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall, and (iv) providing for the maintenance of order and decorum in the conduct of the hearing. The council is not required to provide a public comment period under this section if no regular meeting is held during the month. Public Comment is generally reserved for items that are not on the Council's agenda. No public comments are allowed on any item on which a public hearing has been set or held. Comments may be submitted in writing to the Town Clerk, which will become part of the minutes.

### **Rule 6. Order of Business**

Items shall be placed on the agenda according to the order of business. Once the meeting is called to order, and following the invocation (if offered) and the Pledge of Allegiance, the order of business for each regular meeting shall be as follows:

1. ~~Invocation~~ Agenda Adoption
2. ~~Informal discussion and public comment~~ Mayor's Communications
3. ~~Discussion and revision of the proposed agenda, including consent agenda; adoption of agenda~~ Town Manager's Communications
4. Public hearings
5. ~~Approval of Minutes~~ Council Liaison Reports and Comments
6. ~~Committee reports~~ Presentations
7. ~~Unfinished Business~~ Public Comment
8. ~~New Business~~ Consent Agenda
9. ~~Administrative Reports~~ Unfinished business
10. ~~Council Reports~~ New business
11. Closed Session(s)
12. Adjournment

By general consent of the council, items may be considered out of order.

### **Rule 7. Office of Mayor**

The mayor shall preside at all meetings of the council but shall have the right to vote only when there is a tie. In order to address the council, a member must be recognized by the mayor.

The mayor or other presiding officer shall have the following powers:

- (a) To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
- (b) To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
- (c) To entertain and answer questions of parliamentary law or procedure;
- (d) To call a brief recess at any time;
- (e) To adjourn in an emergency.

A decision by the presiding officer under (a), (b), or (c) may be appealed to the council upon motion of any member, pursuant to Rule 18(b), Motion 1. Such a motion is in order immediately after a decision under (a), (b), or (c) is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion if timely made may not be ruled out of order.

A mayor or other presiding officer may adjourn without the board's vote or appeal in an emergency, and he or she may also call a brief recess without a vote at any time.

### **Rule 8. Office of Mayor Pro Tempore**

At the organizational meeting, the council shall elect from among its members a mayor pro tempore to serve at the council's pleasure. A council member who serves as mayor pro tempore shall be entitled to vote on all matters and shall be considered a council member for all purposes, including the determination of whether a quorum is present. In the mayor's absence, the council may confer on the mayor pro tempore any of the mayor's powers and duties. If the mayor should become physically or mentally unable to perform the duties of his or her office, the council may by unanimous vote declare that the mayor is incapacitated and confer any of the mayor's powers and duties on the mayor pro tempore. When a mayor declares that he or she is no longer incapacitated, and a majority of the council concurs, the mayor shall resume the exercise of his or her powers and duties. If both the mayor and mayor pro tempore are absent from a meeting, the council may elect from among its members a temporary chairman to preside at the meeting.

### **Rule 9. When the Presiding Officer Is in Active Debate**

If the mayor or other presiding officer becomes actively engaged in debate on a particular proposal, he or she may designate another council member to preside over the debate. The

mayor or other presiding officer shall resume presiding as soon as action on the matter is concluded.

**Rule 10. Action by the Council**

The council shall proceed by motion, except as otherwise provided for in Rule 4 and in Rule 31. Any member may make a motion.

**Rule 11. Second Required**

A motion shall require a second.

**Rule 12. One Motion at a Time**

A member may make only one motion at a time.

**Rule 13. Substantive Motions**

A substantive motion is out of order while another substantive motion is pending.

**Rule 14. Adoption by Majority Vote**

A motion shall be adopted by a majority of the votes cast, a quorum as defined in Rule 27 being present, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.

**Rule 15. Voting by Written Ballot**

The council may choose by majority vote to use written ballots in voting on a motion. Such ballots shall be signed, and the minutes of the council shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the city clerk immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

**Rule 16. Debate**

The mayor shall state the motion and then open the floor to debate on it. The mayor shall preside over the debate according to the following general principles:

- (a) The maker of the motion is entitled to speak first;
- (b) A member who has not spoken on the issue shall be recognized before someone who has already spoken;
- (c) To the extent possible, the debate shall alternate between proponents and opponents of the measure.

### **Rule 17. Ratification of Actions**

To the extent permitted by law, the council may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

### **Rule 18. Procedural Motions**

(a) **Certain Motions Allowed.** In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

(b) **Order of Priority of Motions.** In order of priority (if applicable), the procedural motions are

**Motion 1. To Appeal a Procedural Ruling of the Presiding Officer.** A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the council, as specified in Rule 7. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.

**Motion 2. To Adjourn.** This motion may be made only at the conclusion of council consideration of a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to recess [or adjourn] to a time and place certain shall also comply with the requirements of Rule 2(c).

**Motion 3. To Take a Brief Recess.**

**Motion 4. Call to Follow the Agenda.** The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.

**Motion 5. To Suspend the Rules.** The council may not suspend provisions of the rules that state requirements imposed by law on the council. For adoption, the motion requires a vote equal to two-thirds of the actual membership of the council, excluding the mayor, unless he or she may vote in all cases, and vacant seats.

**Motion 6. To Go into Closed Session.** The council may go into closed session only for one or more of the permissible purposes listed in G.S. 143-318.11(a). The motion to go into closed session shall cite one or more of these purposes and shall be adopted at an open meeting. A motion based on G.S. 143-318.11(a)(1) shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318(a)(3) shall identify the parties in each existing lawsuit concerning which the council expects to receive advice during the closed session, if in fact such advice is to be received.

**Motion 7. To Leave Closed Session.**

**Motion 8. To Divide a Complex Motion and Consider It by Paragraph.** The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

**Motion 9. To Defer Consideration.** The council may defer a substantive motion for later consideration at an unspecified time. A substantive motion the consideration of which has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending (has not expired). A member who wishes to revisit the matter during that time must take action to revive consideration of the original motion [Rule 18(b), Motion 14], or else move to suspend the rules [Rule 18(b), Motion 5].

**Motion 10. Motion for the Previous Question.** The motion is not in order until there have been at least 20 minutes of debate, and every member has had an opportunity to speak once.

**Motion 11. To Postpone to a Certain Time or Day.** If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A member who wishes to revisit the matter must either wait until the specified time, or move to suspend the rules [Rule 18(b), Motion 5].

**Motion 12. To Refer a Motion to a Committee.** The council may vote to refer a substantive motion to a committee for its study and recommendations. Sixty days or more after a substantive motion has been referred to a committee, the introducer of the substantive motion may compel consideration of the measure by the entire council, whether or not the committee has reported the matter to the council.

**Motion 13. To Amend.** (a) An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend.

(b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.

(c) Any amendment to a proposed ordinance shall be reduced to writing before the vote on the amendment.

**Motion 14. To Revive Consideration.** The board may vote to revive consideration of any substantive motion earlier deferred by adoption of Motion 9 of Rule 18(b). The motion is in order at any time within 100 days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires 100 days after the deferral unless a motion to revive consideration is adopted.

**Motion 15. To Reconsider.** The council may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority side except in the case of a tie; in that case the "~~yes~~ no's" prevail) and at the meeting during which the original vote was taken, including any continuation of that meeting through recess [or adjournment] to a time and place certain. The motion cannot interrupt deliberation on a

pending matter, but is in order at any time before final adjournment of the meeting.

**Motion 16. To Rescind or Repeal.** The council may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.

**Motion 17. To Prevent Reintroduction for Six Months.** The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote equal to two-thirds of the actual membership of the council excluding the mayor and vacant seats. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organizational meeting of the council, whichever occurs first.

**Rule 19. Renewal of Motion**

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reintroduction has been adopted.

**Rule 20. Withdrawal of Motion**

A motion may be withdrawn by the introducer at any time before it is amended or before the presiding officer puts the motion to a vote, whichever occurs first.

**Rule 21. Duty to Vote**

Every member must vote unless excused by the remaining members according to law. A member who wishes to be excused from voting shall so inform the presiding officer, who shall take a vote of the remaining members. No member shall be excused from voting except upon matters involving the consideration of his or her own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present in the council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

**Rule 22. Introduction of Ordinances**

A proposed ordinance shall be deemed to be introduced on the date the subject matter is first voted on by the council.

**Rule 23. Adoption of Ordinances and Approval of Contracts**

(a) **Generally.** An affirmative vote equal to a majority of all the members of the council not excused from voting on the question in issue (including the mayor's vote in case of an equal division) shall be required to adopt an ordinance, to take any action that has the effect of an ordinance, or to make, ratify, or authorize any contract on behalf of the city. In addition, no ordinance or action that has the effect of an ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two-thirds of all



the actual membership of the council, excluding vacant seats, and not including the mayor unless he or she has the right to vote on all questions before the council. No ordinance shall be adopted unless it has been reduced to writing before a vote on adoption is taken.

~~(b) Zoning Protest Petitions. An affirmative vote equal to three fourths of all the members of the city council shall be required for an ordinance making a change in a zoning regulation, restriction, or boundary to become effective, if a valid protest petition is received in accordance with the requirements set out in G.S. 160A-385(a) and G.S. 160A-386. This rule shall not apply in those cases except by G.S. 160A-385(a).~~

#### **Rule 24. Adoption of the Budget Ordinance**

Notwithstanding the provisions of any city charter, general law, or local act:

- (1) Any action with respect to the adoption or amendment of the budget ordinance may be taken at any regular or special meeting of the council by a simple majority of those present and voting, a quorum being present;
- (2) No action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the council; and
- (3) The adoption and amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any city charter or local act concerning initiative or referendum.

During the period beginning with the submission of the budget to the council and ending with the adoption of the budget ordinance, the council may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the open meetings law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as (a) each member of the board has actual notice of each special meeting called for the purpose of considering the budget, and (b) no business other than consideration of the budget is taken up. This rule does not allow, and may not be construed to allow, the holding of closed meetings or executive sessions by the council if it is otherwise prohibited by law from holding such a meeting or session.

#### **Rule 25. This space is reserved for later use.**

*The board may adopt its own special rules of procedure, to be specified here.*

#### **Rule 26. Closed Sessions**

The council may hold closed sessions as provided by law. The council shall only commence a closed session after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session. If the motion is based on G.S. 143-318.11(a) (1) (closed session to prevent the disclosure of privileged or confidential information or information that is not considered a public record), it must also state the name or citation of the law that renders the information to be discussed privileged or confidential. If the motion is based on G.S. 143-318.11(a) (3) (consultation with attorney; handling or settlement of claims, judicial actions, or administrative procedures), it must identify the parties in any existing lawsuits concerning which the public body expects to

receive advice during the closed session. The motion to go into closed session must be approved by the vote of a majority of those present and voting. The council shall terminate the closed session by a majority vote.

Only those actions authorized by statute may be taken in closed session. A motion to adjourn or recess shall not be in order during a closed session.

### **Rule 27. Quorum**

A majority of the actual membership of the council plus the mayor, excluding vacant seats, shall constitute a quorum. A majority is more than half. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

### **Rule 28. Public Hearings**

Public hearings required by law or deemed advisable by the council shall be organized by a special order (adopted by a majority vote) that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted for each speaker, and other pertinent matters. The rules may include, but are not limited to, rules (a) fixing the maximum time allotted to each speaker; (b) providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; (c) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of hearings subject to the open meetings law, for those excluded from the hall to listen to the hearing); and (d) providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the open meetings law applicable to council meetings shall also apply to public hearings at which a majority of the council is present; such a hearing is considered to be part of a regular or special meeting of the council. These requirements also apply to hearings conducted by appointed or elected committees of the council, if a majority of the committee is present. A public hearing for which any notices required by the open meetings law or other provisions of law have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 2(c) shall be followed in continuing a hearing at which a majority of the council is present. The council may vote to delegate to city staff members, as appropriate, the authority to schedule, call, and give notice of public hearings required by law or the council. The council shall provide adequate guidelines to assist staff members in fulfilling this responsibility, and it shall not delegate the responsibility in cases where the council itself is required by law to call, schedule, or give notice of the hearing.

At the time appointed for the hearing, the mayor or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires or when no one wishes to speak who has not done so, the presiding officer shall entertain or make a motion to end the hearing

### **Rule 29. Quorum at Public Hearings**

A quorum of the council shall be required at all public hearings required by state law. If a quorum is not present at such a hearing, the hearing shall be continued until the next regular council meeting without further advertisement.

### **Rule 30. Minutes**

Full and accurate minutes of the council proceedings, including closed sessions, shall be kept. The board shall also keep a general account of any closed session so that a person not in attendance would have a reasonable understanding of what transpired. These minutes and general accounts shall ~~be open to~~ remain closed to inspection of the public, so long as public inspection would frustrate the purpose of the closed session. ~~except as otherwise provided in this rule.~~ The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the council, the “ayes” and “nos” upon any question shall be taken. Members’ and other persons’ comments may be included in the minutes if the council approves.

