

LAKE LURE TOWN COUNCIL REGULAR MEETING PACKET

Tuesday, September 13, 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, September 13, 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 August 9, 2022 Regular Town Council Meeting Minutes, the August 23, 2022 Special Town Council Round Table Meeting Minutes, the August 24, 2022 Regular Town Council Work Session Meeting Minutes, and the August 25, 2022 Special Town Council Round Table Meeting Minutes
- B. Ordinance No. 22-09-13 Amending Code of Ordinances Section 4-2. Dangerous dogs; barking; leash requirements.
- C. Budget Amendment #340 - Additional Costs for Capital Items Related to Maintenance Equipment for the Public Services Department
- D. Budget Amendment #341 - Additional Costs for Contracted Services Related to WWTP Sludge Removal
- E. Budget Amendment #342 - Police Vehicle Repair
- F. Suspension of Chapter 8 Article II: "Peddlers" of the Code of Ordinances and Waiver of the Noise Regulation, Chapter 20 Article II, for Hickory Nut Gorge (HNG) Outreach 2022 Fall Lake Lure Arts and Crafts Festival scheduled for October 15-15, 2022 in front of the Arcade Building.

VIII. Unfinished Business

IX. New Business

- A. Request from Property Owner, Josh Skudlarick, of 315 Lakeview Road for Written Approval from Town Council for Adding Fill at or Below the Lake Shoreline. (Parcel #225319)

X. Adjournment

III
MAYOR'S
COMMUNICATIONS

IV
TOWN MANAGER'S
COMMUNICATIONS



Town Manager Report August 2022

Below are the August 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 was completed for town employees with access to the ShareNet Portal to address issues in town. Continued work on adding the Town assets to the CMMS system. The Citizen App on the Town website was released on the website in August. Top three accomplishments/project updates:

- The Automation at the dam is complete.
- The remodel of the Chemical Room at the Waste Water Treatment Plant was completed.
- Public Services has pressure washed and thoroughly cleaned the bridge over the Dam.

Community Development – Director Williams reports another active month for community development. The department issued 30 permits, performed numerous follow ups. This includes 15 Zoning permits, 4 lake Structure permits and 2 Vacation Rental Operator permits. Enforcement activity continues to be active, both from public complaints and staff-discovered violations, resulting in significant increase in time spent on those issues. We are spending a lot of time dealing with land disturbance issues due to inadequate erosion/sediment runoff, usually involving failure to follow approved development plan. These are serious issues due to the amount of damage that can result and since we act as a local program for the State to enforce these land disturbance protections. We are identifying ways to better manage and follow-up on land disturbance projects, especially using the staff person we will be hiring to handle more administrative tasks, allowing Rick and I to be in the field more. Also working on issues with public communication and complaints of being too “heavy handed” that have been more prevalent as enforcement efforts have stepped up. Continuing to follow-up on the Highlands sediment & erosion issues and will be inspecting 9/6 after the heavy rain events of the past week. Slope has been stabilized and the rechanneling of storm water has been connected. Should be an excellent indicator of the work that has been done. Top three accomplishments/project updates:

- Revised proposed 3rd CDD position to meet current and expanding work demands. Focus is going to be administrative support for permits and reporting, allowing current staff more time to follow-up on-going development projects in the field and to develop mapping/GIS support. Have new description to aid in recruiting.

- Was finally able to get printing and working server access on September 1st. Now have WiFi access for cell phones but still no office phone capability. Office transition has been a slow and time consuming process. Looking forward to being fully transitioned to Arcade Building by mid-September (based on estimates from ADNS).
- 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. Last contact with AT&T and Tillman reported that SHPO is considering request for regular monopole but they want more information.

Fire / Emergency Management – With the summer winding down, it was still a busy month in August. The department responded to 70 calls throughout the month. Additionally, members of the department completed a total of 257 hours of training in August. The department held active shooter training at LLCA and participated in community Round Tables at Town Hall and Rumbling Bald.

Police – Traffic has been consistent and remained heavy in town especially on the weekends. Top three accomplishments in August:

- Upon request from LLCA for Active Shooter Training, Officer Shuford, who is a Rapid Response Instructor, developed a presentation based on a plan of response to our specific school. Lake Lure Police, Lake Lure Fire, and the majority of the LLCA staff attended this training. Teachers and School Director Barbara Cohen gave high accolades for Officer Shufford’s preparedness and instructions for the staff.
- At the invitation of Rutherford County Sheriff’s Department, Lake Lure Officers were invited to join in training for response to an active shooter. This training was offered on several occasions during the month giving all officers a chance to attend.
- Officer Shuford obtained his Federal Aviation Administration Drone Pilot’s License becoming the first member of our Aviation Team. The LLPD Drone arrived mid-month and has already taken its maiden flight. The purchase of this drone was achieved with donations from the Night of Honors as well as miscellaneous contributions to LLPD from various individuals.

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 Buffalo Creek Park workday on 8/9 with 5 volunteers for 20 hours of work. Total volunteer hours for the month was 128 working in various areas. 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
- Buffalo Creek Park parking lot Ribbon Cutting.
- Continued building RecDesk software

Finance –The finance report is available upon request. Revenues and Expenditures Reports are provided as separate attachments as supplements to this summary. As continually to be expected, expenditures outpaced revenues early in this fiscal year due to revenue sources disbursing funds

later in the fiscal year. However the Town still has a strong financial position with an unreconciled bank balance of \$7,044,000.00 for all funds other than special revenue.

- The Finance Department continues to be fully engaged with annual audit as field work is concluded but several outstanding items remain due to the addition of a single audit being performed on the dredging grant as well as significant variances from prior years are being reviewed
- Receipt of funds related to reimbursements for engineering and related expenses have been received in the approximate amount of \$200,000. These expenses were submitted by Laura Krejci on behalf of the town.
- Review of internal controls continues with a plan to be submitted to the Town Manager this month and a quick implementation of related procedures quickly thereafter.

