

LAKE LURE TOWN COUNCIL REGULAR MEETING PACKET

Tuesday, August 9, 2022
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, August 09, 2022 – 5:00 PM
Lake Lure Municipal Center



Agenda

I. Call to Order

II. Agenda Adoption

III. Mayor's Communications

IV. Town Manager's Communications

V. Council Liaison Reports and Comments

VI. 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.

VII. Consent Agenda

- A. Approval of the July 12, 2022 Regular Town Council Meeting minutes, the July 27, 2022 Special Town Council Meeting Minutes, and the August 1, 2022 Special Town Council Work Session Meeting Minutes
- B. Resolution No. 22-08-09 Adopting the 2021 Records Retention and Disposition Schedules for Local Government Including the General Records Schedule and Program Records Schedule for Municipal Government

VIII. New Business

- A. Budget Amendment #339 - ADNS Wi-Fi Network Changes and Upgrades
- B. Discussion Regarding Lake Lure Tours Concession Agreement and Off-Season Beach Opening/Closing Request

IX. Adjournment

III
MAYOR'S
COMMUNICATIONS

IV
TOWN MANAGER'S
COMMUNICATIONS



Town Manager Report July 2022

Below are the July 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. Training for the CMMS system to the rest of the town employees and departments wanting to use it will be set up within the next 2 weeks. Continued work on adding the Town assets to the CMMS system. Launching the Citizen App on the Town website will also happen in the next 2 weeks. Top three accomplishments/project updates:

- 4th of July event was a success. The Public Works department did our part to make sure everything went smoothly.
- Routine maintenance throughout town went as scheduled. I.e. Road mowing, ditch cleaning, etc.
- Work orders are on a scheduled and being handled in a timely manner prioritized by importance.

Community Development – Director Williams reports another active month for community development. The department issued 42 permits, performed numerous follow ups. Community Development has had a slight increase in both citizen complaints and staff discovered violations which resulted in a significant increase in time on those issues. Enforcement activity has been active, both from public complaints and staff-discovered violations, resulting in significant increase in time spent on those issues. Most common have been clearing trees, grading and working/building without required permits. (4 NOV's issued and a stop work order.) Overall, we have had good success in resolving issues through follow-up and communication. Top three accomplishments/project updates:

- Still working on developing a 3rd CDD position to meet current and expanding work demands, especially mapping/GIS, inspections and administrative. Will begin search in August.
- Approximately 50% relocated to new office at Arcade Building. Problems have come up with internet/phone connections but working with ADNS to resolve. We are able to access wifi connection to be able to work but unable to print, except to Town Hall printer. Public Works provided great assistance in moving printers, files and storage.

- Continuing to work with Tillman Construction and AT&T on their efforts to obtain a variance with the State Historic Preservation Office to allow a regular monopole instead of a stealth tower. Tillman representative stated last week that they anticipate a response from SHPO with a few weeks. I have continued to drive the point that we don't really care which of the two tower options goes up as long as negotiating doesn't hold up the project, and that our key concern is the critical emergency services need for tower signal. Submitted letters from the Mayor that Town has no concerns from "historic bridge" perspective and Jim Proctor has no concerns from "historic Pine Gables" perspective.

Fire / Emergency Management – With the summer season in full swing, there has been an influx of visitors and part time residents in Lake Lure, making for a busy month for Chief Waycaster and his team. The department responded to 14 calls throughout the month, compared to 18 in June. Additionally, members of the department completed a total of 203 hours of training in July.

Police – We can definitely say tourism is alive and well now after the last couple of years here COVID was still keeping people home. Traffic influx is evident especially on the weekends throughout town but heavier around the Beach and Marina area. Top three accomplishments in July:

- July 4th traffic was busy, and we thank our Reserve Officers for their time helping us with parking and moving traffic along after the fireworks
- The Police Boat V-Hull is back on the water with new graphics.
- Our department has prepared and begun an audit with North Carolina Training Standards Commission.

Parks, Recreation & Lake – Director Dean Givens and Parks & Trails Coordinator Dana Bradley continue to provide exemplary oversight of the Parks, Recreation, and Lake Department. Organized a Dittmer Watts workday on 6/7. Total volunteer hours for the month was 162 working on Weed Patch Mountain Trail, and collecting water samples. Givens and Bradley have been working on dredging, preparation of the new boat permitting system, and much more. Three notable projects/activities updates:

- Removed debris from the lake
- Gazebo Ribbon Cutting
- Continued building RecDesk software

Finance –The finance report is available upon request. As expected, expenditures outpaced revenues early in this fiscal year due to revenue sources disbursing funds later in the fiscal year. However the Town has a strong financial position with an unreconciled bank balance of \$7,546,817.05 for all funds other than special revenue.

- The Finance Department is fully engaged with annual audit as field work is being performed remotely and some exchanges of information by ZOOM meetings. Hopefully the bulk of the audit fieldwork will conclude within a couple of weeks.
- Finance procedures are being examined to strengthen internal controls as well to provide efficiencies for Department Heads in submitting documents and records for

processing. Among enhancements in efficiency is consideration of a purchasing card program and automated supplies ordering and refurbishing.

Communications – Communications Director Krejci continues her community outreach as she has posted 43 news articles that illustrate town related news, a listing of these articles with hyperlinks was emailed to over 1554 citizens, along with a link to the Town Calendar of Events. Top projects/activities:

- **Social Media:** Published **31 Facebook posts** for the community with a **post reach of 20,721** for the month. The Town of Lake Lure has **18,201 followers** as of July 2022, representing a **9% increase** over July 2021 with 16,687 followers.
- **FEMA Grants:** The Town of Lake Lure submitted our 5th and 6th applications for FEMA High Hazard Potential Dam (HHPD) Grants. One is for our 30% Design Project and the second is for construction costs associated with the Reservoir Drain installation.

Manager / Clerk / Admin Summary

July was a busy month including an array of staff, council, and board meetings and ever-changing day-to-day operations. The Town accepted bids for its second valve for the reservoir drains in July. Accepting the 60 inch Jet Flow Valve from Steel Fabricators. We continue to work with Lebella Engineering on the new sewer system and planning on directional drilling (HDD) activities in the future. HDD permitting is currently underway with NCDEQ. In the midst of major project, the Town continues to strengthen the relationship with state entities.

V
COUNCIL LIAISON
REPORTS AND
COMMENTS

VI

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.

VII

CONSENT AGENDA

- A. Approval of the July 12, 2022 Regular Town Council Meeting minutes, the July 27, 2022 Special Town Council Meeting Minutes, and the August 1, 2022 Special Town Council Work Session Meeting Minutes

- B. Resolution No. 22-08-09 Adopting the 2021 Records Retention and Disposition Schedules for Local Government Including the General Records Schedule and Program Records Schedule for Municipal Government



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

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

William Morgan, Jr., Town Attorney
William Hank Perkins, Jr., Town Manager

ABSENT:

I. CALL TO ORDER

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

II. APPROVE THE AGENDA

Commissioner Proctor made a motion to remove VI Item B Resolution No. 22-07-12 from the agenda. Commissioner Bryant seconded the motion to amend the agenda and all voted in favor. Commissioner Proctor made a motion to approve, as amended. Commissioner DiOrio seconded and the motion carried 4-0.

III. MAYOR'S COMMUNICATIONS

Mayor Pritchett noted that the 4th of July celebration went well and expressed appreciation for the community. Mayor Pritchett informed those in attendance that the Town is going to have multiple ribbon cuttings within the coming months and Communications Director Laura Krejci will announce dates and times on the Town website.

IV. TOWN MANAGER COMMUNICATIONS

Town Manager Hank Perkins noted that he on boarded with the Town on June 1. Mr. Perkins reported that paving and patching has been completed, Community Development staff has issues numerous permits and are working on communication tower, the Fire Department completed many hours of training and completed the emergency tabletop exercise on June 3, the Police Department pill drop box was utilized by the community a lot in June, the new Parks, Recreation, and Lake Department Office renovation was completed, and the Communications issued nine posts which reached of thousands of individuals which was a 10 percent increase of individuals reached via Town posts last year.