~~Minutes and general accounts of closed sessions may be sealed by action of the council. Such sealed minutes and general accounts may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.~~

### **Rule 31. Appointments**

The council may consider and make appointments to other bodies, including its own committees, if any, only in open session. The council may not consider or fill a vacancy among its own membership except in open session.

The mayor shall not have a right to vote on appointments that come before the council unless there is a tie vote.

Rather than proceeding by motion, the council shall use the following procedure to make appointments to various other boards and offices: The town clerk shall report on applications received. The mayor shall then open the floor for nominations, whereupon the names of other possible appointees may be put forward by the council members. The names submitted shall be debated. When the debate ends, the mayor shall call the roll of the members, and each member shall cast his or her vote.

The nominee(s) receiving the highest number of votes shall be appointed. If more than one appointee is to be selected, then each member shall have as many votes as there are slots to be filled. A member must cast all of his or her votes and cast them for different nominees.

The voting shall continue until one nominee receives a majority of the votes cast, whereupon he or she shall be appointed. If more than one appointee is to be selected, then each member shall have as many votes in each balloting as there are slots to be filled, and votes from a majority of the members voting shall be required for appointment. During each balloting, a member may cast all of his or her votes or fewer than all of them, but he or she shall not cast more than one vote for a single candidate.

**Rule 32. Committees and Boards**

**(a) Establishment and Appointment.** The council or the mayor, if the mayor is delegated that power by the council, may establish and appoint members for such temporary and standing city committees and boards as are needed to help carry on the work of city government. Any specific provisions of law relating to particular committees and boards shall be followed.

**(b) Open Meetings Law.** The requirements of the open meetings law shall apply to all elected or appointed authorities, boards, commissions, councils, or other bodies of the city that are composed of two or more members and that exercise or are authorized to exercise legislative, policy-making, quasi-judicial, administrative, or advisory functions. However, the law’s requirements shall not apply to a meeting solely among the city’s professional staff.

**Rule 33. Amendment of the Rules**

These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, so long as the amendment is consistent with the city charter, general law, and generally accepted principles of parliamentary procedure. Adoption of an amendment shall require an affirmative vote equal to or greater than two-thirds of all the actual membership of the council, excluding vacant seats, and not including the mayor unless he or she has the right to vote on all questions before the council.

**Rule 34. Reference to *Robert’s Rules of Order Newly Revised***

To the extent not provided for in these rules, and to the extent it does not conflict with North Carolina law or with the spirit of these rules, the council shall refer to *Robert’s Rules of Order Newly Revised*, to answer unresolved procedural questions.

The above Rules ~~for~~ of Procedure are based on *Suggested Rules of Procedure for a City Council*, 3<sup>rd</sup> edition, by Fleming Bell, II (Chapel Hill, N.C.: The Institute of Government, The University of North Carolina, 2000).

**SECTION TWO.** This Resolution shall become effective upon adoption.

**READ APPROVED AND ADOPTED** this 9<sup>th</sup> day of May, 2023

ATTEST:

\_\_\_\_\_  
Olivia Stewman, Town Clerk

\_\_\_\_\_  
Mayor Carol C. Pritchett

**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM  
Meeting Date: May 9, 2023**

**SUBJECT:** Approval of Rumbling Bald Request to Rearrange the Placement of the Cluster Mooring Located on the Northwest end of the Lake

**AGENDA INFORMATION:**

**Agenda Location:** Consent Agenda  
**Item Number:** C  
**Department:** Community Development  
**Contact:** Michael Williams, Community Development Director  
**Presenter:** Michael Williams, Community Development Director

**BRIEF SUMMARY:**

Rumbling Bald has requested approval from Town Council to reconfigure the arrangement of their approved cluster mooring on the northwest end of the lake. General Manager, Jeff Geisler, states that the request is due to the sediment fill issues on the north end of the mooring area and to improve wake issues in the mooring area. The cluster mooring was approved by Town Council in 2011. In 2022, a temporary reconfiguration was approved by Parks, Recreation, and Lake Director Dean Givens due to accessibility issues caused by their dredging project delay. The current reconfiguration has been reviewed by Director Givens, who referred it to Community Development Director Michael Williams as Lake Structure Administrator. The February 9, 2011 cluster mooring approval stated “No additional slips to be added. Any additional expansion of marina must have approval by Town Council.”

Director Williams has reviewed the proposal which essentially removes what had been the pier nearest the beach (“A” on exhibit A) and splits it at the ends of the three piers at the opposite end of the cluster mooring (“D, E and F” on exhibit A).

Town Council reviewed the request during the April 26<sup>th</sup> work session meeting and there was consensus of approval.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:**

To approve Rumbling Bald’s request to rearrange the placement of the cluster mooring located on the northwest end of the lake.

**ATTACHMENTS:**

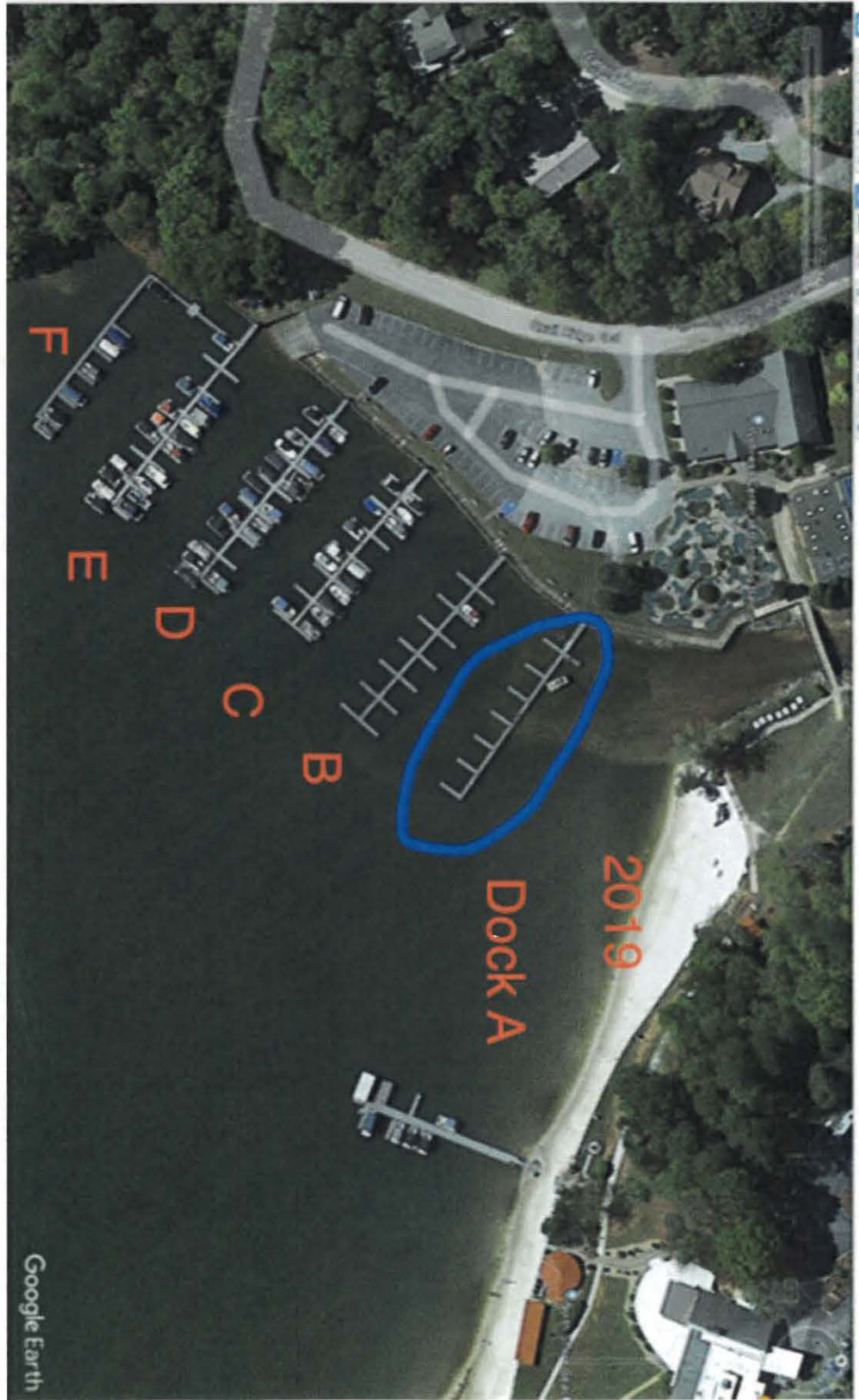
Attachments A, B, C: Pictures illustrating requested reconfiguration and Attachment D: Copy of original permit notes.

**STAFF’S COMMENTS AND RECOMMENDATIONS:**

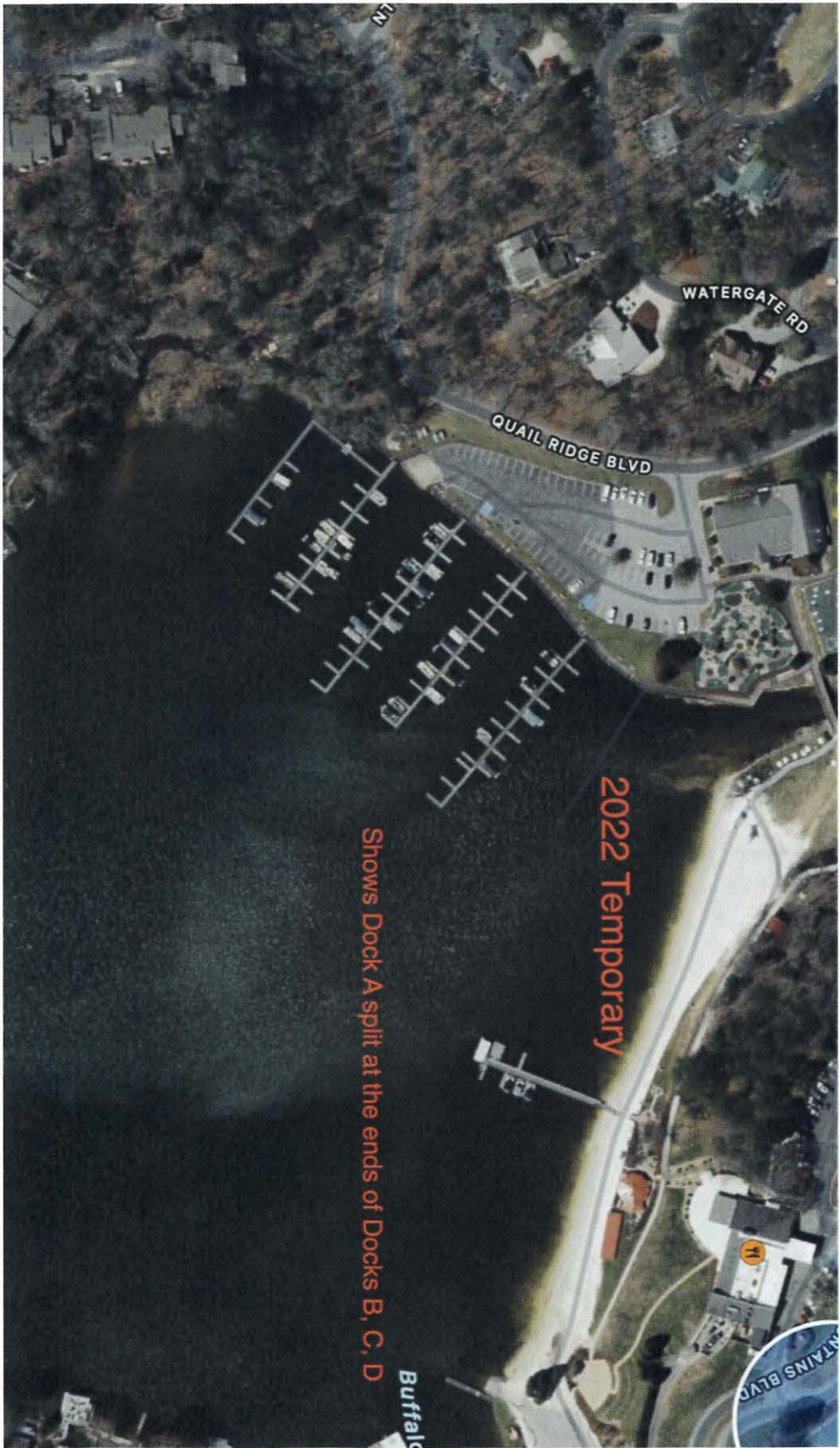
The Community Development Department has reviewed the proposal in light of Section 6-59 “Cluster Mooring Facilities” of the Town Code of Ordinances and the February 9, 2011 permit conditions and finds no reason for not allowing the proposed cluster mooring reconfiguration. The Department recommends that Town Council vote to adopt the recommended proposal to provide Rumbling Bald Resort to obtain the Lake Structure Permit required for this change.

original

RUMBLING BALD RESORT MOORING relocation proposal A



RUMBLING BALD RESORT MOORING relocation proposal B



*Temp 2022 (due to dredging activity)*





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**Permits**

Permit	Fees	Contractor	Subcontractors	Architect	Engineer	Inspections	Violations
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Permit #  Permit Type   Show All?