Communications – Communications Director Krejci continues her community outreach as she has posted 26 news articles that illustrate town related news, a listing of these articles with hyperlinks was emailed to over 1564 citizens, along with a link to the Town Calendar of Events. **Social Media:** Published **30 Facebook posts** for the community with a **post reach of 39,244** for the month. The Town of Lake Lure has **18,419 followers** as of August 2022, representing a **6% increase** over August 2021 with 17,351 followers. Top projects/activities:

- Received reimbursement for two FEMA Grants totaling \$158,781
- Successfully coordinated communication with Phase One Sewer System Replacement property owners.
- Increased communication of key issues through website (12,500+ Users), social media posts (reach of 39,200+), and coordination of Round Table Meetings with 60 attendees. Published online summary.

Manager / Clerk / Admin Summary

August 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 on directional drilling (HDD) activities in the future. HDD permitting was approved in August by NCDEQ. In the midst of major project, the Town continues to strengthen the relationship with state entities.

10 GENERAL FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
411000	COMMISSION						
411000	COMMISSION						
	102 Salaries-Part Time	1,100.00	2,200.00	13,200.00	13,200.00	11,000.00	17 %
	109 FICA	84.15	168.30	1,100.00	1,100.00	931.70	15 %
	214 Supplies-Dept	0.00	72.17	3,000.00	3,000.00	2,927.83	2 %
	215 Supplies-Materials	5,000.00	5,000.00	15,000.00	15,000.00	10,000.00	33 %
	310 Travel and Transportation	0.00	0.00	2,750.00	2,750.00	2,750.00	%
	Account Total:	6,184.15	7,440.47	35,050.00	35,050.00	27,609.53	21 %
	Account Group Total:	6,184.15	7,440.47	35,050.00	35,050.00	27,609.53	21 %
413000	ADMINISTRATION						
413000	ADMINISTRATION						
	100 SALARIES	30,276.46	60,712.84	471,151.00	471,151.00	410,438.16	13 %
	103 Professional Services	4,500.00	4,500.00	58,600.00	58,600.00	54,100.00	8 %
	109 FICA	2,275.94	4,563.26	36,065.00	36,065.00	31,501.74	13 %
	110 Retirement	5,749.51	11,383.29	85,280.00	85,280.00	73,896.71	13 %
	111 Group Insurance	3,197.90	6,405.00	60,600.00	60,600.00	54,195.00	11 %
	120 401 (K) Contribution	530.30	1,017.70	23,600.00	23,600.00	22,582.30	4 %
	180 Legal Services	4,612.59	15,600.19	49,200.00	49,200.00	33,599.81	32 %
	190 Engineering Services	0.00	0.00	25,000.00	25,000.00	25,000.00	%
	214 Supplies-Dept	1,844.83	2,004.78	8,000.00	8,000.00	5,995.22	25 %
	215 Supplies-Materials	0.00	0.00	2,300.00	2,300.00	2,300.00	%
	310 Travel and Transportation	1,468.09	1,481.25	6,500.00	6,500.00	5,018.75	23 %
	320 Postage	0.00	0.00	4,000.00	4,000.00	4,000.00	%
	322 Printing	0.00	0.00	1,200.00	1,200.00	1,200.00	%
	324 Dues and Subscriptions	1,274.15	1,274.15	6,500.00	6,500.00	5,225.85	20 %
	330 Utilities	0.00	0.00	25,000.00	25,000.00	25,000.00	%
	350 Repairs and Maint-Buildings	0.00	0.00	12,500.00	12,500.00	12,500.00	%
	353 Repairs and Maint-Equipment	0.00	0.00	4,000.00	4,000.00	4,000.00	%
	370 Advertising	0.00	0.00	2,000.00	2,000.00	2,000.00	%
	614 Lobbyist	5,000.00	15,000.00	60,000.00	60,000.00	45,000.00	25 %
	687 Contractual - County Tax	0.00	0.00	16,000.00	16,000.00	16,000.00	%
	691 Contractual Services	1,141.37	7,272.37	73,275.00	73,275.00	66,002.63	10 %
	Account Total:	61,871.14	131,214.83	1,030,771.00	1,030,771.00	899,556.17	13 %
	Account Group Total:	61,871.14	131,214.83	1,030,771.00	1,030,771.00	899,556.17	13 %
420000	CENTRAL SERVICES-Technology &						
420000	CENTRAL SERVICES-Technology & Telecommunications						
	109 FICA	3.52	3.52	0.00	0.00	-3.52	%
	111 Group Insurance	9.45	9.45	0.00	0.00	-9.45	%
	321 Telephone	1,832.11	2,568.22	25,500.00	25,500.00	22,931.78	10 %
	325 Internet Services	1,230.90	1,230.90	4,800.00	4,800.00	3,569.10	26 %
	380 IT Support Services	0.00	0.00	79,720.00	79,720.00	79,720.00	%
	527 TECH-Website Update	0.00	0.00	4,100.00	4,100.00	4,100.00	%
	Account Total:	3,075.98	3,812.09	114,120.00	114,120.00	110,307.91	3 %
	Account Group Total:	3,075.98	3,812.09	114,120.00	114,120.00	110,307.91	3 %