V. COUNCIL LIAISON REPORTS & COMMENTS

Commissioner Scott Doster reported the activities of the Zoning and Planning Board and reported that the Utilities Advisory Board meeting did not meet and August will be the last UAB meeting before the Board disbands.

Commissioner David DiOrio reported the activities of the Lake Advisory Board and the Board of Adjustment / Lake Structure Appeals Board. Commissioner DiOrio noted for the record that there has been an uptick in violations from contractors not following what is permitted and reminded homeowners to be aware when working with contractors.

Commissioner Jim Proctor reported the activities of the ABC Board.

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

Mayor Pritchett reported that the Lake Lure Steering Committee did not meet but will meet on July 28th.

VI. PRESENTATIONS

A. RUTHERFORD BOUND – DON CASON

Executive Director of the Rutherford County TDA, Don Cason, presented on Rutherford Bound. Mr. Cason explained that Rutherford Bound is an initiative to improve and connect communities in Rutherford County and provided an update on the Rutherford Bound Master Plan. Mr. Cason displayed a video that provided an overview of happenings in Rutherford Bound which can be found at <https://vimeo.com/704251378>. Mr. Cason recapped past projects in Lake Lure completed through Rutherford Bound and highlighted other projects such as Chimney Rock streetscape, Kiwanis Park in Rutherfordton, Spindale streetscape, Thermal Belt Rail Trail. Mr. Cason explained the process of TDA funding through occupancy tax and the allocation of funds, and noted state regulations the TDA has to follow in regards to the allocation of TDA funds. Mr. Cason presented phase 2 Rutherford Bound projects. Mr. Cason explained that the Rutherford County TDA has a goal of providing \$100,000 per year to each participating community in Rutherford County, with the inclusion of matching funds from each community. Mr. Cason noted

that he is working with the Lake Lure Steering Committee to enhance Morse Park. Mr. Cason announced that this year's budget includes an additional \$1 million for the TDA to allocate and Lake Lure will have an additionally \$225,000, along with an additional \$250,000 for trails. Mayor Pritchett asked Mr. Cason to explain that all projects that are currently in the works are in the process of finding funds with the help of the TDA, all are tax deductible, and communities need investors to partner with them for completion of projects. Mr. Cason reported that fourteen projects are planned, five completed, which includes about \$9 million in funding and contributions. Mr. Cason explained that Rutherford Bound completes internal marketing updates. Mr. Cason also noted that Rutherford Bound work on enhancing agri-tourism, has a Relocate to Rutherford Committee, and is involved in additional programs such as Keep Rutherford County Beautiful. Mr. Cason thanked the Town of Lake Lure for partnering with the Rutherford County TDA and Rutherford Bound.

VII. PUBLIC COMMENT

Mayor Carol C. Pritchett invited the audience to speak.

There were no comments from the public.

VIII. CONSENT AGENDA

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

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

- A. Approval of the June 14, 2022 Regular Town Council Meeting Minutes, the June 22, 2022 Town Council Work Session Minutes, and the June 29, 2022 Special Town Council Meeting Minutes
- B. Tree Removal from Within 995' Boundary Request – 143 Frady Inlet Rd. (Parcel #1655828)
- C. Budget Amendment #337 – Contracting Services for Garbage Collection
- D. Budget Amendment #338 – Police Department Salary Adjustment

IX. UNFINISHED BUSINESS

A. DRAWDOWN SCHEDULE

Commissioner DiOrio noted he worked with Town Manager and staff to determine that the lake drawdown will commence on New Year's Day (January 1, 2023) and will conclude on March 31, 2023.

Commissioner DiOrio provided a reminder that refilling the lake will starting in April, but the amount of time that it takes to get to full pond is weather dependent. Commissioner DiOrio noted that the lake levels can fluctuate based on contractor progress and needs.

Commissioner DiOrio explained that the Town will accomplish significant work for the backshore area preparing for sewer replacement including prepping boat houses near Sunset Cove. Commissioner DiOrio noted that dredging will be another project that will take place. DiOrio commented that private contractors for seawall replacements will be working during the drawdown and noted the importance of these contractors obtaining permits. Commissioner DiOrio mentioned that the Town would like for contractors to have all projects completed and no permits issued after March 15. DiOrio noted that other projects include dam maintenance and penstock inspection, sewer laterals review and improvements, upgrading of the substation at the dam by Duke Energy, and the construction of an access ramp at the dam.

Commissioner DiOrio explained that people need to prepare to move boats from the lake no later than the end of December. DiOrio stated that the Town will make announcements to Sunset Cove residents and ensure they prepare.

Human Resources/Customer Services Specialist Jennifer Duncan handed out the drawdown schedule to those in attendance and Communications Director Krejci will post on the schedule on the Town website.

Mayor Pritchett mentioned that there are many moving parts to the decision making process regarding lake drawdown and if all work is completed early, the lake will be filled earlier.

Commissioner DiOrio made a motion to approve the 2022-2023 Drawdown Schedule, as presented. Commissioner Bryant seconded and the motion carried 4-0.

X. NEW BUSINESS

A. 60" JET FLOW VALVE PROCUREMENT BID AWARD DECISION

Manager Perkins noted that the Town opened the rebids for the procurement of a 60" jet flow valve on July 6th and received two bids. Mr. Perkins explained that the low bidder, Steel Fabricators, is being recommended by Schnabel Engineering. Manager Perkins reported bid details. Mr. Perkins noted that Schnabel Engineering recommended that spare parts be optional and determined at a later date.

Minutes of the July 12, 2022 Regular Town Council Meeting

Commissioner DiOrio made a motion to approve Schnabel Engineering's recommendations to award the bid for the procurement of the 60" jet flow valve to Steel Fabricators, Inc. and to allow for \$2,500 for spare parts be optional and determined at a later date. Commissioner Proctor seconded and the motion carried 4-0.

X. NEW BUSINESS

B. PETITION TO REMOVE HOUSE AT 177 TRYON BAY CIRCLE

Manager Perkins noted that the Town received a petition to remove a house at 177 Tryon Bay Circle. Perkins acknowledged that the Town will be addressing the issue when there has been additional time to review all information.

XI. ADJOURNMENT

With no further business, Commissioner Proctor made a motion to adjourn the meeting at 7:02 p.m. Commissioner Doster seconded and the motion carried 4-0.

ATTEST:

Olivia Stewman, Town Clerk

Mayor Carol C. Pritchett



**MINUTES OF THE SPECIAL MEETING OF THE LAKE LURE TOWN COUNCIL
HELD WEDNESDAY, JULY 27, 2022, 8:00 A.M. AT THE LAKE LURE TOWN HALL**

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

William Morgan, Jr., Town Attorney
William H. Perkins, Jr., Town Manager

ABSENT: Commissioner Jim Proctor

I. CALL TO ORDER

Mayor Carol C. Pritchett called the meeting to order at 8:30 a.m. Commissioner Patrick Bryant made a motion to accept the agenda, Commissioner Scott Doster seconded and the motion carried 3-0.

**II. PUBLIC HEARING FOR ORDINANCE NO. 22-07-27 AMENDING SECTIONS
36-5 AND 36-296 OF THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE**

Commissioner Doster made a motion to open the public hearing for Ordinance No. 22-07-27 Amending Sections 36-5 and 36-296 of the Zoning Regulations of the Town of Lake Lure. Commissioner DiOrio seconded and the motion carried 3-0.

Liz Geary, 112 Mountains Blvd, explained that she is representing Rumbling Bald and that the only the concern is whether or not a dock can be built on an unimproved lot. Ms. Geary expressed that there are no issues regarding the setback stipulations noted in the proposed ordinance.