Property Address  ... Prop #

Type   Construction Type   Occupancy Class   Occupancy Load

Present Use  Proposed Use   Septic?  F.E.M.A.

GIS  Power Company  Plan Review #

Construction Notes

Gross Area (sq ft)  # of Units  Valuation  Permit \$  Total Paid \$

Date Added  Approval Date  Approved By

Expiration Date  Denial Date  Denial Reason

Close Date  Notes

Temp COO  COO Date

Appl First  Appl Last  Phone  Cell

Email  Company  Fax

Mailing Address  Mailing Address 2

City  State  Zip

**IX**  
**UNFINISHED**  
**BUSINESS**

# X

## NEW BUSINESS

- A. Request for Town Council Approval to Re-Sand the Existing Town-Owned Beach Located at 2724 Memorial Highway
- B. Proposed Amendment to the FY 22-23 Land Use Fee Schedule
- C. Proposed Amendments to the FY 23-24 Budget Calendar
- D. Budget Update
- E. Resolution No. 23-05-09B Adopting Record Retention Policy for Documents Created or Maintained Pursuant to the American Rescue Plan Act / Coronavirus State and Local Fiscal Recovery Funds
- F. Resolution No. 23-05-09C Adopting Nondiscrimination Policy
- G. Resolution No. 23-05-09D Adopting Allowable Costs and Costs Principles Policy for Expenditure of American Rescue Plan Act / Coronavirus State and Local Fiscal Recovery Funds
- H. Resolution No. 23-05-09E Adopting Eligible Use Policy for the Expenditure of American Rescue Plan Act / Coronavirus State and Local Fiscal Recovery Funds
- I. Resolution No. 23-05-09F Authorizing the Town Manager to Approve Exemptions from Mini-Brooks Act in Accordance with N.C.G.S. 143-64.32
- J. Paving Contract Approval

**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM**

**Meeting Date:** May 9, 2023

**SUBJECT:** Request for Town Council Approval to Re-Sand the Existing Town-Owned Beach Located at 2724 Memorial Highway

**AGENDA INFORMATION:**

**Agenda Location:** New Business

**Item Number:** A

**Department:** Community Development

**Contact:** Michael Williams, Community Development Director

**Presenter:** Michael Williams, Community Development Director

**BRIEF SUMMARY:**

Section 6-61(1) of the Town of Lake Lure Code of Ordinances states that any activity such as dredging or filling at or below the shoreline without written permission from the town or any land disturbance which alters the shoreline is prohibited. Parks and Recreation Director Dean Givens has requested written approval from Town Council to re-sand the existing Town public beach. Director Givens proposed bringing in sand to spread at and above the shoreline portion of the beach to replace sand lost over time.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:**

To approve authorization of written approval from Town Council to allow re-sanding the existing beach.

**ATTACHMENTS:**

Section 6-61(1) of the Town of Lake Lure Code of Ordinance; copy of communication from Army Corp of Engineers

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

Community Development Staff recommends that the Town Council approve this re-sanding of the Town's existing public beach located at 2724 Memorial Highway.

## Sec. 6-61. Prohibited uses.

The following uses or activities shall be prohibited unless written approval is given by the town council:

- (1) Any activity such as dredging or filling at or below the shoreline without written permission from the town or any land disturbance which alters the shoreline other than as required by action of the town council.
- (2) The cutting of standing trees at or below the lake boundary.
- (3) Disposal of any trash, brush, leaves, or scrap building materials into the lake.
- (4) Allowing any livestock or commercially raised animals to have access to the lake or its shoreline.
- (5) Allowing a boat to remain on the lake bottom after sinking.
- (6) Using the waters of the lake for commercial irrigation purposes.
- (7) The permanent or temporary mooring of a boat or any other floating object in such a way that it extends beyond the boundaries established in section 6-51 and restrict the passage of boats.
- (8) The permanent mooring of more than three motorized boats at any one lake structure or combination of lake structures, other than a marina or cluster mooring facility, adjacent to an upland lot with a measurable shoreline length of 100 feet or more.
- (9) The permanent mooring of more than two motorized boats at any one lake structure or combination of lake structures, other than a marina or cluster mooring facility, adjacent to an upland lot of record with a measurable shoreline length of 35 to 100 feet.
- (10) The permanent mooring of more than one motorized boat at any one lake structure, other than a marina or cluster mooring facility, adjacent to an upland lot of record with a measurable shoreline length of less than 35 feet.
- (11) The permanent mooring at a cluster mooring facility of more than three motorized boats per 100 front feet at shoreline of upland lot adjacent to a cluster mooring facility.
- (12) The permanent mooring at a marina of more than five motorized boats per 100 front feet at shoreline of upland lot adjacent to a marina.
- (13) The permanent mooring of any boats licensed for commercial use at a lake structure with an upland lot that is not zoned in accordance with or having a special use permit to comply with section 1.59 of the lake use regulations requirements for lake commercial licensing and supporting criteria.
- (14) The use of any lake structure as temporary or full-time living quarters.
- (15) The rental of a mooring at a dock, boathouse or any other lake structures in the manner of a marina when the adjacent upland lot is zoned R-1.
- (16) The commercial or multi-dwelling use of a lake structure adjacent to an upland lot that is zoned R-1 with the exception of lake structure approved by town council for commercial or multi dwelling use or those lake structure that are approved as the permanent mooring address on an annual lake commercial license during the applicable calendar year.
- (17) Any temporarily moored inflatable water recreation device larger than 80 square feet in area or ten feet in diameter, and any such device in the lake from December 1 through March 31.
- (18) Sale of fuel, lubricants, boats, marine accessories, bait and fishing supplies and repair of boats shall be prohibited at restricted marinas.

## Michael Williams

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**From:** Boggs, Brandee C CIV USARMY CESAD (USA) <Brandee.C.Boggs@usace.army.mil>  
**Sent:** Wednesday, October 26, 2022 1:59 PM  
**To:** Michael Williams  
**Subject:** update on sand beaches

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mike, I have consulted with multiple agencies and colleagues and we decided since the sand beaches are already in place, we will allow the TOLL to continue the practice of re-sanding the beaches to the minimum amount. I would appreciate a simple heads up each time so I can at least keep track of how often and approximately how much for each beach.

I would like to work with the TOLL to determine how we can prevent any new sand beaches by both the TOLL and residents as this practice is not permissible under any NWP or RGPs and would not be allowed without going through the Individual Permitting process.

I know you wanted this to be a quick and simple answer, but it is not. I hope this helps you and TOLL determine your next steps.

Kindest Regards,  
Brandee Boggs (she/her)  
Regulatory Specialist

Work Hours: Tues-Thurs 930a.m-6pm  
828.271.7980 x 4224

US Army Corps of Engineers  
Wilmington District, Asheville Field Office  
151 Patton Avenue, Suite 208  
Asheville, NC 28801

**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM  
Meeting Date: May 9, 2023**

**SUBJECT:** Proposed Amendments to the FY 22-23 Lake Use Fee Schedule

**AGENDA INFORMATION:**

**Agenda Location:** New Business

**Item Number:** B

**Department:** Community Development

**Contact:** Michael Williams, Community Development Director

**Presenter:** Michael Williams, Community Development Director

**BRIEF SUMMARY:**

In conjunction with Ordinance No. 23-05-09 Amending the Town of Lake Lure Code of Ordinances, Chapter 6 ("Buildings and Building Regulations"), Article III ("Lake Structures"), the Community Development Department is recommending an amendment to the FY 22-23 Lake Use Fee Schedule to reflect a two-tiered fee with a \$240 review fee for minor structural repairs, demolitions, and deck top accessory structure applications, and a \$400 fee for all other required lake structure permits.

**RECOMMENDED MOTION AND REQUESTED ACTION:**

To adopt proposed amendments to the FY 22-23 Lake Use Fee Schedule.

*(Contingent upon adoption of Ordinance No. 23-05-09 Amending the Town of Lake Lure Code of Ordinances, Chapter 6 ("Buildings and Building Regulations"), Article III ("Lake Structures"))*

**ATTACHMENTS:**

Proposed Amendments to the FY 22-23 Lake Use Fee Schedule

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

Staff recommends adoption of the proposed amendments to the FY 22-23 Lake Use Fee Schedule

**TOWN OF LAKE  
LURE  
2023 FEE SCHEDULE**

LAKE USE	<i>Note: Lake Fees are adopted each Calendar Year</i>			Effective: 2023
<b>RESIDENT Boat Permits</b>	<b>Annual Fee</b>	<b>Weekly Fee</b>	<b>Daily Fee</b>	
Resident Annual Motorized Boat Permit	\$300			
Resident Annual Motorized 10hp or less Boat Permit	\$100			
90-Day Motorized (\$50 administration fee included)	\$350	90-Day	\$350	
Resident Annual Non-motorized Boat Permit	\$40			
<b>NON-RESIDENT Boat Permits</b>				
Non-resident Annual Motorized (Boat slip lease required)	\$650			
Non-resident Annual Motorized 10hp or Less Boat Permit	\$350			
Non-resident Annual Non-motorized Boat Permit	\$100			
<b>MISCELLANEOUS Boat Permits</b>				
Daily Motorized Boat Permit (Peak Season Weekday Only)			\$60	
Daily Motorized Boat Permit (Non-peak Season)			\$30	
Daily Non-motorized Boat Permit			\$25	
Weekly Timeshare Boat Permit		\$300		
Boat Permit Replacement Fee	\$15			
Temporary Permit (Special Use)	\$15			
Complimentary Annual Boat Permit – active volunteer firefighters, EMS, town employees (1 each per household)	1 complimentary			
<b>COMMERCIAL Boat Permits</b>				
Commercial License Fee	\$50			
Surcharge for Processing a Commercial License Application Received After the Deadline	\$200			
Livery	\$2,000			
Towed Water	\$2,000			
Tour Boats	\$3,000			
Service/Fishing Guides	\$1,000			
Service/Fishing Guides Out of area business	\$1,200			
Vacation Rentals	\$2,000			
Commercial Non-motorized	\$150			
Commercial Non-Motorized Out of Area Business	\$250			
<b>Town Marina Slip Rentals</b>	<b>Annual Fee</b>			
Annual Boat Slip Fee (Property Owners/Residents)	\$1,100			
Annual Boat Slip Fee (Non-residents)	\$1,500			
Boat Slip Move Fee	\$100			
Late Payment Fee	\$100			
Daily Boat Slip Fee (4 Day Minimum)	\$25			
<b>Mailing Fee(s)</b>				
Boat Permit Mailing Fee (per permit)	\$10			
<b>Civil Penalties (Lake Citations)</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>3rd Offense</b>	
Class A	\$125			
Class B	\$150	\$250	\$500	
Class C (Non-motorized)	\$225	\$500	\$1,000	
Class C (Motorized)	\$250	\$500	\$1,000	
Class D	\$1,500	Revoked Indefinitely		
<b>Lake Structure Applications</b>				
<u>Lake Structure Permit (Minor Structural Repairs, Demolitions, and Decktop Accessory Structures)</u>	<u>\$240</u>			
Lake Structure Permit (all other required Lake Structure permits)	\$400			
Shoreline Stabilization	\$0			
Seawall Exemption	\$240			
Decktop Accessory Structure	\$240			
Lake Structure Variance	\$240			
Lake Structure Adm. Appeal	\$300			
<b>Commercial Lake Structure Fees (due March 31 each year)</b>				
RVR over the water (fee for each taxed bedroom)	\$800			
<b>Cluster Moorings</b>				
Cluster Moorings (fee for each boat slip)	\$160			



**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM  
Meeting Date: May 9, 2023**

**SUBJECT:** Proposed Amendments to the FY 23-24 Budget Calendar

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** C  
**Department:** Finance  
**Contact:** Stephen Ford, Finance Director  
**Presenter:** Stephen Ford, Finance Director

**BRIEF SUMMARY:**

Town Council adopted the current FY 2023-2024 Budget Calendar at the December 13, 2022 regular meeting. Currently, Senate Bill (SB) 408 is being reviewed by the North Carolina General Assembly. If SB 408 is adopted by the General Assembly, Section 3 of the Bill would allow a county that reappraised its real property for the 2023 tax year to postpone the reappraisal by adopting a resolution between January 1, 2023, and June 30, 2023. Due to the uncertainties surrounding the outcome of SB 408, Town staff is recommending amendments to the budget schedule to postpone both the Town Manager's presentation of the proposed budget and the public hearing on the proposed budget.

**RECOMMENDED MOTION AND REQUESTED ACTION:**

To adopt the proposed amendments to the FY 2023-2024 Budget Calendar.

**ATTACHMENTS:**

Proposed Amendments to the FY 23-24 Budget Calendar

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

Staff recommends approval of the proposed amendments to the FY 23-24 Budget Calendar.