10 GENERAL FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
431000	POLICE						
431000	POLICE						
100	SALARIES	41,497.64	85,290.35	541,523.00	541,523.00	456,232.65	16 %
101	OVERTIME	221.66	221.66	5,000.00	5,000.00	4,778.34	4 %
102	Salaries-Part Time	905.63	2,228.63	35,000.00	35,000.00	32,771.37	6 %
104	Separation Allowance-Law	1,460.16	2,920.32	20,500.00	20,500.00	17,579.68	14 %
109	FICA	3,308.08	6,893.94	46,300.00	46,300.00	39,406.06	15 %
110	Retirement	8,014.36	16,139.62	106,600.00	106,600.00	90,460.38	15 %
111	Group Insurance	6,397.64	12,811.84	94,200.00	94,200.00	81,388.16	14 %
112	Special Benefit Fund-Police	2,085.98	4,275.59	25,525.00	25,525.00	21,249.41	17 %
212	Supplies-Fuel	916.00	916.00	27,500.00	27,500.00	26,584.00	3 %
214	Supplies-Dept	2,210.61	2,270.28	12,000.00	12,000.00	9,729.72	19 %
217	Supplies-Uniforms	1,367.08	5,399.49	10,000.00	10,000.00	4,600.51	54 %
220	Alcohol & Drug Ed.	0.00	0.00	1,000.00	1,000.00	1,000.00	%
310	Travel and Transportation	509.00	537.08	2,500.00	2,500.00	1,962.92	21 %
324	Dues and Subscriptions	689.90	689.90	6,300.00	6,300.00	5,610.10	11 %
333	Utilities-Boat House and Range	0.00	0.00	500.00	500.00	500.00	%
353	Repairs and Maint-Equipment	1,536.81	1,536.81	3,750.00	3,750.00	2,213.19	41 %
354	Repairs and Maint-Vehicles	2,259.42	2,259.42	25,000.00	25,000.00	22,740.58	9 %
490	Miscellaneous	0.00	0.00	1,000.00	1,000.00	1,000.00	%
524	Computers	9,549.16	9,549.16	10,000.00	10,000.00	450.84	95 %
691	Contractual Services	0.00	0.00	20,050.00	20,050.00	20,050.00	%
	Account Total:	82,929.13	153,940.09	994,248.00	994,248.00	840,307.91	15 %
	Account Group Total:	82,929.13	153,940.09	994,248.00	994,248.00	840,307.91	15 %
434000	FIRE						
434000	FIRE						
100	SALARIES	27,713.60	57,754.19	360,453.00	360,453.00	302,698.81	16 %
101	OVERTIME	0.00	0.00	20,000.00	20,000.00	20,000.00	%
102	Salaries-Part Time	580.50	1,066.50	35,000.00	35,000.00	33,933.50	3 %
109	FICA	2,100.56	4,371.59	31,795.00	31,795.00	27,423.41	14 %
110	Retirement	5,262.80	10,440.55	67,800.00	67,800.00	57,359.45	15 %
111	Group Insurance	4,477.06	8,967.00	66,200.00	66,200.00	57,233.00	14 %
120	401 (K) Contribution	1,018.42	2,052.13	18,723.00	18,723.00	16,670.87	11 %
212	Supplies-Fuel	489.92	489.92	20,000.00	20,000.00	19,510.08	2 %
214	Supplies-Dept	3,156.01	3,209.27	3,000.00	3,000.00	-209.27	107 %
215	Supplies-Materials	517.00	517.00	9,000.00	9,000.00	8,483.00	6 %
217	Supplies-Uniforms	645.58	645.58	4,000.00	4,000.00	3,354.42	16 %
218	Supplies-Equipment	0.00	0.00	20,000.00	20,000.00	20,000.00	%
310	Travel and Transportation	1,042.00	1,042.00	5,000.00	5,000.00	3,958.00	21 %
324	Dues and Subscriptions	1,061.00	1,061.00	8,100.00	8,100.00	7,039.00	13 %
330	Utilities	0.00	0.00	11,500.00	11,500.00	11,500.00	%
351	Repairs and Maint-Grounds	245.00	245.00	5,000.00	5,000.00	4,755.00	5 %
353	Repairs and Maint-Equipment	493.42	512.39	15,000.00	15,000.00	14,487.61	3 %
354	Repairs and Maint-Vehicles	11,737.28	11,737.28	20,000.00	20,000.00	8,262.72	59 %
490	Miscellaneous	0.00	0.00	3,000.00	3,000.00	3,000.00	%
514	Protective Clothing	0.00	0.00	14,000.00	14,000.00	14,000.00	%
553	RADIO REPLACEMENT	0.00	0.00	10,000.00	10,000.00	10,000.00	%
693	Fairfield Volunteer Fire Dept	0.00	33,500.00	67,000.00	67,000.00	33,500.00	50 %
694	Chimney Rock Volunteer Fire	0.00	17,500.00	35,000.00	35,000.00	17,500.00	50 %
695	Bills Creek Volunteer Fire	0.00	21,400.00	42,800.00	42,800.00	21,400.00	50 %