Community Development Director Michael Williams noted that addressing the construction of docks on unimproved lots was discussed but was not a part of the recommendation of the Zoning and Planning Board, but there was no opposition from Zoning and Planning Board members in that regard. Director Williams recommended incorporating language into the proposed ordinance to address construction on unimproved lots. Director Williams recommended that one addition should be verifying the requirement that the extension of lake structures other than those on Lake Lure be no more than 30 ft. or one-third distance from the opposite shore, whichever is less, and noted that the one-third regulation is required by Army Corps of Engineers. Director Williams suggested to allow the construction of docks on bodies of water in Town limits other than Lake Lure, without the requirement of having a primary structure on the property. Director Williams also suggested that

boathouse structures require proof of ownership of a residence or residence under construction on the property, for bodies of water in Town limits other than Lake Lure. Town Manager Hank Perkins asked Director Williams where he suggests that language to reflect these recommendations be incorporated into the ordinance and Director Williams answered that these regulations be addressed in section two of the ordinance as (2) and (3) and move the original (2) to (4).

There were no additional comments from the public.

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

III. PUBLIC HEARING FOR ORDINANCE NO. 22-07-27 AMENDING SECTIONS 36-5 AND 36-296 OF THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE

Director Williams explained that ultimately there is a need for the Town of Lake Lure Code of Ordinances Zoning Regulations to address regulating lakes or navigable bodies of water within Town of Lake Lure limits other than the Lake Lure. Director Williams noted that this is crucial in order for his department to be able to handle applications because staff is currently being held back on issuing permits for structures on other lakes within town limits. Director Williams expressed that he proposes the adoption of Ordinance 22-07-27 in order to resolve existing uncertainty, with the additions discussed previously in the meeting. Director Williams explained that docks will be exempt for setbacks no more than 30 ft. or 1/3 distance from shoreline. For boathouse, proof of residence or residence under construction is in order to build boathouse. Director Williams noted that the owner of the body water must approve of the structures as well and explained that the likely owner of the two lakes in Town limits that are not Lake Lure is Fairfield Mountain.

Director Williams recommended the approval of ordinance No. 22-07-27 Amending Sections 36-5 and 36-296 of the Zoning Regulations of the Town of Lake Lure, with the incorporated recommended changes discussed. Director Williams reiterated that the main purpose of the ordinance is to address structures on bodies of water in town limits, other than Lake Lure, and to provide guidance for how to handle permitting such structures.

Commissioner DiOrio asked Director Williams to clarify what regulations the Town will have authority to exercise through this ordinance. Director Williams said that these additions to the Zoning Regulations will allow the Town to permit structures on other bodies of water as an accessory structure, but owner of body of water has to approve of the construction of the structure. Commissioner DiOrio asked if the recommended 30ft extension limit is beneficial and Director Williams answered that this limit allows for a cleaner and more measurable way to determine the compliance of the structures.

Commissioner Doster made a motion to adopted Ordinance No. 22-07-27 Amending Sections 36-5 and 36-296 of the Zoning Regulations of the Town of Lake Lure, with the additions discussed today under Section 2 (2) and Section 2 (3). Commissioner DiOrio seconded and the motion carried 3-0.

ORDINANCE NUMBER 22-07-27

AN ORDINANCE AMENDING SECTIONS 36-5 AND 36-296 OF THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE

WHEREAS, The Town of Lake Lure requires enhanced clarity regarding lake structures on waters within the Town of Lake Lure other than the lake known as Lake Lure;

WHEREAS, The Town of Lake Lure Town Council has determined that Section 36-5 of the Zoning Regulations should be amended to further clarify the definition of Lake Structure; and

WHEREAS, The Town of Lake Lure Town Council has determined that Section 36-296 should be added to the Zoning Regulations to address regulating lakes or navigable bodies of water within Town of Lake Lure limits other than the lake known as Lake Lure; and

WHEREAS, The Town’s Zoning and Planning Board has reviewed and made a recommendation to Town Council to accept these text amendments to Sections 36-5 and 36-296 to address lake structures not on Lake Lure; now

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

SECTION ONE. Section 36-5 of the Zoning Regulations of the Town of Lake Lure, entitled “Definitions”, is hereby amended by adding the following new definition:

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

Lake structure means anything constructed or erected within the lake boundary including any pier, dock, boathouse, slip, ramp, swimming float, sea wall, or similar facility whether fixed or floating or a combination thereof, used primarily as a stationary facility for the mooring or housing of watercraft and associated items; and, used for lake access and related recreational activities. Lake structures shall not be used as living quarters. Lake Structures built within the boundary of the waters of Lake Lure at full pond will be regulated by the Town’s Lake Structure Regulations. Lake Structures built within the boundary of other lakes or navigable waters will be regulated by the Town’s Zoning Regulations.

SECTION TWO. Sections 36-296 – 36-323, “Reserved”, is hereby amended as follows:

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

~~Secs. 36-296 – 36-323. Reserved.~~

Sec. 36-296.

Lake structures within the full pond boundary of the waters of Lake Lure are regulated by the Lake Structure Regulations, rather than this Zoning Regulations chapter. Lake Structures within the boundary of any other lake or navigable body of water will be regulated under this chapter as accessory structures with the following provisions:

- (1) Lake structures not within the full pond boundary of the waters known as Lake Lure will be exempt from setback requirements at the point where the lake structure connects with the lakeshore property line.
- (2) No portion of a lake structure shall extend more than 30 feet or one third the distance to the opposite shore, whichever is less, as measured to and from the shoreline. Measurement shall be calculated using the same methodology as described for lake structures within the Town's Lake Structure Regulations.
- (3) In the case of a boathouse, proof of ownership of a residence or residence under construction on the upland lot or an adjoining lot. (This is not required for any other lake structures.
- (4) The owner of the lake or other navigable body of water must provide authorization for the structure to be built on that property, including but not limited to the owner's signature on the zoning permit application.

Secs. 36-297 – 35-323. Reserved.

SECTION THREE. The Town of Lake Lure Town Council deems Ordinance No. 22-07-27 to be consistent with the Lake Lure comprehensive plan because it follows the recommendations of Section 6A: Lake Management of the 2007-2027 Comprehensive Plan to clarify the application to the lakes other than Lake Lure.

SECTION FOUR. The Town of Lake Lure Town Council deems Ordinance No. 22-07-27 to be reasonable and in the public interest because it provides clarification in regard to regulating lake structures on waters within the Town of Lake Lure other than Lake Lure.

SECTION FIVE. 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 27th day of July, 2022.

IV. ADJOURNMENT

Minutes of the July 27, 2022 Special Town Council Meeting

Commissioner DiOrio motioned to adjourn the meeting. Commissioner Doster seconded and all voted in favor. The meeting was adjourned at 8:16 a.m.

ATTEST:

Olivia Stewman, Town Clerk

Mayor Carol C Pritchett



MINUTES OF THE SPECIAL WORK SESSION MEETING OF THE LAKE LURE TOWN COUNCIL HELD MONDAY, AUGUST 1, 2022, 11:00 A.M. AT THE LAKE LURE TOWN HALL

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

William Morgan, Jr., Town Attorney
William H. Perkins, Jr., Town Manager

Brian Houston, PE, LaBella Associates
Heather Miller, PE, LaBella Associates
Ken Pohlig, PE, NC Department of Environmental Quality (DEQ) Division of Water Infrastructure (DWI) SRF Wastewater Supervisor
Logan Kluttz, PE, NC DEQ DWI
Victor D'Amato, PE, DC DEQ DWI Viable Utilities Unite Supervisor
Linda Culpepper, NC DEQ DWI Viable Utilities Unit
Mayor Peter O'Leary, Chimney Rock Village
Stephen Duncan, Chimney Rock Village Administrator

ABSENT: N/A

I. CALL TO ORDER

Mayor Carol C. Pritchett called the meeting to order at 11:00 a.m.