## FISCAL YEAR 2023-2024 BUDGET CALENDAR

DEADLINE	TASK
Week of January 31 2023	Distribute FY 23-24 operational budget materials to department heads and key staff personnel. Also, Capital Improvement Program (CIP) also distributed for review and possible additions.
March 1, 2023-March 25, 2023	Departmental meetings with Finance (and Town Manager as necessary) to determine preliminary operational budget requests. Finance reviews with Town Manager. Draft recommended operational budget.
Week of April 1, 2023 - April 22, 2023	Budget sessions with staff, Manager and Finance continue. Revenue projections and estimates are generated. Final staff reviews and budget document editing. -CIP is finalized.
Late April, 2023	Revenue estimates finalized. County property tax value estimates due. Final Draft is completed
May, 2023	<del>May 9</del> <u>May 17</u> , 2023-Town Manager presents FY 2023-24 budget to Council <del>at regular meeting</del> . Council reviews. Council work sessions are scheduled throughout the month for changes to be incorporated into final budget document.
<del>June 13</del> <u>June 28</u> , 2023	Hold public hearing on proposed budget. Adoption of budget.

**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM  
Meeting Date: May 9, 2023**

**SUBJECT:** Budget Update

**AGENDA INFORMATION:**

**Agenda Location:** New Business

**Item Number:** D

**Department:** Finance

**Contact:** Stephen Ford, Finance Director

**Presenter:** Stephen Ford, Finance Director

**BRIEF SUMMARY:**

Finance Director Stephen Ford will provide an update in regard to the FY 23-24 budget. The Town Manager will present Council with a budget on May 17<sup>th</sup>, which will be followed by a budget workshop and the adoption of a resolution setting the public hearing date to receive comments in regard to the budget.

**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM**

**Meeting Date: May 9, 2023**

**SUBJECT:** Resolution No. 23-05-09B Adopting Record Retention Policy for Documents Created or Maintained Pursuant to the American Rescue Plan Act / Coronavirus State and Local Fiscal Recovery Funds

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** E  
**Department:** Administration  
**Contact:** Olivia Stewman, Town Clerk  
**Presenter:** Hank Perkins, Town Manager

**BRIEF SUMMARY:**

The Town must adopt a policy to establish guidelines for records retention for documents created or maintained pursuant to the American Rescue Plan Act / Coronavirus State and Local Fiscal Recovery Funds. Resolution No. 23-05-09 authorizes the adoption of such policy.

**RECOMMENDED MOTION AND REQUESTED ACTION:**

To adopt Resolution No. 23-05-09B Adopting Record Retention Policy for Documents Created or Maintained Pursuant to the American Rescue Plan Act / Coronavirus State and Local Fiscal Recovery Funds.

**ATTACHMENTS:**

Resolution No. 23-05-09B Adopting Record Retention Policy for Documents Created or Maintained Pursuant to the American Rescue Plan Act / Coronavirus State and Local Fiscal Recovery Funds

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

Staff recommends adoption of Resolution No. 23-05-09B Adopting Record Retention Policy for Documents Created or Maintained Pursuant to the American Rescue Plan Act / Coronavirus State and Local Fiscal Recovery Funds



**RESOLUTION NO. 23-05-09B**

**RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE ADOPTING  
RECORD RETENTION POLICY FOR DOCUMENTS CREATED OR MAINTAINED  
PURSUANT TO THE AMERICAN RESCUE PLAN ACT / CORONAVIRUS STATE  
AND LOCAL FISCAL RECOVERY FUNDS AWARD**

**WHEREAS**, the Town of Lake Lure has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

**WHEREAS**, U.S. Department of Treasury set forth terms, conditions, and compliance and reporting guidance for record retention of ARP/CSLFRF; and

**WHEREAS**, the Town of Lake Lure will follow the U.S. Treasury's record retention requirements as it expends CSLFRF pursuant to the APR/CSLFRF award.

**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 hereby adopts the below Records Retention Policy, as follows:

**TOWN OF LAKE LURE**  
**RECORD RETENTION POLICY: DOCUMENTS CREATED OR MAINTAINED**  
**PURSUANT TO THE ARP/CSLFRF AWARD**

**Retention of Records:** The Coronavirus Local Fiscal Recovery Funds ("CSLFRF") Award Terms and Conditions and the Compliance and Reporting Guidance set forth the U.S. Department of Treasury's ("Treasury") record retention requirements for the ARP/CSLFRF award.

It is the policy of the Town of Lake Lure to follow Treasury's record retention requirements as it expends CSLFRF pursuant to the APR/CSLFRF award. Accordingly, the Town of Lake Lure agrees to the following:

- Retain all financial and programmatic records related to the use and expenditure of CSLFRF pursuant to the ARP/CSLFRF award for a period of five (5) years after all CLFRF funds have been expended or returned to Treasury, whichever is later.

- Retain records for real property and equipment acquired with CSLFRF for five years after final disposition.
- Ensure that the financial and programmatic records retained sufficiently evidence compliance with section 603(c) of the Social Security Act “ARPA,” Treasury’s regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
- Allow the Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, the right of timely and unrestricted access to any records for the purpose of audits or other investigations.
- If any litigation, claim, or audit is started before the expiration of the 5-year period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved.

**Covered Records:** For purposes of this policy, records are information, regardless of physical form or characteristics, that are created, received, or retained that evidence the Town of Lake Lure’s expenditure of CSLFRF funds on eligible projects, programs, or activities pursuant to the ARP/CSLFRF award.

Records that shall be retained pursuant to this policy include, but are not limited to, the following:

- Financial statements and accounting records evidencing expenditures of CSLFRF for eligible projects, programs, or activities.
- Documentation of rationale to support a particular expenditure of CSLFRF (e.g., expenditure constitutes a general government service);
- Documentation of administrative costs charged to the ARP/CSLFRF award;
- Procurement documents evidencing the significant history of a procurement, including, at a minimum, the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for contract cost or price;
- Subaward agreements and documentation of subrecipient monitoring;
- Documentation evidencing compliance with the Uniform Guidance property management standards set forth in 2 C.F.R. §§ 200.310-316 and 200.329;
- Personnel and payroll records for full-time and part-time employees compensated with CSLFRF, including time and effort reports; and
- Indirect cost rate proposals

**Storage:** The Town of Lake Lure’s records must be stored in a safe, secure, and accessible manner. Wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats.

**Departmental Responsibilities:** Any department or unit of the Town of Lake Lure, and its employees, who are responsible for creating or maintaining the covered documents in this policy shall comply with the terms of this policy. Failure to do so may subject the Town of Lake Lure to civil and/or criminal liability. Any employee who fails to comply with the record retention requirements set forth herein may be subject to disciplinary sanctions, including suspension or termination.

The Town Clerk is responsible for identifying the documents that the Town of Lake Lure must or should retain and arrange for the proper storage and retrieval of records. The Town Clerk shall also ensure that all personnel subject to the terms of this policy are aware of the record retention requirements set forth herein.

**Reporting Policy Violations:** The Town of Lake Lure is committed to enforcing this policy as it applies to all forms of records. Any employee that suspects the terms of this policy have been violated shall report the incident immediately to that employee’s supervisor. If an employee is not comfortable bringing the matter up with the supervisor, the employee may bring the matter to the attention of the Human Resources Specialist. The Town of Lake Lure prohibits, any form of discipline, reprisal, intimidation, or retaliation for reporting incidents of inappropriate conduct of any kind, pursuing any record destruction claim, or cooperating in related investigations.

**Questions About the Policy:** Any questions about this policy should be referred to the Town Clerk (828-625-9983 x 104; ostewman@townoflakelure.com), who is in charge of administering, enforcing, and updating this policy.

**SECTION TWO.** This Resolution and Record Retention shall become effective upon adoption.

**READ APPROVED AND ADOPTED** this 9<sup>th</sup> day of May, 2023

ATTEST:

\_\_\_\_\_  
Olivia Stewman, Town Clerk

\_\_\_\_\_  
Mayor Carol C. Pritchett

**LAKE LURE TOWN COUNCIL**  
**AGENDA ITEM REQUEST FORM**  
**Meeting Date: May 9, 2023**

**SUBJECT:** Resolution No. 23-05-09C Adopting Nondiscrimination Policy

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** F  
**Department:** Finance  
**Contact:** Stephen Ford, Finance Director  
**Presenter:** Stephen Ford, Finance Director

**BRIEF SUMMARY:**

The Town received allocations of funds from the American Rescue Plan Act / Coronavirus State Fiscal Recovery Fund. The funds received are subject to the U.S. Department of Treasury regulations and the Town should follow all federal statutes and regulations prohibiting discrimination in its administration of the funds under the terms and conditions of the award. Resolution No. 23-05-09C authorizing the adoption of a Nondiscrimination Policy.

**RECOMMENDED MOTION AND REQUESTED ACTION:**

To adopt Resolution No. 23-05-09C Adopting Nondiscrimination Policy.

**ATTACHMENTS:**

Resolution No. 23-05-09C Adopting Nondiscrimination Policy; Proposed Nondiscrimination Policy

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

Staff recommends adoption of Resolution No. 23-05-09C Adopting Nondiscrimination Policy.





## RESOLUTION NO. 23-05-09C

### RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE ADOPTING NONDISCRIMINATION POLICY

**WHEREAS**, the Town of Lake Lure has received an allocation of funds from the “Coronavirus State Fiscal Recovery Fund” or “Coronavirus Local Fiscal Recovery Fund” (together “CSLFRF funds”), established pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (the “ARP/CSLFRF award”); and

**WHEREAS**, CSLFRF funds are subject to the U.S. Department of Treasury (“Treasury”) regulations, including the Final Rule, the Award Terms and Conditions, and the Title VII implementing regulations at 31 C.F.R. Part 22; and

**WHEREAS**, pursuant to the ARP/CSLFRF Award Terms and Conditions, and as a condition of receiving CSLFRF funds, the Town of Lake Lure agrees to follow all federal statutes and regulations prohibiting discrimination in its administration of CSLFRF under the terms and conditions of the ARP/CSLFRF award, including, without limitation, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury’s implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin within programs or activities receiving federal financial assistance;
- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving Federal financial assistance;
- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury’s implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

**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 hereby adopts the below Nondiscrimination Policy, as follows:

**Town of Lake Lure**  
**Nondiscrimination Policy Statement**

It is the policy of the Town of Lake Lure to ensure that no person shall, on the ground of race, color, national origin (including limited English Proficiency), familial status, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity administered by the Town of Lake Lure, including programs or activities that are funded in whole or part, with Coronavirus State and Local Fiscal Recovery Funds ("CSLFRF"), which the Town of Lake Lure received from the U.S. Department of Treasury ("Treasury") pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (herein the "ARP/CSLFRF award").

**I. Governing Statutory & Regulatory Authorities**

As required by the CSLFRF Award Terms and Conditions, the Town of Lake Lure shall ensure that each "activity," "facility," or "program"<sup>1</sup> that is funded in whole, or in part, with CSLFRF and administered under the ARP/CSLFRF award, will be facilitated, operated, or conducted in compliance with the following federal statutes and federal regulations prohibiting discrimination. These include, but are not limited to, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age within programs or activities receiving federal financial assistance; and
- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under

programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

## **II. Discriminatory Practices Prohibited in the Administration of the ARP/CSLFRF Award**

To ensure compliance with Title VII of the Civil Rights Act of 1964, and Title 31 Code of Federal Regulations, Part 22, the Civil Rights Restoration Act of 1987, and other pertinent nondiscrimination authorities, the Town of Lake Lure shall prohibit, at a minimum, the following practices in its administration of CSLFRF pursuant to the ARP/CSLFRF award:

1. Denying to a person any service, financial aid, or other program benefit without good cause;
2. Providing to a person any service, financial aid, or another benefit which is different in quantity or quality, or is provided in a different manner, from that provided to others under the program.
3. Subjecting a person to segregation or separate treatment in any matter related to the receipt of any service, financial aid, or other benefit under the program;
4. Restricting a person in the enjoyment of any advantages, privileges, or other benefits enjoyed by others receiving any service, financial aid, or other benefit under the program;
5. Treating a person differently from others in determining whether that person satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet to be provided any service, financial aid, or other benefit provided under the program;
6. Implementing different standards, criteria, or other requirements for admission, enrollment, or participation in planning, advisory, contractual, or other integral activities to the program;
7. Adopting methods of administration which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
8. Selecting a site or location of facilities with the purpose or effect of excluding persons from, denying them the benefits of, subjecting them to discrimination, or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of Title VI or related acts and regulations;
9. Discriminating against any person, either directly or through a contractual agreement, in any employment resulting from the program, a primary objective of which is to provide employment;
10. Committing acts of intimidation or retaliation, including threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because an individual

made a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing.