10 GENERAL FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
Account Total:		60,540.15	176,511.40	892,371.00	892,371.00	715,859.60	20 %
Account Group Total:		60,540.15	176,511.40	892,371.00	892,371.00	715,859.60	20 %
451000 PUBLIC WORKS-STREETS							
451000 PUBLIC WORKS-STREETS							
100	SALARIES	18,460.87	38,388.99	400,816.00	400,816.00	362,427.01	10 %
101	OVERTIME	0.00	0.00	15,000.00	15,000.00	15,000.00	%
109	FICA	1,393.35	2,904.30	31,392.00	31,392.00	28,487.70	9 %
110	Retirement	3,505.72	7,188.72	72,010.00	72,010.00	64,821.28	10 %
111	Group Insurance	3,188.45	6,395.55	77,220.00	77,220.00	70,824.45	8 %
120	401 (K) Contribution	770.88	1,580.98	20,555.00	20,555.00	18,974.02	8 %
211	Supplies-Automotive	0.00	0.00	25,000.00	25,000.00	25,000.00	%
214	Supplies-Dept	119.99	119.99	1,200.00	1,200.00	1,080.01	10 %
215	Supplies-Materials	1,262.79	1,283.39	35,000.00	35,000.00	33,716.61	4 %
217	Supplies-Uniforms	875.97	875.97	8,000.00	8,000.00	7,124.03	11 %
310	Travel and Transportation	0.00	0.00	500.00	500.00	500.00	%
331	Utilities-Street Lights	585.18	585.18	15,000.00	15,000.00	14,414.82	4 %
334	Utilities-Buildings	0.00	0.00	11,500.00	11,500.00	11,500.00	%
350	Repairs and Maint-Buildings	142.12	142.12	25,000.00	25,000.00	24,857.88	1 %
351	Repairs and Maint-Grounds	2,996.64	2,996.64	12,000.00	12,000.00	9,003.36	25 %
353	Repairs and Maint-Equipment	4,378.34	4,378.34	30,000.00	30,000.00	25,621.66	15 %
354	Repairs and Maint-Vehicles	4,493.29	4,493.29	20,000.00	20,000.00	15,506.71	22 %
691	Contractual Services	0.00	0.00	4,000.00	4,000.00	4,000.00	%
Account Total:		42,173.59	71,333.46	804,193.00	804,193.00	732,859.54	9 %
Account Group Total:		42,173.59	71,333.46	804,193.00	804,193.00	732,859.54	9 %
472000 SANITATION							
472000 SANITATION							
691	Contractual Services	14,915.00	29,830.00	177,000.00	177,000.00	147,170.00	17 %
692	Contractual Services-Recycling	1,456.00	2,912.00	14,400.00	14,400.00	11,488.00	20 %
696	Tipping Fees	2,968.56	5,653.56	38,000.00	38,000.00	32,346.44	15 %
Account Total:		19,339.56	38,395.56	229,400.00	229,400.00	191,004.44	17 %
Account Group Total:		19,339.56	38,395.56	229,400.00	229,400.00	191,004.44	17 %
473000 DAM/Watershed Protection							
473000 DAM/Watershed Protection							
351	Repairs and Maint-Grounds	3,650.00	3,650.00	9,000.00	9,000.00	5,350.00	41 %
352	Repairs and Maint-Dam	960.00	960.00	14,000.00	14,000.00	13,040.00	7 %
Account Total:		4,610.00	4,610.00	23,000.00	23,000.00	18,390.00	20 %
Account Group Total:		4,610.00	4,610.00	23,000.00	23,000.00	18,390.00	20 %
492000 ECONOMIC DEVELOPMENT							
492000 ECONOMIC DEVELOPMENT							
100	SALARIES	3,837.44	7,566.95	63,100.00	63,100.00	55,533.05	12 %
109	FICA	293.34	578.28	4,800.00	4,800.00	4,221.72	12 %
110	Retirement	728.72	1,419.57	11,400.00	11,400.00	9,980.43	12 %
111	Group Insurance	639.58	1,281.00	9,500.00	9,500.00	8,219.00	13 %
120	401 (K) Contribution	191.88	378.36	3,300.00	3,300.00	2,921.64	11 %
585	Community Branding	2,135.88	2,135.88	15,500.00	15,500.00	13,364.12	14 %
Account Total:		7,826.84	13,360.04	107,600.00	107,600.00	94,239.96	12 %

10 GENERAL FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
Account Group Total:		7,826.84	13,360.04	107,600.00	107,600.00	94,239.96	12 %
493000 COMMUNITY DEVELOPMENT							
493000 COMMUNITY DEVELOPMENT							
100	SALARIES	9,312.36	18,645.10	279,601.00	279,601.00	260,955.90	7 %
109	FICA	706.76	1,414.97	21,227.00	21,227.00	19,812.03	7 %
110	Retirement	1,768.42	3,496.01	50,500.00	50,500.00	47,003.99	7 %
111	Group Insurance	1,279.16	2,562.00	38,410.00	38,410.00	35,848.00	7 %
120	401 (K) Contribution	248.26	496.52	13,930.00	13,930.00	13,433.48	4 %
180	Legal Services	379.80	1,558.20	20,000.00	20,000.00	18,441.80	8 %
212	Supplies-Fuel	0.00	0.00	1,000.00	1,000.00	1,000.00	%
214	Supplies-Dept	0.00	0.00	5,500.00	5,500.00	5,500.00	%
310	Travel and Transportation	0.00	0.00	4,000.00	4,000.00	4,000.00	%
324	Dues and Subscriptions	0.00	0.00	1,000.00	1,000.00	1,000.00	%
370	Advertising	0.00	0.00	1,000.00	1,000.00	1,000.00	%
410	RENTS	3,075.00	4,650.00	18,000.00	18,000.00	13,350.00	26 %
691	Contractual Services	0.00	0.00	17,000.00	17,000.00	17,000.00	%
Account Total:		16,769.76	32,822.80	471,168.00	471,168.00	438,345.20	7 %
Account Group Total:		16,769.76	32,822.80	471,168.00	471,168.00	438,345.20	7 %
613000 PARKS, RECREATION & LAKE							
613000 PARKS, RECREATION & LAKE							
100	SALARIES	21,671.44	43,219.40	280,000.00	280,000.00	236,780.60	15 %
102	Salaries-Part Time	330.75	1,338.76	0.00	0.00	-1,338.76	%
109	FICA	1,569.76	3,211.94	22,500.00	22,500.00	19,288.06	14 %
110	Retirement	4,158.37	8,183.20	51,000.00	51,000.00	42,816.80	16 %
111	Group Insurance	3,239.44	6,489.86	57,000.00	57,000.00	50,510.14	11 %
120	401 (K) Contribution	1,081.27	2,156.37	14,000.00	14,000.00	11,843.63	15 %
212	Supplies-Fuel	0.00	0.00	15,000.00	15,000.00	15,000.00	%
213	Supplies-Boat Fuel & Supplies	4,395.65	4,395.65	12,000.00	12,000.00	7,604.35	37 %
214	Supplies-Dept	0.00	0.00	5,000.00	5,000.00	5,000.00	%
215	Supplies-Materials	68.13	68.13	25,000.00	25,000.00	24,931.87	%
216	Supplies-Fish Purchase	0.00	0.00	8,000.00	8,000.00	8,000.00	%
217	Supplies-Uniforms	0.00	0.00	1,500.00	1,500.00	1,500.00	%
219	Boat and Fishing Permits	0.00	0.00	6,500.00	6,500.00	6,500.00	%
310	Travel and Transportation	50.00	181.16	2,000.00	2,000.00	1,818.84	9 %
330	Utilities	0.00	0.00	6,700.00	6,700.00	6,700.00	%
335	Flowering Bridge Lighting	0.00	0.00	3,500.00	3,500.00	3,500.00	%
351	Repairs and Maint-Grounds	86,128.44	86,217.91	100,000.00	100,000.00	13,782.09	86 %
353	Repairs and Maint-Equipment	998.64	998.64	14,000.00	14,000.00	13,001.36	7 %
691	Contractual Services	5,087.50	5,087.50	40,500.00	40,500.00	35,412.50	13 %
697	Dredging & Debris Removal	400.00	183,091.00	0.00	0.00	-183,091.00	%
Account Total:		129,179.39	344,639.52	664,200.00	664,200.00	319,560.48	52 %
Account Group Total:		129,179.39	344,639.52	664,200.00	664,200.00	319,560.48	52 %
615000 BEACH & MARINA							
615000 BEACH & MARINA							
214	Supplies-Dept	0.00	0.00	2,000.00	2,000.00	2,000.00	%
350	Repairs and Maint-Buildings	0.00	0.00	4,000.00	4,000.00	4,000.00	%
351	Repairs and Maint-Grounds	917.72	1,835.44	10,200.00	10,200.00	8,364.56	18 %
353	Repairs and Maint-Equipment	0.00	0.00	1,300.00	1,300.00	1,300.00	%