II. AGENDA ADOPTION

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

III. CHIMNEY ROCK VILLAGE WATER AND SEWER SYSTEMS DISCUSSION

Town Manager Hank Perkins provided information for attendees from NC DEQ, Chimney Rock Village, and LaBella Associates regarding the Chimney Rock Village (CRV)

water and sewer systems. Mr. Perkins explained that if Chimney Rock and Lake Lure merged systems, each entity would be eligible for applying for additional \$15 million in ARPA funding. Manager Perkins noted that Chimney Rock Village representatives have expressed that they would like to discuss merging their sewer system, but not their water system. Chimney Rock Village Administrator Stephen Duncan shared that he is going to send the Town of Lake Lure specific requests for water, with a request for 10 year contract, and repair or equipment cost items. Mr. Duncan said that Chimney Rock Village is willing and eager to work with Lake Lure on crafting an interlocal agreement and possible merger of the sewer system. Mr. Duncan explained that a portion of the \$15 million would be included for the use of repair and equipment costs, and that Chimney Rock would need to work with engineers to determine costs to repair and obtain equipment. Chimney Rock Village Mayor Peter O'Leary explained that the water and sewer have been operated as separate utilities and expressed that Chimney Rock would like to continue to keep them separate. Mayor O'Leary expressed that he thinks that recent discussions have been beneficial. Mayor O'Leary recommended a regional water and sewer authority for the Hickory Nut Gorge area in the future.

Commissioner Doster asked if the Town is still eligible for additional funding if only the sewer system were to be merged, rather than water and sewer. Brian Houston, PE, with LaBella deferred to Ken Pohlig with NC DEQ Division of Water Infrastructure (DWI). Mr. Pohlig said it would be a two-step process and introduced Victor D'Amato and Linda Culpepper, who were attending virtually on behalf of DEQ DWI Viable Utilities Unit. Mr. Pohlig explained that the Town of Lake Lure should have or will be receiving a letter about becoming classified as distressed and that the Local Government Commission (LGC) has to vote to approve or deny the request for Lake Lure to be in the distressed classification. Mr. Pohlig noted that the LGA will meet tomorrow (8/2). It was determined that Chimney Rock Village is already designated as distressed. Mr. Pohlig explained that the distressed designation ties in with funding and that Lake Lure has already received \$8 million and that maximum available regardless of status is \$15 million. Mr. Pohlig confirmed that Chimney Rock Village could apply for funding on their own for up to \$15 million. Mr. Pohlig stated that if two entities, one distressed, merge together the maximum becomes \$30 million, but would be reduced per the \$8 million. Mr. Pohlig stated that his understanding is that DWI preserved 30 percent of ARPA funds during the last round of disbursement, resulting in about \$100 million being available for allocation this fall. Mr. Pohlig asked if Mr. D'Amato or Mr. Culpepper had any comments. Mr. D'Amato confirmed Chimney Rock Village has been designated, and that Lake Lure passed the threshold in the past, but has sent in resolution and letter request per a recent eligibility letter. Mr. D'Amato also confirmed that if two distressed units merge, the maximum is 30 million. Mr. D'Amato noted that if \$8 million already allocated to the Town of Lake Lure was not taken out of the viable utility unit, the Town may still be eligible for the full \$15 million in additional funding.

Manager Perkins asked about separating the water and sewer and noted that Lake Lure would take over the Chimney Rock sewer system, but not water system. Mr. Pohlig expressed uncertainty as to whether or not that is allowed in terms of benefits of a merger. Mr. D'Amato explained that he is not sure if merging only one utility matters since both utilities are distressed. Mr. D'Amato asked rationale behind wanting to merge sewer systems but not water. Mr. Houston explained that the Chimney Rock sewer system is tied to the Town of Lake Lure system because Chimney Rock has sewers, but not no treatment ability so they must be tied to the Lake

Lure sewer system. Mr. Houston expanded that the water systems operate separately and have separate valves, but can back each other's redundancy. It was concluded that Chimney Rock Village is in favor of merging the sewer systems but opposed to merging the water systems. Ms. Culpepper stated that NC General Statute defines a merger as, "the consolidation of two or more water and/or sewer systems into one system with common ownership, management, and operation," and noted that this definition is valid in terms of viable utility funding opportunities.

Commissioner DiOrio asked if Chimney Rock Village applied for most recent round of ARPA funding and Mayor O'Leary answered that they did not. Commissioner DiOrio also asked what McGill Associates estimates for the cost of refurbishing the Chimney Rock sewer system and Mr. Duncan answered that McGill estimated \$3 million which includes estimated inflation. Commissioner DiOrio noted that it could be an issue that Chimney Rock Village would not need \$15 million and may receive less in ARPA funds, but if Chimney Rock and Lake Lure merge it would provide a greater opportunity for both of the municipalities to receive \$30 million total.

Manager Perkins asked if having separate water systems is or is not impediment to funding, if sewer systems are merged. Mr. D'Amato expressed that he does not think it will be an impediment because both units are likely going to be distressed anyways. It was suggested that the state needs good assurance of an interlocal agreement that details a future merger. Mr. Houston asked Mr. D'Amato whether or not Chimney Rock Village would apply for \$15 million in order to contribute to the merged sewer system or if the Town of Lake Lure would submit one \$30 million application for both municipalities. Mr. D'Amato expressed that he is unsure but will follow up on that question. Ms. Culpepper noted that the state water authority and the Local Government Commission will need to agree and approve of any allocation from the viable utility reserve and offered to check in with some representatives of the organizations. Ms. Culpepper also confirmed that the \$8 million allocation previously received by the Town of Lake Lure was allocated from reserve other than the viable utility unit. Mr. Houston noted that the other funding received by the Town has been from an SRF loan.

Manager Perkins explained moving forward, an interlocal agreement will be drafted with merging of the sewer systems contingent upon the eligibility of receiving \$30 million total. Mr. Pohlig noted that Chimney Rock would be agreeing to use a certain amount of their \$15 million to refurbish their system and the rest would be earmarked to Lake Lure. Mr. Pohlig also noted that there have been cases in which there is an interlocal agreement resulting in one entity receiving funds but transferring the funds to entity. Commissioner DiOrio expressed that interlocal agreement is a good first step to accomplishing the goals moving forward.

Mr. Pohlig noted that DEQ does not yet know which entities will be receiving money. Mr. Pohlig explained that it is possible that a merger may allow the state to grant the full \$30 million, partial funding, no ARPA funding with a loan, or no funding at all. Mr. Pohlig noted that the state allocates grant money first, then loans, sometimes both. Mr. Pohlig explained that he is not sure about state funding amount, but noted that the loans are low or no interest.

Commissioner Doster asked if the Town would be perceived better and have more of an opportunity to receive funding if the Town had merged both the water and sewer utilities and DEQ representatives were unsure.

Mr. Houston asked if there is a difference in point value between having an interlocal agreement versus an intent to merge. Mr. Pohlig explained that there are points available for merged entities or entities with planned intent to merge and recommended that an interlocal agreement be in place or in draft form at the very least. Commissioner DiOrio noted that Lake Lure and Chimney Rock can do an interlocal agreement and a joint resolution for an intent to merge.

Commissioner DiOrio explained that the care, feeding, and maintenance of the system is already being exercised by Town of Lake Lure since Chimney Rock Village took over the system from Rutherford County. Mr. Pohlig noted that for the purpose of the funding application, the joint resolution for an intent to merge is the key component. Manager Perkins noted that the bottom line is that the state wants to see that the two entities plan to merge and expressed that if merging the two entities is sufficient, that would be the starting point for the application.

Commissioner DiOrio asked how the Town scored overall on the last application, without the distressed status. Mr. Pohlig explained that the application was scored a 53 by the Town and the state also scored it a 53. Mr. Pohlig noted that it was a strong application and it was only 5 points shy of the 58 point requirement to receive funding. Ms. Miller stated that a merger is worth 10 points. Mr. Pohlig predicted that the funding threshold cutoff might be reduced along with a reduction in funding. Mr. Houston also noted that Town was not distressed during the last application and asked if additional points would be gained in the next round if the Town becomes a distressed unit. Mr. Pohlig stated that being distressed will not earn the Town any additional points.