**III. Reporting & Enforcement**

1. The Town of Lake Lure shall cooperate in any enforcement or compliance review activities by the Department of the Treasury. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Town of Lake Lure shall comply with information requests, on-site compliance reviews, and reporting requirements.
2. The Town of Lake Lure shall maintain a complaint log and inform the Treasury of any complaints of discrimination on the grounds of race, color, or national origin (including limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, whether pending or completed, including the outcome. The Town of Lake Lure shall inform the Treasury if it has received no complaints under Title VI.
3. Any person who believes they have been aggrieved by a discriminatory practice under Title VI has a right to file a formal complaint with the Treasury. Any such complaint must be in writing and filed with the Treasury's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence.
4. Any person who believes that because of that person's race, color, national origin, limited English proficiency, familial status, sex, age, religion, or disability that he/she/they have been discriminated against or unfairly treated by the Town of Lake Lure in violation of this policy should contact the following office within 180 days from the date of the alleged discriminatory occurrence:

William H. Perkins, Jr., Town Manager, whperkins@townoflakelure.com

**SECTION TWO.** This Resolution and Nondiscrimination Policy shall become effective upon adoption.

**READ APPROVED AND ADOPTED** this 9<sup>th</sup> day of May, 2023

ATTEST:

\_\_\_\_\_  
Olivia Stewman, Town Clerk

\_\_\_\_\_  
Mayor Carol C. Pritchett

**LAKE LURE TOWN COUNCIL**  
**AGENDA ITEM REQUEST FORM**  
**Meeting Date: May 9, 2023**

**SUBJECT:** Resolution No. 23-05-09D Adopting Allowable Costs and Costs Principles Policy for Expenditure of American Rescue Plan Act / Coronavirus State and Local Fiscal Recovery Funds

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** G  
**Department:** Finance  
**Contact:** Stephen Ford, Finance Director  
**Presenter:** Stephen Ford, Finance Director

**BRIEF SUMMARY:**

The Town received allocations of funds from the American Rescue Plan Act / Coronavirus State Fiscal Recovery Fund. As a result, the Town should adopt a policy for the allowable costs and costs principles for the expenditure of American Result Plan Act / Coronavirus State Fiscal Recovery Fund monies. Resolution No. 23-05-09D authorizes the adoption of the proposed Allowable Costs and Costs Principle Policy.

**RECOMMENDED MOTION AND REQUESTED ACTION:**

To adopt Resolution No. 23-05-09D Adopting Allowable Costs and Costs Principles Policy for Expenditure of American Rescue Plan Act / Coronavirus State and Local Fiscal Recovery Funds.

**ATTACHMENTS:**

Resolution No. 23-05-09D Adopting Allowable Costs and Costs Principles Policy for Expenditure of American Rescue Plan Act / Coronavirus State and Local Fiscal Recovery Funds; Proposed Allowable Costs and Costs Principles Policy

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

Staff recommends adoption of Resolution No. 23-05-09D Adopting Allowable Costs and Costs Principles Policy for Expenditure of American Rescue Plan Act / Coronavirus State and Local Fiscal Recovery Funds.



**RESOLUTION NO. 23-05-09D**

**RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE ADOPTING ALLOWABLE COSTS AND COSTS PRINCIPLES POLICY FOR EXPENDITURE OF AMERICAN RESCUE PLAN ACT / CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS**

**WHEREAS**, the Town of Lake Lure has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

**WHEREAS**, the funds may be used for projects within these categories, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and

**WHEREAS**, the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Sect. 200 (UG), as provided in the Assistance Listing; and

**WHEREAS** the Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds provides, in relevant part:

**Allowable Costs/Cost Principles.** As outlined in the Uniform Guidance at 2 CFR Part 200, Subpart E regarding Cost Principles, allowable costs are based on the premise that a recipient is responsible for the effective administration of Federal awards, application of sound management practices, and administration of Federal funds in a manner consistent with the

program objectives and terms and conditions of the award. Recipients must implement robust internal controls and effective monitoring to ensure compliance with the Cost Principles, which are important for building trust and accountability.

ARP/CSLFRF Funds may be, but are not required to be, used along with other funding sources for a given project. Note that ARP/CSLFRF Funds may not be used for a non-Federal cost share or match where prohibited by other Federal programs, e.g., funds may not be used for the State share for Medicaid.

Treasury's Interim Final Rule and guidance and the Uniform Guidance outline the types of costs that are allowable, including certain audit costs. For example, per 2 CFR 200.425, a reasonably proportionate share of the costs of audits required by the Single Audit Act Amendments of 1996 are allowable; however, costs for audits that were not performed in accordance with 2 CFR Part 200, Subpart F are not allowable. Please see 2 CFR Part 200, Subpart E regarding the Cost Principles for more information.

- a. Administrative costs: Recipients may use funds for administering the SLFRF program, including costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements. Further, costs must be reasonable and allocable as outlined in 2 CFR 200.404 and 2 CFR 200.405. Pursuant to the ARP/CSLFRF Award Terms and Conditions, recipients are permitted to charge both direct and indirect costs to their SLFRF award as administrative costs. Direct costs are those that are identified specifically as costs of implementing the ARP/CSLFRF program objectives, such as contract support, materials, and supplies for a project. Indirect costs are general overhead costs of an organization where a portion of such costs are allocable to the ARP/CSLFRF award such as the cost of facilities or administrative functions like a director's office. Each category of cost should be treated consistently in like circumstances as direct or indirect, and recipients may not charge the same administrative costs to both direct and indirect cost categories, or to other programs. If a recipient has a current Negotiated Indirect Costs Rate Agreement (NICRA) established with a Federal cognizant agency responsible for reviewing, negotiating, and approving cost allocation plans or indirect cost proposals, then the recipient may use its current NICRA. Alternatively, if the recipient does not have a NICRA, the recipient may elect to use the de minimis rate of 10 percent of the modified total direct costs pursuant to 2 CFR 200.414(f).
- b. Salaries and Expenses: In general, certain employees' wages, salaries, and covered benefits are an eligible use of ARP/CSLFRF award funds; and

**WHEREAS** Subpart E of the UG dictates allowable costs and cost principles for expenditure of ARP/CSLFRF funds; and

**WHEREAS** Subpart E of the UG (specifically, 200.400) states that:

The application of these cost principles is based on the fundamental premises that:

- (a) The non-Federal entity is responsible for the efficient and effective administration of the Federal award through the application of sound management practices.
- (b) The non-Federal entity assumes responsibility for administering Federal funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the Federal award.
- (c) The non-Federal entity, in recognition of its own unique combination of staff, facilities, and experience, has the primary responsibility for employing whatever form of sound organization and management techniques may be necessary in order to assure proper and efficient administration of the Federal award.
- (d) The application of these cost principles should require no significant changes in the internal accounting policies and practices of the non-Federal entity. However, the accounting practices of the non-Federal entity must be consistent with these cost principles and support the accumulation of costs as required by the principles, and must provide for adequate documentation to support costs charged to the Federal award.
- (e) In reviewing, negotiating and approving cost allocation plans or indirect cost proposals, the cognizant agency for indirect costs should generally assure that the non-Federal entity is applying these cost accounting principles on a consistent basis during their review and negotiation of indirect cost proposals. Where wide variations exist in the treatment of a given cost item by the non-Federal entity, the reasonableness and equity of such treatments should be fully considered.
- (f) For non-Federal entities that educate and engage students in research, the dual role of students as both trainees and employees (including pre- and post-doctoral staff) contributing to the completion of Federal awards for research must be recognized in the application of these principles.
- (g) The non-Federal entity may not earn or keep any profit resulting from Federal financial assistance, unless explicitly authorized by the terms and conditions of the Federal award;

**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 hereby adopts the below Allowable Costs and Costs Principles Policy, as follows:

**TOWN OF LAKE LURE**  
**ALLOWABLE COSTS AND COSTS PRINCIPLES POLICY**

**OVERVIEW**

Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, commonly called Uniform Guidance (UG), specifically Subpart E, defines those items of cost that are allowable, and which are unallowable. The tests of allowability under these principles are: (a) the costs must be reasonable; (b) they must be allocable to eligible projects under



the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); (c) they must be given consistent treatment through application of those generally accepted accounting principles appropriate to the circumstances; and (d) they must conform to any limitations or exclusions set forth in these principles or in the ARP/CSLFRF grant award as to types or amounts of cost items. Unallowable items fall into two categories: expenses which are by their nature unallowable (e.g., alcohol), and unallowable activities (e.g., fund raising).

The Town of Lake Lure shall adhere to all applicable cost principles governing the use of federal grants. This policy addresses the proper classification of both direct and indirect charges to ARP/CSLFRF funded projects and enacts procedures to ensure that proposed and actual expenditures are consistent with the ARP/CSLFRF grant award terms and all applicable federal regulations in the UG.

Responsibility for following these guidelines lies with Mayor Carol C. Pritchett, Mayor Pro Tem David DiOrio, Commissioner Patrick Bryant, Commissioner Jim Proctor, Commissioner Scott Doster, Town Manager, Town Attorney, Finance Director, and Project Manager, who are charged with the administration and financial oversight of the ARP/CSLFRF. Further, all local government employees and officials who are involved in obligating, administering, expending, or monitoring ARP/CSLFRF grant funded projects should be well versed with the categories of costs that are generally allowable and unallowable. Questions on the allowability of costs should be directed to the Town Manager, Town Attorney, Finance Director, and Project Manager. As questions on allowability of certain costs may require interpretation and judgment, local government personnel are encouraged to ask for assistance in making those determinations.

### **GENERAL COST ALLOWABILITY CRITERIA**

All costs expended using ARP/CSLFRF funds must meet the following general criteria:

**1. Be necessary and reasonable for the proper and efficient performance and administration of the grant program.**

A cost must be *necessary* to achieve a project object. When determining whether a cost is necessary, consideration may be given to:

- Whether the cost is needed for the proper and efficient performance of the grant project.
- Whether the cost is identified in the approved project budget or application.
- Whether the cost aligns with identified needs based on results and findings from a needs assessment.
- Whether the cost addresses project goals and objectives and is based on program data.

A cost is *reasonable* if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the

time the decision to incur the cost was made. For example, reasonable means that sound business practices were followed, and purchases were comparable to market prices. When determining reasonableness of a cost, consideration must be given to:

- Whether the cost is a type generally recognized as ordinary and necessary for the operation of the Town of Lake Lure or the proper and efficient performance of the federal award.
- The restraints or requirements imposed by factors, such as: sound business practices; arm's-length bargaining; federal, state, and other laws and regulations; and terms and conditions of the ARP/CSLFRF award.
- Market prices for comparable goods or services for the geographic area.
- Whether individuals concerned acted with prudence in the circumstances considering their responsibilities to the Town of Lake Lure, its employees, the public at large, and the federal government.
- Whether the Town of Lake Lure significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the ARP/CSLFRF award's cost.

2. **Be allocable to the ARP/CSLFRF federal award.** A cost is allocable to the ARP/CSLFRF award if the goods or services involved are chargeable or assignable to the ARP/CSLFRF award in accordance with the relative benefit received. This means that the ARP/CSLFRF grant program derived a benefit in proportion to the funds charged to the program. *For example, if 50 percent of a local government program officer's salary is paid with grant funds, then the local government must document that the program officer spent at least 50 percent of his/her time on the grant program.*

If a cost benefits two or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit. If a cost benefits two or more projects or activities in proportions that cannot be determined because of the interrelationship of the work involved, then the costs may be allocated or transferred to benefitted projects on any reasonable documented basis. Where the purchase of equipment or other capital asset is specifically authorized by the ARP/CSLFRF, the costs are assignable to the Federal award regardless of the use that may be made of the equipment or other capital asset involved when no longer needed for the purpose for which it was originally required.

3. **Be authorized and not prohibited under state or local laws or regulations.**
4. **Conform to any limitations or exclusions set forth in the principles, federal laws, ARP/CSLFRF award terms, and other governing regulations as to types or amounts of cost items.**

5. **Be consistent with policies, regulations, and procedures that apply uniformly to both the ARP/CSLFRF federal award and other activities of the Town of Lake Lure.**
6. **Be accorded consistent treatment.** A cost MAY NOT be assigned to a federal award as a direct cost and also be charged to a federal award as an indirect cost. And a cost must be treated consistently for both federal award and non-federal award expenditures.
7. **Be determined in accordance with generally accepted accounting principles (GAAP), unless provided otherwise in the UGG.**
8. **Be net of all applicable credits.** The term “applicable credits” refers to those receipts or reduction of expenditures that operate to offset or reduce expense items allocable to the federal award. Typical examples of such transactions are purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to and received by the local government related to the federal award, they shall be credited to the ARP/CSLFRF award, either as a cost reduction or a cash refund, as appropriate and consistent with the award terms. The Town of Lake Lure shall adhere to any federal award guidelines for program income and will report any occurrences of program income use.
9. **Be adequately documented.**

#### **SELECTED ITEMS OF COST**

The UGG examines the allowability of fifty-five (55) specific cost items (commonly referred to as Selected Items of Cost) at 2 CFR § 200.420-.475.

The Finance Director responsible for determining cost allowability must be familiar with the Selected Items of Cost. The Town of Lake Lure must follow the applicable regulations when charging these specific expenditures to the ARP/CSLFRF grant. Finance personnel will check costs against the selected items of cost requirements to ensure the cost is allowable and that all process and documentation requirements are followed. In addition, State laws, Town of Lake Lure regulations, and program-specific rules may deem a cost as unallowable, and Finance personnel must follow those non-federal rules as well.