10 GENERAL FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
Account Total:		917.72	1,835.44	17,500.00	17,500.00	15,664.56	10 %
Account Group Total:		917.72	1,835.44	17,500.00	17,500.00	15,664.56	10 %
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	%
	516 PUBLIC SERVICES BLDG	0.00	0.00	50,000.00	50,000.00	50,000.00	%
	522 Pool Creek Bridge Light	0.00	0.00	10,000.00	10,000.00	10,000.00	%
	530 P&R-Mower	2,650.00	2,650.00	18,000.00	18,000.00	15,350.00	15 %
	541 POLICE-Vehicles	0.00	0.00	57,000.00	57,000.00	57,000.00	%
	548 Parking Lot	0.00	0.00	200,000.00	200,000.00	200,000.00	%
	550 Other Equipment	13,249.30	13,249.30	42,504.00	42,504.00	29,254.70	31 %
	555 PW Storage Bldg	0.00	0.00	450,000.00	450,000.00	450,000.00	%
	559 PW BLDG-Renovations	15,500.00	15,500.00	40,000.00	40,000.00	24,500.00	39 %
	576 DAM-AUTOMATION	188,473.00	188,473.00	256,560.00	256,560.00	68,087.00	73 %
	587 DAM BOOM REPLACEMENT	0.00	0.00	70,000.00	70,000.00	70,000.00	%
	592 PW-Street Paving	1,606.60	19,606.60	150,000.00	150,000.00	130,393.40	13 %
	697 Dredging & Debris Removal	47,500.00	47,500.00	1,000,000.00	1,000,000.00	952,500.00	5 %
Account Total:		268,978.90	286,978.90	2,359,064.00	2,359,064.00	2,072,085.10	12 %
Account Group Total:		268,978.90	286,978.90	2,359,064.00	2,359,064.00	2,072,085.10	12 %
820000	BONUSES (PERFORMANCE & LONGEVITY						
820000	BONUSES (PERFORMANCE & LONGEVITY						
	100 SALARIES	0.00	2,223.65	0.00	0.00	-2,223.65	%
	109 FICA	0.00	81.99	0.00	0.00	-81.99	%
	120 401 (K) Contribution	0.00	53.59	0.00	0.00	-53.59	%
Account Total:		0.00	2,359.23	0.00	0.00	-2,359.23	%
Account Group Total:		0.00	2,359.23	0.00	0.00	-2,359.23	%
910000	DEBT SERVICE						
910000	DEBT SERVICE						
	504 VEHICLES	1,382.31	4,633.20	44,500.00	44,500.00	39,866.80	10 %
	531 FIRE-Fire Engine	0.00	0.00	46,300.00	46,300.00	46,300.00	%
	541 POLICE-Vehicles	1,358.46	1,358.46	17,225.00	17,225.00	15,866.54	8 %
	550 Other Equipment	7,600.05	9,774.79	144,500.00	144,500.00	134,725.21	7 %
	561 Brdwalk-Marina Bay	0.00	0.00	101,900.00	101,900.00	101,900.00	%
	573 Barge/Excavator	9,145.67	9,145.67	0.00	0.00	-9,145.67	%
	720 Bond Interest	2,024.79	2,189.53	58,500.00	58,500.00	56,310.47	4 %
Account Total:		21,511.28	27,101.65	412,925.00	412,925.00	385,823.35	7 %
Account Group Total:		21,511.28	27,101.65	412,925.00	412,925.00	385,823.35	7 %
920000	Non-Governmental						
920000	Non-Governmental						
	130 Unemployment	0.00	0.00	5,000.00	5,000.00	5,000.00	%
	450 Insurance	3,875.00	3,875.00	165,000.00	165,000.00	161,125.00	2 %
	751 Bank Fees	0.00	21.50	2,500.00	2,500.00	2,478.50	1 %
Account Total:		3,875.00	3,896.50	172,500.00	172,500.00	168,603.50	2 %
Account Group Total:		3,875.00	3,896.50	172,500.00	172,500.00	168,603.50	2 %

TOWN OF LAKE LURE
Statement of Expenditure - Budget vs. Actual Report
For the Accounting Period: 8 / 22

10 GENERAL FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
980000	TRANSFERS						
980000	TRANSFERS						
	967 Transfer to Capital Reserve	0.00	0.00	1,600,000.00	1,600,000.00	1,600,000.00	%
	Account Total:	0.00	0.00	1,600,000.00	1,600,000.00	1,600,000.00	%
	Account Group Total:	0.00	0.00	1,600,000.00	1,600,000.00	1,600,000.00	%
	Fund Total:	729,782.59	1,300,251.98	9,928,110.00	9,928,110.00	8,627,858.02	13 %

21 Capital Reserve Fund

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
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	%
	966 Transfer To General	0.00	0.00	450,000.00	450,000.00	450,000.00	%
	Account Total:	0.00	0.00	1,600,000.00	1,600,000.00	1,600,000.00	%
	Account Group Total:	0.00	0.00	1,600,000.00	1,600,000.00	1,600,000.00	%
	Fund Total:	0.00	0.00	1,600,000.00	1,600,000.00	1,600,000.00	%