Commissioner DiOrio asked for verification that Town will need an interlocal agreement and merger and Ms. Miller said that interlocal agreement will be needed for the application. Commissioner DiOrio also asked for verification that the Town and Chimney Rock Village will each be able to apply for \$15 million. Mr. Houston asked if one or two applications are needed and Manager Perkins expressed that he thinks that one application for \$30 million for the merged systems should work. Mr. Pohlig noted that having two separate resolutions from each entity both agreeing to an interlocal agreement would be beneficial, and better than a joint resolution. Mr. Pohlig also noted that it would be good for the resolution to mention that the intent to merge.

Commissioner Bryant asked if there will be any issues surrounding the existing Chimney Rock Village and Rutherford County interlocal agreement. Mr. Duncan explained that the existing agreement includes 5 year warranty. It was verified that Chimney Rock Village now owns the system rather than the County. Mr. Klutz stated that ridding of the 5 year warranty should dissolve and not be an issue as long as this stipulation is approved by Rutherford County. Commissioner Proctor asked if any points towards funding would be gained if the County supports the interlocal and merger of the two entities. There was overall group consensus that the interlocal agreement and intent to merge between Chimney Rock and Lake Lure will not be concerning the Rutherford County and that the County should not be involved in that process. Mr. Klutz asked if Rutherford County received revenues from the system. Mr. Duncan said that

the County has never received revenues from the system. Mr. Kluttz expressed that he does not think that existing interlocal agreement between Chimney Rock and the County will be an issue.

There was consensus from Council to proceed as discussed during this meeting. Manager Perkins and Mr. Duncan agreed to begin drafting an interlocal agreement.

Commissioner DiOrio asked if McGill's engineering report for repairs has been received by DEQ yet and it was confirmed that it has not. Mr. Pohlig explained that the Chimney Rock engineering report is not needed for the application but may be beneficial overall. Mr. Duncan noted that report and drawings are almost complete, but have not been submitted due to unawareness of funding. Mr. Kluttz recommended a cost estimate. Mr. Pohlig asked if the \$3 million quoted in the draft engineering report specifies rehabilitation versus construction of a new system for lines or other components. Mr. Duncan answered that there are separate costs involved in Southside Drive that would not be included in the overall rehabilitation of the system. Mr. Houston asked if Southside Drive includes new customers and Mr. Duncan said they are all existing customers. Mr. Pohlig noted that applying for new lines is permitted, but reduces points. Mr. Duncan agreed that because of this, Chimney Rock will have McGill remove Southside Drive from the report. Mr. Kluttz noted that any environmental benefit will earn points. Mr. Pohlig concluded that that the merger will essentially result in the two systems being perceived as one.

Council and Manager Perkins thanked those from DEQ and Chimney Rock Village for attending.

IV. LAKE DRAWDOWN PREPARATION

Commissioner DiOrio explained that the big picture goal for this session is gain an understanding regarding the preparation drawdown in order to make it successful, including the responsibilities of each person or entity involved.

Manager Perkins noted that the Town received a list from Ruby Collins for listing what the Town needs to procure for the drawdown. Public Services Director Dean Lindsey stated that he is still in the process of obtaining quotes, but noted that the crucial items to procure this year include a Track-O, loader, and barges. Director Lindsey noted that the Town may keep the 10 x 40 barges, but can sell others after construction is complete. Commissioner DiOrio noted that Ruby-Collins team will use the Town barges, but will be in charge of gas and other payments. Manager Perkins noted that the anticipated costs of use constitutes purchasing equipment rather than renting. Commissioner DiOrio noted that if supply chain becomes an issue, renting can be an option for time purposes. Commissioner DiOrio asked what the current estimate is for procurement this year and Director Lindsey answered that it will be over \$400,000 including a \$300,000 loan for barges. Manager Perkins questioned if equipment list from Ruby-Collins should be looked at as the GLS portion of the project begins or if the Town should early procure equipment needed for the GLS. Manager Perkins noted that the procurement of some barges will be necessary this year while in the boring phase, but not all equipment will be necessary until the GLS begins. Director Lindsey stated that he is obtaining quotes only for phase one at this time. Commissioner Doster expressed support for the procurement of gas tanks.

Commissioner DiOrio asked if the equipment discussed can be procurement using ARPA funds and Brian Houston answered that his understanding is that the Town should be able to use ARPA funds.

Commissioner Doster asked Mr. Houston if he has any suggestions regarding the timeframe in which the Town can send notifications to identified residents about the construction during the upcoming drawdown. Mr. Houston noted that the only remaining requirement for the work taking place in upcoming drawdown is DEQ permitting. Mr. Houston advised that the Town does not need have wait for permitting and may proceed with notifying identified residents.

Commissioner DiOrio asked if the deep water ramp will be constructed prior to drawdown. Parks, Recreation, and Lake Director Dean Givens explained that permitting has been obtained for the land portion of the ramp, but not for the underwater portion. Director Givens also noted that the lake has to be drawn down in order to fully construct the ramp, so his plan is to construct the ramp down to 12 feet, and then complete the ramp when the Town has the ability to draw the lake down to 20 feet. Commissioner DiOrio suggested that in the meantime, the Town will likely be able to use ramp leased by Jonathan Freeman.

Commissioner DiOrio asked about the process in notifying the 23 identified property owners who will need to remove their boats for the upcoming drawdown. Manager Perkins explained that he and Communications Director Laura Krejci had discussed dispersing packages. Mr. Houston stated that notification time is dependent on how much time those people need to make preparations. Commissioner DiOrio recommended notifying them as soon as possible. Manager Perkins asked if the 23 property owners have been identified and it was confirmed that the Town is in the process of identifying the property owners. Commissioner DiOrio expressed his thought that the property owners who are unable to remove their boats from the lake will call the Town and noted that the Town could help these individuals remove their boats, but that this approach may be accompanied by liability issues. Manager Perkins asked that he receive the information of the 23 identified property owners and stated that notifications will be sent out.

Commissioner DiOrio asked about equipment storage. Director Lindsey noted that at the very least, the Town has property where equipment can be stored.

Mr. Houston noted that a permit application for the project this drawdown will be obtained at the end of August, which will allow four months for DEQ to review without existing regulations and award a permit.

V. CLOSED SESSION

Commissioner DiOrio made a motion to go into closed session in accordance with G.S. 143-318.11(a) (3) for attorney client privilege or legal claims and in accordance with G.S. 143-318.11(a) (5) for the purpose of discussing property acquisition. Commissioner Doster seconded and the motion carried 4-0.

During closed session, Council discussed Brown Engineering litigation, the petition to remove house at 117 Tryon Bay Circle, and the acquisition of properties.

Commissioner DiOrio made a motion to return to open session. Commissioner Proctor seconded and the motion carried 4-0.

VI. FEMA GRANT OPPORTUNITIES FOR THE REPLACEMENT DAM

Communications Director Laura Krejci explained that the Town has applied for two 2022 FEMA grants for the High Hazard Potential Dam grant program. Director Krejci detailed that one grant is for 30 percent of the reservoir drain valve design. Director Krejci noted that Jonathan Pittman with Schnabel has been working to project work that will take place in the future.

Director Krejci also noted that the Town was encouraged to submit an application regarding construction because FEMA is now allowing construction grants and that is the second grant recently applied for. Director Krejci explained that the reservoir drain will require construction funds. Council was provided with a synopsis of projects. It was noted that if the Town must proceed with the projects before acquiring FEMA funding, the Town can do so and rescind applications. Director Krejci explained that she was advised that the construction grant will likely be for about \$500,000, but the amount is dependent upon how much money is allocated to NC Dam Safety and how many grant applicants there are.

Commissioner DiOrio asked about the timeline of valve construction. Manager Perkins provided Council with a schedule. Mayor Pritchett noted that the valve installation does not require lake drawdown. Director explained that the Town can get prior approval, execute a contract, and then send receipts to FEMA and receive reimbursements. Manager Perkins expanded by noting that FEMA can award grants after contracts have been executed.