Exhibit A identifies and summarizes the Selected Items of Cost.

#### **DIRECT AND INDIRECT COSTS**

Allowable and allocable costs must be appropriately classified as direct or indirect charges. It is essential that each item of cost be treated consistently in like circumstances either as a direct or an indirect cost.

*Direct costs* are expenses that are specifically associated with a particular ARP/CSLFRF-eligible project and that can be directly assigned to such activities relatively easily with a high degree of accuracy. Common examples of direct costs include salary and fringe benefits of personnel directly involved in undertaking an eligible project, equipment and

supplies for the project, subcontracted service provider, or other materials consumed or expended in the performance of a grant-eligible project.

*Indirect costs* are (1) costs incurred for a common or joint purpose benefitting more than one ARP/CSLFRF-eligible project, and (2) not readily assignable to the project specifically benefited, without effort disproportionate to the results achieved. They are expenses that benefit more than one project or even more than one federal grant. Common examples of indirect costs include utilities, local telephone charges, shared office supplies, administrative or secretarial salaries.

For indirect costs, the Town of Lake Lure may charge a 10 percent de minimis rate of modified total direct costs (MTDC). According to UGG Section 200.68 MTDC means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each subaward (regardless of the period of performance the subawards under the award). MTDC EXCLUDES equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000.

## **SPECIAL PROVISIONS FOR STATE AND LOCAL GOVERNMENTS**

There are some special provisions of the UG that apply only to states, local governments, and Indian Tribes.

### **§ 200.444 General costs of government.**

(a) For states, local governments, and Indian Tribes, the general costs of government are unallowable (except as provided in § 200.475). Unallowable costs include:

- (1) Salaries and expenses of the Office of the Governor of a state or the chief executive of a local government or the chief executive of an Indian tribe;
- (2) Salaries and other expenses of a state legislature, tribal council, or similar local governmental body, such as a county supervisor, city council, school board, etc., whether incurred for purposes of legislation or executive direction;
- (3) Costs of the judicial branch of a government;
- (4) Costs of prosecutorial activities unless treated as a direct cost to a specific program if authorized by statute or regulation (however, this does not preclude the allowability of other legal activities of the Attorney General as described in § 200.435); and
- (5) Costs of other general types of government services normally provided to the general public, such as fire and police, unless provided for as a direct cost under a program statute or regulation.

(b) For Indian tribes and Councils of Governments (COGs) (see definition for *Local government* in § 200.1 of this part), up to 50% of salaries and expenses directly attributable to managing and operating Federal programs by the chief

executive and his or her staff can be included in the indirect cost calculation without documentation.

**§ 200.416 COST ALLOCATION PLANS AND INDIRECT COST PROPOSALS.**

(a) For states, local governments and Indian tribes, certain services, such as motor pools, computer centers, purchasing, accounting, etc., are provided to operating agencies on a centralized basis. Since Federal awards are performed within the individual operating agencies, there needs to be a process whereby these central service costs can be identified and assigned to benefitted activities on a reasonable and consistent basis. The central service cost allocation plan provides that process.

(b) Individual operating agencies (governmental department or agency), normally charge Federal awards for indirect costs through an indirect cost rate. A separate indirect cost rate(s) proposal for each operating agency is usually necessary to claim indirect costs under Federal awards. Indirect costs include:

(1) The indirect costs originating in each department or agency of the governmental unit carrying out Federal awards and

(2) The costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs.

(c) The requirements for development and submission of cost allocation plans (for central service costs and public assistance programs) and indirect cost rate proposals are contained in appendices V, VI and VII to this part.

**§ 200.417 INTERAGENCY SERVICE.**

The cost of services provided by one agency to another within the governmental unit may include allowable direct costs of the service plus a pro-rated share of indirect costs. A standard indirect cost allowance equal to ten percent of the direct salary and wage cost of providing the service (excluding overtime, shift premiums, and fringe benefits) may be used in lieu of determining the actual indirect costs of the service. These services do not include centralized services included in central service cost allocation plans as described in Appendix V to Part 200.

**COST ALLOWABILITY REVIEW PROCESS**

**PREAPPROVAL COST ALLOWABILITY REVIEW**

Before an ARP/CSLFRF-funded project is authorized, the Town Manager, Finance Director, and Project Manager must review the proposed cost items within an estimated project budget to determine whether they are allowable and allocable and whether cost items will be charged as direct or indirect expenses. This review will occur concurrently with the review of project eligibility and *before* obligating or expending any ARP/CSLFRF funds.

- Local government personnel must submit proposed ARP/CSLFRF projects to the Town Manager, Finance Director and Project Manager for review. In addition to other required information, all proposed project submissions must delineate estimated costs by cost item.
- Along with a general review of project eligibility and conformance with other governing board management directives, if required, the Town Manager, Finance Director, and Project Manager must review estimated costs for specific allowable cost requirements, budget parameters, indirect rates, fringe benefit rates, and those activities/costs that require pre-approval by the US Treasury.
- If a proposed project includes a request for an unallowable cost, the Finance Director will return the proposal to the requesting party for review and, if practicable, resubmission with corrected cost items.
- Once a proposed project budget is pre-approved by the Town Manager, Finance Director, and Project Manager, the local government personnel responsible for implementing the project must conform actual obligations and expenditures to the pre-approved project budget.

#### **POST-EXPENDITURE COST ALLOWABILITY REVIEW**

Once an expenditure is incurred related to an eligible project, and an invoice or other demand for payment is submitted to the local government, the Finance Director must perform a second review to ensure that actual expenditures comprise allowable costs.

- All invoices or other demands for payment must include a breakdown by cost item. The cost items should mirror those presented in the proposed budget for the project. If an invoice or other demand for payment does not include a breakdown by cost item, the Finance Director will return the invoice to the project manager and/or vendor, contractor, or subrecipient for correction.
- The Finance Director must review the individual cost items listed on the invoice or other demand for payment to determine their allowability and allocability.
- If all cost items are deemed allowable and properly allocable, the Finance Director must proceed through the local government's normal disbursement process.
- If any cost item is deemed unallowable, the Finance Director will notify the project management and/or vendor, contractor, or subrecipient that a portion of the invoice or other demand for payment will not be paid with ARP/CSLFRF funds. The Town Manager and Finance Director may in their discretion, and consistent with this policy, allow an invoice or other demand for payment to be resubmitted with a revised cost allocation. If the local government remains legally

obligated by contract or otherwise to pay the disallowed cost item, it must identify other local government funds to cover the disbursement. The Town of Lake Lure’s governing board must approve any allocation of other funds for this purpose.

- The Finance Director must retain appropriate documentation of budgeted cost items per project and actual obligations and expenditures of cost items per project.

**COST TRANSFERS**

Any costs charged to the ARP/CSLFRF federal award that do not meet the allowable cost criteria must be removed from the award account and charged to an account that does not require adherence to federal UGG or other applicable guidelines.

Failure to adequately follow this policy and related procedures could result in questioned costs, audit findings, potential repayment of disallowed costs and discontinuance of funding.

**EXHIBIT A**

Selected Items of Cost	Uniform Guidance General Reference	Allowability
Advertising and public relations costs	2 CFR § 200.421	Allowable with restrictions
Advisory councils	2 CFR § 200.422	Allowable with restrictions
Alcoholic beverages	2 CFR § 200.423	Unallowable
Alumni/ae activities	2 CFR § 200.424	Not specifically addressed
Audit services	2 CFR § 200.425	Allowable with restrictions
Bad debts	2 CFR § 200.426	Unallowable
Bonding costs	2 CFR § 200.427	Allowable with restrictions
Collection of improper payments	2 CFR § 200.428	Allowable

Commencement and convocation costs	2 CFR § 200.429	Not specifically addressed
Compensation – personal services	2 CFR § 200.430	Allowable with restrictions; Special conditions apply (e.g., § 200.430(i)(5))
Compensation – fringe benefits	2 CFR § 200.431	Allowable with restrictions
Conferences	2 CFR § 200.432	Allowable with restrictions
Contingency provisions	2 CFR § 200.433	Unallowable with exceptions
Contributions and donations	2 CFR § 200.434	Unallowable (made by non-federal entity); not reimbursable but value may be used as cost sharing or matching (made to non-federal entity)
Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringements	2 CFR § 200.435	Allowable with restrictions
Depreciation	2 CFR § 200.436	Allowable with qualifications
Employee health and welfare costs	2 CFR § 200.437	Allowable with restrictions
Entertainment costs	2 CFR § 200.438	Unallowable with exceptions
Equipment and other capital expenditures	2 CFR § 200.439	Allowability based on specific requirement
Exchange rates	2 CFR § 200.440	Allowable with restrictions
Fines, penalties, damages and other settlements	2 CFR § 200.441	Unallowable with exceptions
Fund raising and investment management costs	2 CFR § 200.442	Unallowable with exceptions
Gains and losses on disposition of depreciable assets	2 CFR § 200.443	Allowable with restrictions
General costs of government	2 CFR § 200.444	Unallowable with exceptions



Goods and services for personal use	2 CFR § 200.445	Unallowable (goods/services); allowable (housing) with restrictions
Idle facilities and idle capacity	2 CFR § 200.446	Idle facilities - unallowable with exceptions; Idle capacity - allowable with restrictions
Insurance and indemnification	2 CFR § 200.447	Allowable with restrictions
Intellectual property	2 CFR § 200.448	Allowable with restrictions
Interest	2 CFR § 200.449	Allowable with restrictions
Lobbying	2 CFR § 200.450	Unallowable
Losses on other awards or contracts	2 CFR § 200.451	Unallowable (however, they are required to be included in the indirect cost rate base for allocation of indirect costs)
Maintenance and repair costs	2 CFR § 200.452	Allowable with restrictions
Materials and supplies costs, including costs of computing devices	2 CFR § 200.453	Allowable with restrictions
Memberships, subscriptions, and professional activity costs	2 CFR § 200.454	Allowable with restrictions; unallowable for lobbying organizations
Organization costs	2 CFR § 200.455	Unallowable except federal prior approval
Participant support costs	2 CFR § 200.456	Allowable with prior approval of the federal awarding agency
Plant and security costs	2 CFR § 200.457	Allowable; capital expenditures are subject to § 200.439
Pre-award costs	2 CFR § 200.458	Allowable if consistent with other allowabilities and with prior approval of the federal awarding agency
Professional services costs	2 CFR § 200.459	Allowable with restrictions
Proposal costs	2 CFR § 200.460	Allowable with restrictions

Publication and printing costs	2 CFR § 200.461	Allowable with restrictions
Rearrangement and reconversion costs	2 CFR § 200.462	Allowable (ordinary and normal)
Recruiting costs	2 CFR § 200.463	Allowable with restrictions
Relocation costs of employees	2 CFR § 200.464	Allowable with restrictions
Rental costs of real property and equipment	2 CFR § 200.465	Allowable with restrictions
Scholarships and student aid costs	2 CFR § 200.466	Not specifically addressed
Selling and marketing costs	2 CFR § 200.467	Unallowable with exceptions
Specialized service facilities	2 CFR § 200.468	Allowable with restrictions
Student activity costs	2 CFR § 200.469	Unallowable unless specifically provided for in the federal award
Taxes (including Value Added Tax)	2 CFR § 200.470	Allowable with restrictions
Termination costs	2 CFR § 200.471	Allowable with restrictions
Training and education costs	2 CFR § 200.472	Allowable for employee development
Transportation costs	2 CFR § 200.473	Allowable with restrictions
Travel costs	2 CFR § 200.474	Allowable with restrictions
Trustees	2 CFR § 200.475	Not specifically addressed

**SECTION TWO.** This Resolution and Allowable Costs and Costs Principles Policy shall become effective upon adoption.

**READ APPROVED AND ADOPTED** this 9<sup>th</sup> day of May, 2023

ATTEST:

\_\_\_\_\_  
Olivia Stewman, Town Clerk

\_\_\_\_\_  
Mayor Carol C. Pritchett

**LAKE LURE TOWN COUNCIL**  
**AGENDA ITEM REQUEST FORM**  
**Meeting Date: May 9, 2023**

**SUBJECT:** Resolution No. 23-05-09E Adopting Eligible Use Policy for the Expenditure of American Rescue Plan Act / Coronavirus State and Local Fiscal Recovery Funds

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** H  
**Department:** Finance  
**Contact:** Stephen Ford, Finance Director  
**Presenter:** Stephen Ford, Finance Director

**BRIEF SUMMARY:**

The Town received allocations of funds from the American Rescue Plan Act / Coronavirus State Fiscal Recovery Fund. As a result, the Town should adopt an eligible use policy for the expenditure of American Result Plan Act / Coronavirus State Fiscal Recovery Fund monies. Resolution No. 23-05-09E authorizes the adoption of the proposed Eligible Use Policy.

**RECOMMENDED MOTION AND REQUESTED ACTION:**

To adopt Resolution No. 23-05-09E Adopting Eligible Use Policy for the Expenditure of American Rescue Plan Act / Coronavirus State and Local Fiscal Recovery Funds.