53 WATER AND SEWER FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
713000 WATER							
713000 WATER							
	214 Supplies-Dept	193.75	193.75	15,000.00	15,000.00	14,806.25	1 %
	310 Travel and Transportation	0.00	0.00	4,000.00	4,000.00	4,000.00	%
	324 Dues and Subscriptions	0.00	0.00	2,000.00	2,000.00	2,000.00	%
	330 Utilities	0.00	0.00	15,000.00	15,000.00	15,000.00	%
	350 Repairs and Maint-Buildings	1,590.90	1,590.90	20,000.00	20,000.00	18,409.10	8 %
	353 Repairs and Maint-Equipment	0.00	363.48	30,000.00	30,000.00	29,636.52	1 %
	358 Repairs and Maint-Lines	0.00	0.00	18,000.00	18,000.00	18,000.00	%
	430 Equipment Rental	0.00	0.00	500.00	500.00	500.00	%
	691 Contractual Services	0.00	0.00	20,000.00	20,000.00	20,000.00	%
	Account Total:	1,784.65	2,148.13	124,500.00	124,500.00	122,351.87	2 %
	Account Group Total:	1,784.65	2,148.13	124,500.00	124,500.00	122,351.87	2 %
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	0.00	800.00	800.00	800.00	%
	215 Supplies-Materials	27,275.71	27,275.71	180,000.00	180,000.00	152,724.29	15 %
	310 Travel and Transportation	0.00	782.01	4,000.00	4,000.00	3,217.99	20 %
	320 Postage	218.80	458.80	4,000.00	4,000.00	3,541.20	11 %
	330 Utilities	0.00	0.00	16,000.00	16,000.00	16,000.00	%
	350 Repairs and Maint-Buildings	9,516.00	9,516.00	20,000.00	20,000.00	10,484.00	48 %
	353 Repairs and Maint-Equipment	1,458.50	1,458.50	45,000.00	45,000.00	43,541.50	3 %
	355 Repairs and Maint-Collection	0.00	139.64	25,000.00	25,000.00	24,860.36	1 %
	613 Manhole Rehabi Project	129,044.20	129,044.20	0.00	0.00	-129,044.20	%
	690 Contractual Services-Sludge	15,600.00	15,600.00	160,000.00	160,000.00	144,400.00	10 %
	691 Contractual Services	1,226.34	2,926.34	79,000.00	79,000.00	76,073.66	4 %
	699 Contractual Services-WWTP	0.00	0.00	40,000.00	40,000.00	40,000.00	%
	Account Total:	184,339.55	187,501.20	576,800.00	576,800.00	389,298.80	33 %
	Account Group Total:	184,339.55	187,501.20	576,800.00	576,800.00	389,298.80	33 %
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	%
	547 CAMERAS/CAMERAS	0.00	0.00	8,500.00	8,500.00	8,500.00	%
	557 FIREFLY COVE SYSTEM	0.00	0.00	250,000.00	250,000.00	250,000.00	%
	Account Total:	0.00	0.00	458,500.00	458,500.00	458,500.00	%
	Account Group Total:	0.00	0.00	458,500.00	458,500.00	458,500.00	%
910000 DEBT SERVICE							
910000 DEBT SERVICE							
	611 SRL Fund Project	0.00	0.00	55,955.00	55,955.00	55,955.00	%
	612 Joint Wrapping Project	0.00	0.00	63,990.00	63,990.00	63,990.00	%
	720 Bond Interest	0.00	0.00	5,160.00	5,160.00	5,160.00	%
	Account Total:	0.00	0.00	125,105.00	125,105.00	125,105.00	%
	Account Group Total:	0.00	0.00	125,105.00	125,105.00	125,105.00	%

53 WATER AND SEWER FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
980000	TRANSFERS						
980000	TRANSFERS						
	958 Transfer to Fund Balance	0.00	0.00	365,455.00	365,455.00	365,455.00	%
	Account Total:	0.00	0.00	365,455.00	365,455.00	365,455.00	%
	Account Group Total:	0.00	0.00	365,455.00	365,455.00	365,455.00	%
	Fund Total:	186,124.20	189,649.33	1,650,360.00	1,650,360.00	1,460,710.67	11 %

56 ELECTRIC FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
720000	ELECTRIC OPERATIONS						
720000	ELECTRIC OPERATIONS						
100	SALARIES	17,307.18	34,614.36	87,500.00	87,500.00	52,885.64	40 %
103	Professional Services	0.00	0.00	40,000.00	40,000.00	40,000.00	%
109	FICA	1,342.74	2,681.50	6,950.00	6,950.00	4,268.50	39 %
110	Retirement	3,286.64	6,490.21	15,000.00	15,000.00	8,509.79	43 %
111	Group Insurance	1,918.74	3,843.00	10,000.00	10,000.00	6,157.00	38 %
120	401 (K) Contribution	594.78	1,189.56	4,313.00	4,313.00	3,123.44	28 %
212	Supplies-Fuel	600.27	600.27	6,000.00	6,000.00	5,399.73	10 %
214	Supplies-Dept	0.00	0.00	6,200.00	6,200.00	6,200.00	%
320	Postage	44.32	44.32	0.00	0.00	-44.32	%
321	Telephone	680.29	781.60	3,000.00	3,000.00	2,218.40	26 %
330	Utilities	38.20	38.20	6,000.00	6,000.00	5,961.80	1 %
350	Repairs and Maint-Buildings	1,633.00	1,633.00	15,000.00	15,000.00	13,367.00	11 %
353	Repairs and Maint-Equipment	502.50	502.50	40,000.00	40,000.00	39,497.50	1 %
691	Contractual Services	70.00	70.00	42,000.00	42,000.00	41,930.00	%
	Account Total:	28,018.66	52,488.52	281,963.00	281,963.00	229,474.48	19 %
	Account Group Total:	28,018.66	52,488.52	281,963.00	281,963.00	229,474.48	19 %
980000	TRANSFERS						
980000	TRANSFERS						
958	Transfer to Fund Balance	0.00	0.00	118,187.00	118,187.00	118,187.00	%
	Account Total:	0.00	0.00	118,187.00	118,187.00	118,187.00	%
	Account Group Total:	0.00	0.00	118,187.00	118,187.00	118,187.00	%
	Fund Total:	28,018.66	52,488.52	400,150.00	400,150.00	347,661.48	13 %