VII. LAKE LURE GREENSPACE DISCUSSION

Manager Perkins noted that feedback has been received regarding the current maintenance of the Lake Lure Greenspace. Manager Perkins noted the Town needs clear procedures for Greenspace maintenance moving forward.

Commissioner Doster noted that the curb appeal maintenance that is currently taking place is not working and suggested making a change to which areas are being cut.

Manager Perkins requested intent. Mayor Pritchett noted that there have been past conversations between Council and the Parks, Recreation, and Lake Department regarding the maintenance of the Greenspace and that there must have been some miscommunication.

Commissioner Doster recommended mowing specifically from tee box to six green and that the strait of way needs to be kept.

Commissioner Bryant recalled that a few years ago, bringing someone in to fully bush hog the property was discussed. Commissioner Proctor noted that a budget adjustment might be required if that were to happen.

Mayor Pritchett asked what months the Greenspace needs to be mowed and Director Givens suggested that mowing take place from April through October. Mayor Pritchett asked if it would be worth recruiting someone to accomplish this during the specified months. Commissioner Bryant noted that this had also been a topic of discussion in 2019. Director Givens noted that his department is able to maintain mowing the remainder of this year, but will part time help, at the least, if the suggested maintenance continues in the future. Director Givens noted that he has no issue in maintaining the space how Council sees fit, but needs specific guidance on procedures.

Parks, Recreation, and Trails Coordinator Dana Bradley asked for verification that the green area will be kept short, and the other areas will be cut to about 5 or 6 inches, all of which can be viewed from the roadside, and that mowing is not needed across the creek. Commissioner Doster confirmed that mowing should take place from the first tee box to the crosswalk. There was consensus from Council that the Parks, Recreation, and Lake Department should work with Manager Perkins in the future to make any other determinations regarding maintenance of the Lake Lure Greenspace.

VIII. DREDGING UPDATE

Director Givens reported that dredging is still underway and that Tim Edwards has dredged around 42,000 cubic yards of sediment out of the lake since January 1, 2022. Director Givens also reported that the Town has spent around \$490,000 towards the \$1,000,000 grant received this year.

Director Givens announced that the Town will apply for a 2023 dredging grant in November and asked if Council had a set amount of funding that they would like the Town to apply for. Director Givens recommended applying for \$1 million, which is the amount received for 2022.

Director Givens reported that the mining permit has been approved, but a bond must be sent in order to fully obtain permit. Director Givens explained that the mining permit will allow for the Town to mechanically dredge through excavation. Director Givens noted that the current plan is begin the excavation near Morse Park and noted that more excavation can take place when the lake is able to draw down more.

Director updated Council on the Temporary Dredging Easements from Chapel Point Road property owners and that 11 of the 12 property owners had submitted the easement, but one property owner could not be reached in any capacity. It was noted that the Town has been advised to proceed with operations without the remaining easement.

Commissioner DiOrio noted that applying for additional grant funding when excavation is underway might be beneficial. Director Givens reminded Council that the Town must match

25 percent of the grant regardless of the award amount. Director Givens noted that invoices can be sent in quarterly. Mayor Pritchett noted that the Town would need to have this reflected in the budget in the future, if additional funds are applied for and awarded.

Commissioner DiOrio asked if the Town can put the silt where needed with the mining permit. Director Givens explained that the silt must be disposed of outside of Town limits, but fill areas could be approved in the Town if needed. Director Givens expanded that having the silt stored in Town requires another level of permitting.

Commissioner Bryant asked if the boom on Pool Creek could be paid for with this grant. Director Givens said that the grant cannot be used for the boom on Pool Creek since it is a different subject. Commissioner Bryant asked if a portion of Pool Creek could be dug out to have a sediment catch basin. Director Givens answered that the Pool Creek area is very rocky and would be hard to do.

Commissioner Proctor asked Director Givens to provide him with information when the Town has a schedule in terms of dredging and equipment. Director Givens predicted the schedule will be from January 2023 until the lake returns to full pond for the drawdown season.

IX. FIREFLY COVE WATER SYSTEM DISCUSSION

Manager Perkins explained that Director Lindsey had been working on the Firefly Cove water system issues up to date. Manager Perkins detailed that the issues with the Firefly Cove water system have escalated to the point in which the Town needs an engineer in order to get permitting to being resolving issues and Kurt Wright, PE, is not available. Manager Perkins noted that Director Lindsey spoke with Brian Houston who reported that LaBella is willing to work with the Town and the state on obtaining permitting necessary for making improvements.

Director Lindsey explained that the system is running at this time, but the refilling of the tank is very slow and it will take time to get to normal tank levels and satisfactory pressure. Commissioner Proctor asked if water is coming from Chimney Rock now. Commissioner DiOrio answered yes, but three homes are not being reached so a booster pump is needed.

Commissioner DiOrio noted that future procedures will be better because the Town now knows that they have cross-connect access from across town in the Ingles area.

X. ADNS WI-FI NETWORK CHANGES AND UPGRADES DISCUSSION

Director Lindsey explained that the proposed network improvements are for the Community Development building, Lake Operations, and Town Hall. Council was provided with the quote detailing proposed upgrades. Director Lindsey explained that the Town is currently paying \$60 a month for Wi-Fi, but would be on a Town firewall if proposed upgrades are made.

Director Lindsey noted that building maintenance including painting is another upgrade that the Town needs.

Manager Perkins reviewed the quotes that were provided and noted that a budget amendment will be included on the agenda at the next regular meeting. Finance Director Stephen Ford will receive finalized quotes.

XI. POOL CREEK BRIDGE LIGHTING PROJECT UPDATE

Director Lindsey reported that he is awaiting a response from NCDOT regarding engineering approval to allow the Town to replace the Pool Creek Bridge lights. Director Lindsey stated that he has obtained quotes and that proceeding will be at the discretion of the Council. Mayor Pritchett asked when a response from NCDOT is expected and Director Lindsey answered that his hope is to have a response later in the week.

Commissioner DiOrio proposed to allow Public Services Department to replace lights and keep the old lights if the Town wants to refurbish them at a later date.

Commissioner Proctor asked the cost difference between new lights and refurbishing the old lights. Director Lindsey stated that refurbishing is about \$20,000 and noted that filling in column cracks is an option along with a new lantern style.

Director Lindsey noted that Lake Lure Properties has offered to help the Town with completing this project. Manager Perkins reported that he had recently spoken with Mr. Wittmer who confirmed that his company, Lake Lure Properties, is will work with Town.

Manager Perkins agreed to will into contact with Mr. Wittmer about moving forward with the project, following a response from NCDOT. Manager Perkins noted that recasting also might be looked into.

XII. COMMUNICATIONS TOWER UPDATE

Community Development Director Michael Williams noted that additional letters from Lake Lure residents have been sent to the state regarding the support and necessity of the communications tower. Director Williams explained that Tillman Infrastructure would like to go to the state to request a monopole rather than their recommendation for a stealth tower. It was noted that the Town has supported the efforts of Tillman Infrastructure and that the company hopes to receive a response from the state within a few weeks. Director Williams explained that Tillman Infrastructure is working for AT&T and ensured Council that AT&T has expressed that the company still wants to pursue the tower. Director Williams concluded that the communications tower is now expected in the first quarter of next year.

XIII. COMMUNITY DEVELOPMENT DEPARTMENT UPDATES

Director Williams reported that the Community Development Department is partially in the new office, but work is still being done to move completely. Director Williams explained that he is going to move Town documents that are currently located Public Works to the new

Community Development offices vault and will work with Town Clerk Olivia Stewman on retention and disposition efforts. Director Williams noted that the department's technological devices are in the new office building, but Internet is very weak and ADNS will be helping resolve this issue. Williams stated that he is going to contact PANGAEA as well.

Commissioner Doster asked if there is any way that fast track the budget amendment for network upgrades for Community Development. It was concluded that the Town can go proceed with the purchase of upgrades for Community Development without Council approval because the cost does not exceed \$5,000.

Director Williams also reported that he is working to begin the process of hiring the previously approved Zoning and Code Enforcement Specialist.