**ATTACHMENTS:**

Resolution No. 23-05-09E Adopting Eligible Use Policy for the Expenditure of American Rescue Plan Act / Coronavirus State and Local Fiscal Recovery Funds;  
Proposed Eligible Use Policy

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

Staff recommends adoption of Resolution No. 23-05-09E Adopting Eligible Use Policy for the Expenditure of American Rescue Plan Act / Coronavirus State and Local Fiscal Recovery Funds.



**RESOLUTION NO. 23-05-09E**

**RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE ADOPTING ELIGIBLE USE POLICY FOR THE EXPENDITURE OF AMERICAN RESCUE PLAN ACT OF 2021 CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS BY TOWN COUNCIL OF THE TOWN OF LAKE LURE**

**WHEREAS**, the Town of Lake Lure has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

**WHEREAS**, U.S. Treasury is responsible for implementing ARP/CSLFRF and has enacted a Final Rule outlining eligible projects; and

**WHEREAS**, the funds may be used for projects within these categories, to the extent authorized by state law.

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and

**WHEREAS**, the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Sect. 200 (UG), as provided in the Assistance Listing; and

**WHEREAS**, U.S. Treasury has issued a Compliance and Reporting Guidance v.3.0 (February 28, 2022) dictating implementation of the ARP/CSLFRF award terms and compliance requirements; and

**WHEREAS** the Compliance and Reporting Guidance states on page 6 that

Per 2 CFR Part 200.303, your organization must develop and implement effective internal controls to ensure that funding decisions under the SLFRF award constitute eligible uses of funds, and document determinations.

**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 hereby adopts the below Eligible Use Policy, as follows:

**TOWN OF LAKE LURE**  
**ELIGIBLE USE POLICY**

This policy defines the permissible and prohibited uses of the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF) funds. It also outlines the procedures for determining how the Town of Lake Lure will spend its ARP/CSLFRF funds.

**I. PERMISSIBLE USES OF ARP/CSLFRF FUNDING**

US Treasury issued its Final Rule regarding use of ARP funds on January 6, 2022. (The Final Rule is effective as of April 1, 2022. Until that date, a local government may proceed under the regulation promulgated by US Department of the Treasury in its Interim Final Rule or the Final Rule.) The Final Rule (and the Interim Final Rule) identify permissible uses of ARP/CSLFRF funds and certain limitations and process requirements. Local governments must allocate ARP/CSLFRF funds no later than December 31, 2024 and disburse all funding no later than December 31, 2026. Failure of an entity to expend all funds by December 31, 2026 will result in forfeiture of ARP funds.

ARP/CSLFRF funds may be used for projects within the following categories of expenditures:

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and

5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and

## **II. PROHIBITED USES OF ARPA FUNDING**

The ARP/CSLFRF and US Treasury's Final Rule prohibit certain uses of ARP/CSLFRF funds. Specifically, ARP/CSLFRF funds may not be used for projects within the following categories of expenditures:

1. To make a deposit into a pension fund that constitutes an extraordinary payment of an accrued, unfunded liability (Note that routine contributions as part of a payroll obligation for an eligible project are allowed.);
2. To borrow money or make debt service payments;
3. To replenish rainy day funds or fund other financial reserves;
4. To satisfy an obligation arising from a settlement agreement, judgment, consent decree, or judicially confirmed debt restricting in a judicial, administrative, or regulatory proceeding (There is an exception to this prohibition if the settlement or judgment requires the Town of Lake Lure to provide services to respond to the COVID-19 public health emergency or its negative economic impacts or to provide government services, then the costs of those otherwise ARP/CSLFRF-eligible projects are allowed.);
5. For a project that includes a term or condition that undermines efforts to stop the spread of COVID-19 or discourages compliance with recommendations and guidelines in CDC guidance for stopping the spread of COVID-19;
6. In violation of the conflict-of-interest requirements imposed by the award terms and 2 CFR 200.318(c).
7. For any expenditure that would violate other applicable federal, state, and local laws and regulations.

The Town of Lake Lure and any of its contractors or sub-recipients, may not expend any ARP/CSLFRF funds for these purposes.

## **III. PROCEDURES FOR PROJECT APPROVAL**

The following are procedures for ARP/CSLFRF project approvals. All Town of Lake Lure employees and officials must comply with these requirements.

1. Requests for ARP/CSLFRF funding, must be made in writing. The Finance Director shall furnish a request form that will include all the following:
  - a. Brief description of the project
  - b. Identification of ARP/CSLFRF Expenditure Category (EC) (A list of ECs in in the Appendix to the US Treasury Compliance and Reporting Guidance.)
  - c. Required justifications for applicable projects, according to the requirements in the Final Rule. Employees or any applicant seeking ARP funding should review the Final Rule and Final Rule Overview prior to submitting a proposal.
  - d. Proposed budget, broken down by cost item, in accordance with the Town of Lake Lure's Allowable Cost Policy.

- e. A project implementation plan and estimated implementation timeline (All ARP/CSLFRF funds must be fully obligated by December 31, 2024, and fully expended by December 31, 2026.)
2. Requests for funding must be submitted to the Project Manager for approval. All requests will be reviewed by the Town Manager for ARP/CSLFRF compliance and by the Finance Director for allowable costs and other financial review.
3. No ARP/CSLFRF may be obligated or expended before final written approval by the Town Manager. Town Council approval will be required. When applicable, budget amendments may also be required before approval.
4. If a proposal does not meet the required criteria, it will be returned to the requesting party for revision and resubmittal.
5. Following approval, employees responsible for implementing the project must conform actual obligations and expenditures to the pre-approved project budget. Changes in project budgets must be approved by the Town Manager and may require a budget amendment before proceeding. Any delay in the projected project completion date shall be communicated to the Town Manager immediately.
6. The Finance Director must collect and document required information for each EC, for purposes of completing the required Project and Expenditure reports.
7. The Finance Director must maintain written project requests and approvals, all supporting documentation, and financial information at least until December 31, 2031.

**SECTION TWO.** This Resolution and Eligible Use Policy shall become effective upon adoption.

**READ APPROVED AND ADOPTED** this 9<sup>th</sup> day of May, 2023

ATTEST:

\_\_\_\_\_  
Olivia Stewman, Town Clerk

\_\_\_\_\_  
Mayor Carol C. Pritchett

**LAKE LURE TOWN COUNCIL**  
**AGENDA ITEM REQUEST FORM**  
**Meeting Date: May 9, 2023**

**SUBJECT:** Reservoir Drain Valve Bid Update

**AGENDA INFORMATION:**

**Agenda Location:** New Business

**Item Number:** I

**Department:** Project Management

**Contact:** Michael Dydula, Project Manager

**Presenter:** Michael Dydula, Project Manager

**BRIEF SUMMARY:**

Project Manager Michael Dydula will provide Council with a brief update in regard to the reservoir drain valve bid. There will be a special meeting on Wednesday, May 10, to allow for in-depth Council discussion regarding bid award recommendations and details.



**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM**

**Meeting Date: May 9, 2023**

**SUBJECT:** Resolution No. 23-05-09F Authorizing the Town Manager to Approve Exemptions from Mini-Brooks Act in Accordance with N.C.G.S. 143-64.32

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** J  
**Department:** Administration  
**Contact:** Hank Perkins, Town Manager  
**Presenter:** Hank Perkins, Town Manager

**BRIEF SUMMARY:**

North Carolina General Statute 143-64.32 authorizes a unit of local government to exempt itself from the Mini-Brooks Act for particular projects where an estimated professional fee is in an amount less than \$50,000. Qualified exemptions, in writing, would allow that unit of local government to omit the QBS process and select an architect, engineer, surveyor, or alternative construction delivery method form by method of choice. Town staff is recommending that Council authorize the Town Manager to approve exemptions for Mini-Brooks Act projects less than \$50,000. The Town Manager would approve exemptions through means of letter or memorandum, which will be filed with the Town Clerk.

**RECOMMENDED MOTION AND REQUESTED ACTION:**

To adopt Resolution No. 23-05-09F Authorizing the Town Manager to Approve Exemptions from Mini-Brooks Act in Accordance with N.C.G.S. 143-64.32.

**ATTACHMENTS:**

Resolution No. 23-05-09F Authorizing the Town Manager to Approve Exemptions from Mini-Brooks Act in Accordance with N.C.G.S. 143-64.32

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

Staff recommends adoption of Resolution No. 23-05-09F Authorizing the Town Manager to Approve Exemptions from Mini-Brooks Act in Accordance with N.C.G.S. 143-64.32.



**RESOLUTION NO. 23-05-09F**

**RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE  
AUTHORIZING THE TOWN MANAGER TO APPROVE EXEMPTIONS FROM MINI-  
BROOKS ACT IN ACCORDANCE WITH N.C.G.S. 143-64.32**

**WHEREAS**, North Carolina General Statute 143-64.32 authorizes a unit of local government to exempt itself from the Mini-Brooks Act for particular projects where an estimated professional fee is in an amount less than \$50,000; and

**WHEREAS**, Projects that qualify for exemption from the Mini-Brooks Act under the provisions of G.S. 143-64.32 would, upon authorized approval, allow that the Town omit the QBS process and select professional services covered by G.S. 143-64.32 such as architects, engineers, surveyors, or alternative construction delivery method firms by method of choice; and

**WHEREAS**, the Town of Lake Lure may benefit from exempting itself from the Mini-Brooks Act for various qualifying projects.

**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 exemptions for qualifying Mini-Brooks Act projects under the provisions of G.S. 143-64.32.

**SECTION TWO.** The Town Manager shall approve such exemptions through means of letter or memo.

**SECTION THREE.** The approved exemption letter or memo shall be filed with the Town Clerk and retained in accordance with any state or town records retention schedules or policies.

**READ APPROVED AND ADOPTED** this 9<sup>th</sup> day of May, 2023

ATTEST:

\_\_\_\_\_  
Olivia Stewman, Town Clerk

\_\_\_\_\_  
Mayor Carol C. Pritchett

**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM  
Meeting Date: May 9, 2023**

**SUBJECT:** Paving Contract Approval

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** K  
**Department:** Public Services  
**Contact:** Dean Lindsey, Public Services Director  
**Presenter:** Dean Lindsey, Public Services Director

**BRIEF SUMMARY:**

Public Services Director Dean Lindsey solicited proposals for pavement contracts. Proposals were received and upon review, Town staff suggests that the contract for paving be awarded to Scott Construction, Inc. The total price for completion submitted by Scott Construction is \$117,075. Additional proposal details can be found as an attachment. The Town must fund paving prior to the end of the current fiscal year in order to receive Powell Bill reimbursements.

**RECOMMENDED MOTION AND REQUESTED ACTION:**

To approve paving contract with Scott Construction, Inc.

**ATTACHMENTS:**

Paving Proposal Package and Contract

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

Staff recommends approving a paving contract with Scott Construction, Inc.

# Stott Construction Quote **Winning Bidder**

Wednesday, April 26, 2023 7:33 AM



town of lake lure proposal

## PROPOSAL

### STOTT CONSTRUCTION INC.

2100 Owl Hollow Rd, Mill Spring, North Carolina 28756

Phone: (828) 817-0400

Email: stottconstructioninc@gmail.com

Date: 4-25-23  
Submitted to: Town of Lake Lure  
  
Phone: 625-998-8504  
Email: dlindsey@townoflakelure.com  
Job Site: Lake Lure

Attn: Dean

---

We hereby propose to furnish the necessary materials, equipment and labor for the construction of the following work at the price listed

Patching  
Laurel Lane \$400  
Highlands \$600  
Young Mtn \$475  
Jack London \$600  
Total patching \$2075.00

Moffitt Rd. – Patch (8x6) (10x8) and overlay 1609 square yards with 2" asphalt compacted. \$31,000

Haveners Pt. – Patch (116x6) and overlay 1094 square yards with 2" asphalt compacted. \$25,000

Sunset Core – Overlay 2302 square yards with 2" asphalt compacted. \$39,000

Edwards Pt. – Overlay 841 square yards with 2" asphalt compacted. \$20,000

Price for complete job: **\$117,075.00 (One Year Warranty)** Payment for said work shall be made in the following manner: Due on completion unless prior arrangements are made. All materials furnished and labor performed shall be in accordance to standard specifications and practices. Any alteration or deviation from above proposal involving extra cost will become an extra charge over and above the estimate. Please note that Stott Construction is not responsible for any damage to asphalt caused by trees being to close to the area that has been paved.

THIS DISBURSEMENT HAS BEEN  
APPROVED AS REQUIRED BY THE  
LOCAL GOVERNMENT BUDGET AND  
FISCAL CONTROL ACT

Meeting Packet Page 128 of 144

CHAIRMAN BILL  
EXPENDITURES

PAWELL BILL  
\$21

to the area that has been paved.

---

**increase's above the stated price during the life of the project, there will be a corresponding asphalt adjustment charged for the tonnage placed during that month.**

Acceptance of Proposal

The above proposal is hereby accepted. You are authorized to do the work as specified.  
Payments will be made as outlined above.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_



Statt Contractor  
Tri City Paving Inc. Be.