TOWN OF LAKE LURE
Statement of Expenditure - Budget vs. Actual Report
For the Accounting Period: 8 / 22

75 CHIMNEY ROCK WATER FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
713000	WATER						
713000	WATER						
	214 Supplies-Dept	193.75	193.75	0.00	0.00	-193.75	%
	320 Postage	40.80	81.20	0.00	0.00	-81.20	%
	968 Payments to Chimney Rock Water	6,935.37	6,935.37	0.00	0.00	-6,935.37	%
	Account Total:	7,169.92	7,210.32	0.00	0.00	-7,210.32	%
	Account Group Total:	7,169.92	7,210.32	0.00	0.00	-7,210.32	%
	Fund Total:	7,169.92	7,210.32	0.00	0.00	-7,210.32	%
	Grand Total:	951,095.37	0.00	1,549,600.15	13,578,620.00	12,029,019.85	11 %

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 August 9, 2022 Regular Town Council Meeting Minutes, the August 23, 2022 Special Town Council Round Table Meeting Minutes, the August 24, 2022 Regular Town Council Work Session Meeting Minutes, and the August 25, 2022 Special Town Council Round Table Meeting Minutes
- B. Ordinance No. 22-09-13 Amending Code of Ordinances Section 4-2. Dangerous dogs; barking; leash requirements.
- C. Budget Amendment #340 - Additional Costs for Capital Items Related to Maintenance Equipment for the Public Services Department
- D. Budget Amendment #341 - Additional Costs for Contracted Services Related to WWTP Sludge Removal
- E. Budget Amendment #342 - Police Vehicle Repair
- F. Suspension of Chapter 8 Article II: “Peddlers” of the Code of Ordinances and Waiver of the Noise Regulation, Chapter 20 Article II, for Hickory Nut Gorge (HNG) Outreach 2022 Fall Lake Lure Arts and Crafts Festival scheduled for October 15-15, 2022 in front of the Arcade Building.



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, AUGUST 9, 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: N/A

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

III. MAYOR'S COMMUNICATIONS

Mayor Pritchett reminded the public about the two upcoming roundtables, the first one on Tuesday, August 23rd at Rumbling Bald and the second one on Thursday, August 25th at the Lake Lure Town Hall. Mayor Pritchett asked that those who would like to attend a roundtable meeting RSVP to Communications Director Laura Krejci. Mayor Pritchett explained that the roundtables provide an opportunity for communication between the Town and residents of the Town. Mayor also noted that Fire Chief Dustin Waycaster will attend the roundtables and will give a demonstration of the new fire department medical and safety equipment.

Mayor Pritchett reminded those in attendance that there was a ribbon cutting last week for the Morse Park Gazebo overlook and there is another ribbon cutting on August 25th for the Buffalo Creek Park parking lot.

IV. TOWN MANAGER COMMUNICATIONS

Town Manager Hank Perkins reported that the month of July was busy. Public Services, Police, and Fire had successful 4th of July. Community Development is about half way complete with moving to the Arcade Building and remains in communication with AT&T regarding the cell tower. Fire calls down and the department continues to complete significant training hours. Police activities for July were reported. The Parks, Recreation, and Lake Department was instrumental in helping with the gazebo ribbon cutting and the department continues to work on launching RecDesk. The Finance Director has been working on audit completion and the Town is doing well financially. The Communications Director reached a significant amount of people on the Town website and social meeting, and is working on two FEMA grants for design and construction of the replacement dam. The Town executed agreements for the procurement of valves and HDD permitting is in progress.

V. COUNCIL LIAISON REPORTS & COMMENTS

Commissioner Scott Doster reported that the Zoning and Planning Board did not meet in July and the Utility Advisory Board (UAB) also did not meet. Commissioner Doster mentioned that there had been prior consensus from Council to disband the UAB and the last meeting was scheduled for August.

Commissioner Doster made a motion to officially disband the UAB, effective immediately. Commissioner Proctor seconded and the motion carried 4-0.

Commissioner Patrick Bryant announced that Commissioner Scott Doster will be taking over the role of Council liaison to the Parks and Recreation Board. Commissioner Bryant thanked the Parks and Recreation Board for them allowing him to serve as their liaison.

Commissioner Scott Doster reported the activities of the Parks and Recreation Board.

Commissioner David DiOrio reported the activities of the Lake Advisory Board and the Board of Adjustment / Lake Structure Appeals Board did not meet in July. Commissioner DiOrio noted that proposed amendments to the Lake Use Regulations have been finalized by the Lake Advisory and will be re-reviewed by Marine Commission at the September 13th meeting, followed by a public hearing that will be set for a later date.

Commissioner Jim Proctor reported the activities of the ABC Board.

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

VI. PUBLIC COMMENT

Mayor Carol C. Pritchett invited the audience to speak.

Debra Gardner, 137 Firefly Cove, asked if there is an ordinance that makes residents to upkeep lawns near major roads. Ms. Gardner was referred to Michael Williams. Mr. Gardner also asked about any updates regarding the boating accident that occurred earlier in the year and asked what will happen to the individual who caused the accident. It was explained that the information is not yet available to the public, including Town Council members.

There was no further comments from the public.

VII. 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 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 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

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.

VIII. NEW BUSINESS

A. BUDGET AMENDMENT #339 – ADNS WI-FI NETWORK CHANGES AND UPGRADES

Manager Perkins explained that the contents of this budget amendment were broached during the July work session, but funding for furniture and painting have been added to the request since it was first discussed. Manager Perkins directed to Council that all quotes can be found in the meeting packets. Manager Perkins explained that interior painting includes the remainder of town hall, the Police Department, and Lake Operations building. Manager Perkins continued to explain that the exterior painting quote is for the police boat house and for Town hall. Lastly, Manager Perkins noted that the requested furniture is for the Lake Operations building.

Commissioner Proctor made a motion to approve budget amendment #339 for ADNS Wi-Fi Network Changes and Upgrades. Commissioner Doster seconded and the motion carried 4-0.