XIV. PROJECT MANAGER SEARCH UPDATE

Manager Perkins provided Council with a tentative calendar and timeline for hiring the Project Manager. Manager Perkins explained that various outside sources will be used to recruit qualified candidates. Manager Perkins also mentioned that he will be reaching out to qualified candidates via email and phone. Manager Perkins concluded that the Town is expected to have hired the Project Manager by October.

XV. LAKE ADVISORY BOARD MEMBER APPOINTMENT

Commissioner DiOrio paid respect to Bill Bay, whose passing lead to a vacancy on the Lake Advisory Board (LAB). Commissioner DiOrio recommended the appointment of Richard Sayles to the LAB. Commissioner DiOrio explained that Mr. Sayles previously served on the recently disbanded Utility Advisory Board and is a responsible individual. Commissioner DiOrio noted that Mr. Sayles' term expire when Mr. Bay's term was scheduled to expire.

Commissioner Doster made a motion to appoint Richard Sayles to the Lake Advisory Board. Commissioner DiOrio seconded and the motion carried 4-0.

XVI. ADJOURMENT

Commissioner Bryant motioned to adjourn the meeting. Commissioner DiOrio seconded and all voted in favor. The meeting was adjourned at 2:32 p.m.

ATTEST:

Olivia Stewman, Town Clerk

Mayor Carol C Pritchett

**LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION
Meeting Date: August 9, 2022**

SUBJECT: Resolution No. 22-08-09 Adopting the 2021 Records Retention and Disposition Schedules for Local Government Including the General Records Schedule and Program Records Schedule for Municipal Government

AGENDA INFORMATION:

Agenda Location: Consent
Item Number: B
Department: Administration
Contact: Olivia Stewman, Town Clerk
Presenter: Olivia Stewman, Town Clerk

BRIEF SUMMARY:

Per the North Carolina Department of Natural and Cultural Resources Website:

Beginning in 2019, the Government Records Section of the Department of Natural and Cultural Resources, “*excised common records standards, such as Legal and Personnel, from the individual retention and disposition schedules and combined them into the General Records Schedule for Local Government Agencies. All local government agencies should use the General Records Schedule for Local Government Agencies alongside the program schedule that covers the specific work assigned to your office.*”

“These schedules must be approved by the local governing board before they can be used to authorize the destruction of public records. This approval should be made in a regular meeting and recorded as an action in the minutes. It may be accomplished as part of the consent agenda, by resolution, or by other action...”

The purpose of Resolution No. 22-08-09 is to adopt the most recent version (October 2021) of the Records Retention and Disposition Schedules for local government including the General Records Schedule and Program Records Schedule for municipal government.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

Adopt Resolution No. 22-08-09 Adopting the 2021 Records Retention and Disposition Schedules for Local Government Including the General Records Schedule and Program Records Schedule for Municipal Government

ATTACHMENTS:

Resolution No. 22-08-09

STAFF’S COMMENTS AND RECOMMENDATIONS:

Staff recommends approval of Resolution No. 22-08-09



RESOLUTION NO. 22-08-09

RESOLUTION BY TOWN OF LAKE LURE TOWN COUNCIL ADOPTING THE 2021 RECORDS RETENTION AND DISPOSITION SCHEDULES FOR LOCAL GOVERNMENT INCLUDING THE GENERAL RECORDS SCHEDULE AND PROGRAM RECORDS SCHEDULE FOR MUNICIPAL GOVERNMENT

WHEREAS, “Public Record” means any document, paper, letter, map, book, photograph, film, sound recording, magnetic or other tape, electronic data-processing record, artifact, or other documentary material, despite physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions; and

WHEREAS, without a records retention program, public records can accumulate, causing the need for additional storage space, and without a schedule for disposal, valuable documents can be mistakenly discarded; and

WHEREAS, G. S. § 121- 5 and G. S. § 132- 3 require a municipality to approve the current schedule in order to conduct routine disposal of records which must otherwise be retained without specific permission for disposal by the Division of Archives and Records; and

WHEREAS, the Town of Lake Lure elects to utilize the Agency Policy option for specified items recorded within the North Carolina Department of Cultural Resources Record Retention and Disposition Schedule.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Lake Lure, North Carolina:

Section 1. The Town of Lake Lure hereby adopts the adopts the October 1, 2021 Municipal General Records Retention and Disposition General Records and Program Record Schedules, and the Agency Policy options for specified items within the Schedules as presented in accordance with the provisions of Chapters 121 and 132 of the General Statutes of North Carolina, copies of which are on file in the office of the Town Clerk.

Section 2. This schedule is to remain in effect from the date of approval and adoption until it is reviewed and updated.

READ, APPROVED, AND ADOPTED this 9th day of August, 2022.

ATTEST:

Olivia Stewman, Town Clerk

Mayor Carol C. Pritchett

VIII

NEW BUSINESS

- A. Budget Amendment #339 - ADNS Wi-Fi Network Changes and Upgrades

- B. Discussion Regarding Lake Lure Tours Concession Agreement and Off-Season Beach Opening/Closing Request

**LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION**

Meeting Date: August 9, 2022

SUBJECT: Requested Budget Amendment (BA #339) for ADNS Wi-Fi Network Changes and Upgrades

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: A
Department: Finance
Contact: Stephen Ford, Finance Director
Presenter: Dean Lindsey, Mike Williams and Hank Perkins

BRIEF SUMMARY:

To increase funding for expenses related to IT contracted services and repairs and maintenance of buildings.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

Approve Budget Amendment #339

FUNDING SOURCE:

General Fund – Transfer from Fund Balance

ATTACHMENTS:

BA #339; Itemized Inventory

STAFF'S COMMENTS AND RECOMMENDATIONS:

Recommended approval from Public Services and Community Development.

**TOWN OF LAKE LURE
BUDGET AMENDMENT**

Be it ordained by the Board of Commissioners of the Town of Lake Lure that the following amendment be made to the budget ordinance for the fiscal year ending June 30, 2023:

Department: Administration

Purpose: In order to fund additional expenses related to IT contracted services and repairs and maintenance of buildings:

Section 1. To amend the General Fund, the expenditures are to be changed as follows:

Line Item	Account Number	Amount Decrease	Amount Increase	Amended Budget
691	10-413000		\$18,700	\$ 65,200
350	10-41300		\$58,075	\$ 70,575

To provide the additional expenditures for the above, the following revenues will be increased:

Account Name: **Transfer from Fund Balance**
Account Number: **10-398604**
Amount: **\$ 76,775**

Section 2. I certify that the accounting records provide for this budget amendment, and that the revenue source(s) are available:

Finance Officer

Date

Section 3. Copies of this amendment shall be delivered to the Budget/Finance Officer and Town Auditor for their direction.

Adopted this _____ day of _____, 2022.

**Listing of Tasks and Upgrades for Budget Transfer Request
Amendment # 339**

Town Hall Painting to include completion of interior	\$14,375.00
Police Department-Interior Painting	\$5,350.00
Police Boat House Exterior Pressure Washing and Painting	\$3,650.00
Lake Ops Interior Painting	\$9,500.00
Office Upgrades-Lake OPS and Administration	\$9,500.00
Town Hall Exterior Pressure Washing and Painting	\$15,700.00
	<hr/>
	\$58,075.00

ADNS Contracted Services-Community Development	\$2,900.00
ADNS Contracted Services Public Services	\$15,800.00
	<hr/>
	\$18,700.00

Total	\$76,775.00
--------------	--------------------



Advanced Data & Network Solutions
 60 Ravenscroft Dr
 Asheville, NC 28801

QUOTE



Date	Quote #
07/13/22	ASHQ8575

Town of Lake Lure
 Dean Lindsey
 2948 Memorial Hwy
 Lake Lure, NC 28746
 United States

Phone:
Fax:

Phone: 828-285-8882
 Email: nathan@adnsolutions.com
 Fax: 828-281-2772

Valid For	Term	Rep	P.O. Number
15 Days		Nathan	

Ln #	Description	Qty	Unit Price	Ext. Price
1	Fortinet FortiAP FAP-231F 802.11ax 1.73 Gbit/s Wireless Access Point - 2.40 GHz, 5 GHz - MIMO Technology - 2 x Network (RJ-45) - Gigabit Ethernet - 17 W - Ceiling Mountable, Wall Mountable, Rail-mountable	7	\$619.00	\$4,333.00
				
2	Fortinet FortiSwitch 124F-FPOE Ethernet Switch - 24 Ports - Manageable - 2 Layer Supported - Modular - 370 W PoE Budget - Optical Fiber, Twisted Pair - PoE Ports - 1U High - Rack-mountable - Lifetime Limited Warranty	1	\$1,450.00	\$1,450.00
				
3	Fortinet FortiSwitch 108F-FPOE Ethernet Switch - 8 Ports - Manageable - Gigabit Ethernet - 10/100/1000Base-T, 1000Base-X - 2 Layer Supported - Modular - 2 SFP Slots - Power Supply - 139.20 W Power Consumption - 130 W PoE Budget - Optical Fiber, Twisted Pair - PoE Ports - 1U High - Desktop, Rack-mountable - Lifetime Limited Warranty	1	\$556.00	\$556.00
				
4	TRENDnet 1000Base-SX Industrial SFP to RJ45 Multi-Mode LC Module; TI-MGBSX; Up to 550m (1;804 Ft); IEE 802.3z; ANSI Fiber Channel; Data Rates up to 1.25Gbps; LC-Type Duplex; Lifetime Protection - 1000Base-SX Industrial SFP Multi-Mode LC Module (550 m)	4	\$37.99	\$151.96
				
5	Fortinet FortiAP FAP-234F 802.11ax 1.73 Gbit/s Wireless Access Point - 2.40 GHz, 5 GHz - MIMO Technology - 2 x Network (RJ-45) - Gigabit Ethernet - 15.50 W - Ceiling Mountable, Wall Mountable, Rail-mountable, Desktop, Pole-mountable	2	\$1,124.00	\$2,248.00
				

Ln #	Description	Qty	Unit Price	Ext. Price
6	Project Plan and Labor- 24 hours	1	\$3,600.00	\$3,600.00



Setup and install the following equipment in the following locations.

Lake Ops
 3 to 4 sfp ports
 Direct fiber from town hall
 direct fiber to dam
 direct fiber from new connection for dam monitor
 need 24p forti switch with sfp
 Indoor forti wifi
 Ourdorr forti wifi

Dam (Emergency repair needed on fiber line!)
 Has fiber to Lake OPs
 converter is dead at damn-- need new converters now
 need 8p forti switch with sfp and forti ap
 Outdoor ForiAP
 Battery backup

Public works
 Direct fiber link to town hall
 1 forti wifi

Town hall
 Head of fiber for other locations
 3 forti wifi

Fire dept.
 Direct fiber link to Town hall
 Curently has one hosted ruckus
 1 forti wifi

Monthly Recurring Price

One Time Price

Monthly Price \$0.00

SubTotal	\$12,338.96
Sales Tax	\$611.73
Shipping	\$0.00

Term:

Total \$12,950.69

By signing below you agree to the terms of Advanced Data & Network Solutions and agree to pay the full amount as shown. Applicable sales tax will be added on all qualifying products. A 100% deposit for all hardware items and 50% deposit of the labor amount is required before any product is ordered or any service is scheduled.

07/13/22	ASHQ8575	Accepted for Advanced Data & Network Solutions, Inc. by:	
Date of Agreement	Quote #		
Town of Lake Lure		Nathan Marcho	
Customer		Account Representative	
Customer Signature		Account Representative Signature	Date
Print Name	Title	Corporate Approval Signature	Date



Munoz Guido Painters

Marlon Munoz.
Hendersonville NC 28792
☎ (828)4905916
☒ (828)4897833
www.munozguidopainters.com
mmunozcalderas1999@gmail.com

ESTIMATE

EST0043

DATE

05/31/2022

TOTAL

USD \$14,373.00

TO

Town of lake lure

2948 memorial hwy
☒ 8287726134
dlindsey@townoflakelure.com

DESCRIPTION	RATE	QTY	AMOUNT
Interior and exterior project WALLS, TRIM, DOORS AND CEILING.	\$14,373.00	1	\$14,373.00
Big Livingroom:\$ 6,480			
Small Livingroom: \$1,140			
Closets: \$ 772			
Kitchen:\$ 720			
W. Bathrooms:\$585			
M. Bathroom:\$ 450			
Office: \$528			
Office:\$528			
Ceiling one coat of clear: \$570			
This includes Materials and paint			
EXTERIOR PROJECT CEILING.			
All Ceilings around the house including put one coat of clear.\$ 2,600			

SUBTOTAL \$14,373.00

TAX \$0.00

TOTAL USD \$14,373.00

TOWN HALL INTERIOR



Munoz Guido Painters

Marlon Munoz.
Hendersonville NC 28792
☎ (828)4905916
☒ (828)4897833
www.munozguidopainters.com
mmunozcalderas1999@gmail.com

ESTIMATE

EST0053

DATE

07/20/2022

TOTAL

USD \$3,650.00

TO

Town of lake lure

2948 memorial hwy
☒ 8287726134
dlindsey@townoflakelure.com

DESCRIPTION	RATE	QTY	AMOUNT
boat house It includes the whole house painting and washing it and the floor that is around it includes washing it. includes paint and materials	\$3,650.00	1	\$3,650.00
SUBTOTAL			\$3,650.00
TAX			\$0.00
TOTAL			USD \$3,650.00

DATE SIGNED

07/22/2022

Police BOAT House



Munoz Guido Painters

Marlon Munoz.
Hendersonville NC 28792
☎ (828)4905916
☒ (828)4897833
www.munozguidopainters.com
mmunozcalderas1999@gmail.com

ESTIMATE

EST0054

DATE

07/22/2022

TOTAL

USD \$5,350.00

TO

Town of lake lure

2948 memorial hwy
☒ 8287726134
dlindsey@townoflakelure.com

DESCRIPTION	RATE	QTY	AMOUNT
Police apartments painting project It includes two bathrooms, a small room, a closet, the entrance, hallways, some doors and the gym. Includes paint and materials.	\$5,350.00	1	\$5,350.00
SUBTOTAL			\$5,350.00
TAX			\$0.00
TOTAL			USD \$5,350.00

Police dept.

DATE SIGNED

07/23/2022



Munoz Guido Painters

Marlon Munoz.
Hendersonville NC 28792
☎ (828)4905916
☒ (828)4897833
www.munozguidopainters.com
mmunozcalderas1999@gmail.com

ESTIMATE

EST0056

DATE

08/02/2022

TOTAL

USD \$15,700.00

TO

Town of lake lure

2948 memorial hwy
☒ 8287726134
dlindsey@townoflakelure.com

DESCRIPTION	RATE	QTY	AMOUNT
Exterior project To paint all the exterior of the building includes a stain door of the main entrance and a part of the interior to put stain on it. Includes paint and supplies.	\$15,700.00	1	\$15,700.00

SUBTOTAL	\$15,700.00
TAX	\$0.00
TOTAL	USD \$15,700.00

TOWN HALL EXTERIOR

DATE SIGNED

08/02/2022

**LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION
Meeting Date: August 9, 2022**

SUBJECT: Discussion Regarding Lake Lure Tours Concession Agreement and Off-Season Beach Opening/Closing Request

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: B
Department: Beach
Contact: George Wittmer, Lake Lure Tours President
Presenter: Hank Perkins, Town Manager

BRIEF SUMMARY:

Last year, Town Council approved the request from Lake Lure Tours in regard to the beach closing and opening schedule. Lake Lure Tours is requesting that a similar schedule be approved this year. Additionally, Lake Lure Tours is asking that the existing Concession Agreement reflect the adjustment of beach operating hours. Additional information will be provided and this item will be open for discussion.

ATTACHMENTS:

TBD

IX
ADJOURNMENT