TOWN OF LAKE LURE

4-26-23

PATCHING

Lancel Lane	\$ 400. <sup>00</sup>
Highlands	\$ 600. <sup>00</sup>
Young Mtn.	\$ 475. <sup>00</sup>
Jack London	\$ 600. <sup>00</sup>
Total	\$ 2075

PAVING - STREETS

MOFFITT RD	\$ 31,000. <sup>00</sup>
Haverock Point	\$ 25,000. <sup>00</sup>
Sunset Cove	\$ 39,000. <sup>00</sup>
Edwards Point	\$ 20,000. <sup>00</sup>

Total \$ 115,000.<sup>00</sup>

Job Total \$ 117,075.<sup>00</sup>

# Stott Construction Contract

Thursday, April 27, 2023 4:23 PM



Stott Construction Contract



**TOWN OF LAKE LURE, NORTH CAROLINA  
P.O. Box 255 Lake Lure, NC 28746  
828-625-9983**

**AGREEMENT**

**Town Paving Contract**

Contractor Name/Address/Phone/Email

**Stott Construction Inc.  
2100 Owl Hollow Road  
Mill Spring, North Carolina 28756  
828-817-0400**

This agreement is entered into this 27 March 2023 by and between Stott Construction Inc. (the "Contractor") and the Town of Lake Lure, a municipal corporation of the State of North Carolina, (the "Town"). The Town and Contractor may collectively be referred to as "Parties" hereinafter.

The Town and the Contractor, for the consideration stated herein, agree as follows:

**1. Scope of Work**

The Contractor agrees to perform for the Town the following services: [See Attached Quote](#)

**2. Specifications**

The Contractor shall provide services in accordance with all governing agency regulations and shall be held to the same standard and shall exercise the same degree of care, skill and judgment in the performance of services for the Town as is ordinarily provided by a similar professional under the same or similar circumstances at the time in North Carolina. Upon request by the Town, the Contractor will provide plans and specifications prior to engaging in any services under this Agreement. The Contractor hereby acknowledges that it is fully licensed to perform the work contemplated by this Agreement. In the event of a conflict between any provided plans and specifications and this Agreement, this Agreement shall control.

**3. Time of Commencement and Completion**

Contractor shall commence the work required in this Agreement as soon as possible, and the Contractor shall complete entire work no later than 31 Aug 2023. If the Contractor has not satisfactorily commenced or completed the work within the times specified, the Town may declare such delay a material breach of contract and may pursue all available legal and equitable remedies. Any changes to the schedule(s) provided in this Agreement must be agreed to in writing by the Town and the Contractor.

**4. Consideration and Payment of Services**

In consideration of the above services, the Town will pay the Contractor the total sum of **\$117,075.00** to be paid within 30 days from receipt of the invoice. The Town shall pay the Contractor's invoices at the times set forth in this Agreement unless a bona fide dispute exists between the Town and the Contractor concerning the accuracy of said invoice, the services covered thereby, or the performance of Contractor's obligations under this Agreement.

**5. Indemnification**

To the extent permitted by law, the Contractor agrees to defend, pay on behalf of, indemnify, and hold harmless the Town of Lake Lure, its elected and appointed officials, employees, agents, and volunteers against any and all claims, demands, suits or losses, including all costs connected therewith, for any damages which may be asserted, claimed or recovered against or from the Town of Lake Lure, its elected or appointed officials, employees, agents, and volunteers by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof resulting from the negligence of the Contractor.

**6. Applicability of Laws and Regulations**

The Contractor shall adhere to all laws, ordinances, and regulations of the United States, the State of North Carolina, the County of Rutherford, and the Town of Lake Lure in the performance of the services outlined in this Agreement and any attached specifications. This Agreement shall be governed by the laws of the State of North Carolina.

**7. E-Verify Compliance**

The Contractor shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify). The Contractor shall require all of the Contractor's subcontractors to comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify).

**8. Independent Contractor**

The Contractor agrees that he/she is an independent contractor not under the control or supervision of the Town and therefore not eligible for worker's compensation or other Town employee benefits. The Contractor shall be wholly responsible for the methods, means, and techniques of performance. Contractor does not make this agreement under any duress.

**9. Anti-Human Trafficking**

The Contractor warrants and agrees that no labor supplied by the Contractor or the Contractor's subcontractors in the performance of this Agreement shall be obtained by means of deception, coercion, intimidation or force, or otherwise in violation of North Carolina law, specifically Article 10A, Subchapter 3 of Chapter 14 of the North Carolina General Statutes, Human Trafficking.

**10. Quality and Workmanship**

All work shall be performed to the satisfaction of the Town. The work shall not be considered complete nor applicable payments rendered until the Town is satisfied with the services provided.

**11. Insurance**

The Contractor shall maintain in full force and effect throughout the term of this Agreement and throughout any extension or renewal thereof the following types of insurance in at least the limits specified below:

- a. Workers' Compensation Insurance at or above the Statutory Minimum.
- b. Employer's Liability Insurance in the minimum amount of \$1,000,000.
- c. General Liability Insurance in the minimum amount of \$1,000,000.
- d. Automobile Insurance in the minimum amount of \$250,000.

The Contractor shall provide certificates of insurance showing proof of the above coverages. The Contractor shall provide notice of cancellation, non-renewal or material change in coverage to the Town of Lake Lure within 10 days of their receipt of notice from the insurance company. Notwithstanding the foregoing, neither the requirement of the Contractor to have sufficient insurance nor the requirement that the Town is named as an additional insured, shall constitute waiver of the Town's governmental immunity in any respect, under North Carolina law.

**12. Pre-Project Safety Review Meeting**

When specified by the Town, the Contractor shall attend a pre-project safety review meeting with the contacting Town representative prior to the start of work.

**13. Default**

In the event of substantial failure by the Contractor to perform in accordance with the terms of this Agreement, the Town shall have the right to terminate this Agreement upon seven (7) days written notice in which event the Contractor shall have neither the obligation nor the right to perform further services under this Agreement.

**14. Termination for Convenience**

The Town shall have the right to terminate this Agreement for the Town's convenience upon fourteen (14) days written notice to Contractor. The Contractor shall terminate performance of services on a schedule acceptable to the Town. In the event of termination for convenience, the Town shall pay the Contractor for all services satisfactorily performed.

**15. Delay Beyond the Control of the Parties**

Neither Contractor nor Town shall be in default of the provisions of this Agreement for delays in performance due to forces beyond the control the Parties. "Forces Beyond the Control of the Parties" shall mean, but is not limited to, delay caused by fire, acts of God, flood, earthquakes, storms, lightning, epidemic, war, riot, strike, pandemic, civil disobedience, and/or governmental order or regulation.

**16. Nonwaiver for Breach**

No breach or non-performance of any term of this Agreement shall be deemed to be waived by either party unless said breach or non-performance is waived in writing and signed by the Parties. No waiver of any breach or non-performance under this Agreement shall be deemed to constitute a waiver of any subsequent breach or non-performance and for any such breach or non-performance each party shall be relegated to such remedies as provided by law.

**17. Construction**

Should any portion of this Agreement require judicial interpretation, it is agreed that the Court or Tribunal construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against any one party by reason of the rule of construction that a document is to be more strictly construed against the party who prepared the documents.

**18. No Representations**

The Parties hereby warrant that no representations about the nature or extent of any claims, demands, damages, or rights that they have, or may have, against one another have been made to them, or to anyone acting on their behalf, to induce them to execute this Agreement, and they rely on no such representations, that they have fully read and understand this Agreement before signing their names, and that they act voluntarily and with full advice of counsel.

**19. Severability**

In the event for any reason that any provision or portion of this Agreement shall be found to be void or invalid, then such provision or portion shall be deemed to be severable from the remaining provisions or portions of this Agreement, and it shall not affect the validity of the remaining portions, which portions shall be given full effect as if the void or invalid provision or portion had not been included herein.

**20. Counterparts**

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one instrument.

**21. Modification**

This Agreement contains the full understanding of the Parties. Any modifications or addendums to this Agreement must be in writing and executed with the same formality as this Agreement.

**22. Binding Effect**

The terms of this Agreement shall be binding upon the parties' heirs, successors, and assigns.

**23. Assignment**

The Contractor shall not assign, sublet, or transfer any rights under or interest in (including, but without limitation, monies that may become due or monies that are due) this Agreement without the written consent of the Town. Nothing contained in this paragraph shall prevent

the Contractor from employing such independent consultants, associates, and sub-contractors as it may deem appropriate to assist the Contractor in the performance of services rendered.

**24. Non-Appropriation**

Notwithstanding any other provisions of the Agreement, the Parties agree that payments due hereunder from the Town are from appropriations and monies from the Town Council and any other governmental entities. In the event sufficient appropriations or monies are not made available to the Town to pay the terms of this Agreement for any fiscal year, this Agreement shall terminate immediately without further obligation of the Town.

**25. Electronic Signature**

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this Agreement and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The Parties hereby consent to use electronic or digitized signatures and intend to be bound by the Agreement and any related documents. If electronic signatures are used the Agreement shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

**26. Notice**

A letter properly addressed and sent by mail, certified mail, or registered mail to any party at the addresses provided below shall constitute sufficient notice whenever written notice is required for any purpose of this agreement. Notice will be considered sent either when received at the appropriate address or deposited in the United States mail.

Town of Lake Lure  
P.O. Box 255  
Lake Lure, NC 28746  
828-625-9983

\_\_\_\_\_  
William H. Perkins, Jr.  
Town Manager

\_\_\_\_\_  
Date

**Name**  
**Company**  
**Address**  
**City, State Zip**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

***This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.***

\_\_\_\_\_  
***Stephen Ford, Finance Director***

# Certificate of Liability

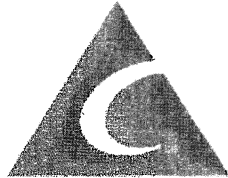
Thursday, April 27, 2023 4:24 PM

# Caldwell Construction Quote

Wednesday, April 26, 2023 7:32 AM



20230425\_061716



**Caldwell Construction Services, LLC**  
 PO Box 1659  
 Rutherfordton, NC 28139  
 (828) 289-7353 - Direct

**To:** Town of Lake Lure Public Works  
**Attention:** Scott Bidy  
**Address:**  
**Job Name:** 2023 Streets Overlay Project  
**County:** Rutherford  
**CCS Est. #:**  
**Bid Date:**  
**Date of Quote:** 4/25/2023

**Phone:**

**Fax:**

ITEM NUMBER	DESCRIPTION	ESTIMATED QUANTITY	U/M	UNIT PRICE	EXTENSION
	<b><u>Moffitt Road - Entire Road</u></b>				
1	Clean, tack, and overlay existing asphalt with 2" compacted S9.5C.	1,620	SY	\$ 22.30	\$ 36,126.00
	<b><u>Sunset Cove - Entire Road</u></b>				
2	Clean, tack, and overlay existing asphalt with 2" compacted S9.5C.	2,320	SY	\$ 23.50	\$ 54,520.00
	<b><u>Edwards Point - Entire Road</u></b>				
3	Clean, tack, and overlay existing asphalt with 2" compacted S9.5C.	860	SY	\$ 28.10	\$ 24,166.00
	<b><u>Haveners Point - 101 to Buff. Shoals Rd.</u></b>				
4	Clean, tack, and overlay existing asphalt with 2" compacted S9.5C.	1,105	SY	\$ 24.80	\$ 27,404.00
	<b><u>Laurel Lane Patch - 14'x2'</u></b>				
5	Patch with S9.5C asphalt.	1	TON	\$ 1,500.00	\$ 1,500.00
	<b><u>Highlands Clear Creek Trail - 18' x 30"</u></b>				
6	Patch with S9.5C asphalt.	1.5	TON	\$ 1,800.00	\$ 2,700.00
	<b><u>Tongs Man Patch - 18' x 30"</u></b>				
7	Patch with S9.5C asphalt.	1.5	TON	\$ 1,800.00	\$ 2,700.00
	<b><u>Jack London @ ABC Store - 12'x6'</u></b>				
8	Patch with S9.5C asphalt.	2	TON	\$ 900.00	\$ 1,800.00

<b>TOTAL BID</b>	<b>\$</b>	<b>150,916.00</b>
------------------	-----------	-------------------

***D. Brian Caldwell***

D. Brian Caldwell, Estimator/Partner  
 Caldwell Construction Services, LLC



***D. BRIAN CALDWELL***

---

D. Brian Caldwell, Estimator/Partner  
Caldwell Construction Services, LLC  
[brian@caldwellconstructionservices.com](mailto:brian@caldwellconstructionservices.com)

# Tarheel Paving

Wednesday, April 26, 2023 7:33 AM

Contacted Tarheel 12th of April and 4 other times and no response from vendor.

# XI

## CLOSED SESSION

- A. In Accordance with G.S. 143-318.11(a) (3) for the Purpose of Discussion Attorney Client Privilege or Legal Claims

**XII**  
**ADJOURNMENT**