VIII. NEW BUSINESS

B. DISCUSSION REGARDING LAKE LURE TOURS CONCESSION AGREEMENT AND OFF-SEASON BEACH OPENING/CLOSING REQUEST

Manager Perkins explained that the Town had received the request from Lake Lure Tours (LLT) regarding the opening and closing of the beach during the “off-season” which was similar to the request from the prior year. Manager Perkins advised Council members to review the requested schedule. Manager Perkins explained that he had contacted Police Chief Humphries to inquire whether or not the Lake Lure Police Department holds the same stance as was established the prior year, which included concerns regarding the opening of any beach access during the off-season, and Chief Humphries confirmed that the Lake Lure Police Department maintained the same stance this year.

Commissioner Doster expressed support for beach access during the off-season in terms of walking on the beach, but expressed concern for any access to the water. Commissioner Doster asked if a lifeguard barrier would help. Parks, Recreation, and Lake Director Dean Givens answered that a rope system might help, but there will likely still be issues with water access. Commissioner Doster requested information regarding liability. Director Givens expressed uncertainty in regard to the extent of liability. Town Attorney William Morgan recalled drafting a memo last year, and does not think there was any concern regarding liability.

Commissioner DiOrio explained that when the water is not drawn down there is a safety concern. Director Givens agreed and noted that the winter months are often cold which deters people from entering the water. Commissioner Doster recalled that during the discussion regarding this matter last year it was noted that people the jumping fence during warm months was a concern.

Commissioner Bryant noted that Arts and Crafts Festival is schedule two weeks before the Auto and Boat Show and two weeks before Memorial Day. Commissioner Bryant recommended moving the open date of the beach two weeks prior to Memorial Day. There was discussion regarding the verbiage about closing the beach when the lake is refilled. Manager Perkins recommended a set closing date of March 31 and Council members agreed.

Commissioner Doster made a motion to accept the off-season opening and closing schedule request, with the establishment of the March 31st closing date. Commissioner DiOrio seconded and the motion carried 4-0.

IX. ADJOURNMENT

With no further business, Commissioner Proctor made a motion to adjourn the meeting at 5:29 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, AUGUST 23, 2022, 6:00 P.M. AT THE TERRACE OF LEGENDS AT RUMBLING BALD

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

William Hank Perkins, Jr., Town Manager
Dustin Waycaster, Fire Chief

ABSENT: Commissioner Patrick Bryant

CALL TO ORDER

Mayor Carol C. Pritchett called the special round table meeting to order at 6:00 p.m. Commissioner Scott Doster made a motion to open the special meeting. Commissioner David DiOrio seconded and the motion carried 3-0.

Mayor Pritchett explained that Fire Chief Dustin Waycaster will give a presentation followed by question and answers, Council will provide Town updates, and lastly Council will open the floor for questions and answers. Mayor Pritchett explained that this venue is a good opportunity to ask questions since regular meeting public comments do not follow Council interaction.

PRESENTATION AND Q&A WITH FIRE CHIEF DUSTIN WAYCASTER

Chief Waycaster provided a history on the Lake Lure Fire Department. Chief Waycaster explained the current conditions surrounding emergency services. Chief Waycaster provided an overview of ISO rating and how it impacts residents. Chief Waycaster informed attendees that the Town provides an advanced EMT program. Chief Waycaster detailed the logistics and steps that the department takes in order to continue improving. Chief Waycaster presented the Town's new

heart monitor and e-bikes. Chief Waycaster explained Everbridge emergency notification system and encouraged attendees to sign up.

A resident asked how many firefighters are on duty at any given time. Chief Waycaster explained that there are two to three fire staff members working at all times. Chief Waycaster expanded that he is also on-call 24/7 and that the Town is helped by volunteer firefighters. Chief Waycaster explained the relationship between the Town and the volunteer fire departments.

A resident asked if Rutherford County has a posting policy. Chief Waycaster answered yes, that it is called staging in NC, and explained that for the whole County there are four 24 hour trucks, and three peak hour trucks. Chief Waycaster noted that these County trucks tend to stay in the busier areas.

A resident asked how long it takes to complete the advanced EMT program. Chief Waycaster explained that it is a state credential that typically involves 180-200 hours, or four to six months, of training.

A resident asked if the Town is looking to stage an emergency vehicle around Rumbling Bald. Chief Waycaster explained that the Town is working towards improving response time and ease of access, but would like to see Lake Lure expand services in the future.

A resident asked who directed the removal of the EMT vehicle at the library building. Chief Waycaster explained that the County funds did not allow for the vehicle to stay in this location anymore and that Lake Lure started taking over EMT services.

A resident asked if the County was going to backfill the library location. Chief Waycaster said that the County had already backfilled the location, but decided to halt the service. Chief Waycaster noted that the County still owns the building.

UPDATES FROM MEMBERS OF TOWN COUNCIL

Town Manager Hank Perkins provided an overview of updates and goals of the Town's.

Commissioner Proctor provided an update on the communications tower. A resident asked if it will be a multi-antenna tower and Commissioner Proctor answered yes.

Commissioner Doster provided an update on the sewer replacement project. A resident asked how much the lake has to be drawn down for the HPED project and Commissioner Doster stated that the project would not require the lake to be drawn down. A resident asked if dock instability is a concern during this process and Commissioner Doster answered yes and explained that a process has already been initiated in order for the Town to identify and ensure that unstable docks be improved. A resident asked if the phase one residents will have operational sewer lines after phase one is completed and Commissioner Doster said that it will likely be operational depending on the status of the Lake Lure Wastewater Treatment Plant. A resident asked if there will be a sewer tap fee and Commissioner Doster said no. Public Services Director Dean Lindsey stated that laterals will be going to property lines and when the lake rises, the process to connect

residents to the new system will begin. A resident asked if a lift station will be required and Commissioner Doster stated that the plan is to transfer to a gravity system instead of a lift system. It was noted that a goal is to rid of all of the existing manholes. Commissioner Doster ensured attendees that the sewer is not running into the lake, but the lake water is running into the sewer. A resident asked how many years it will take to complete the entire project and Commissioner Doster stated that it is unknown. A resident asked how many residents are in phase one and Commissioner Doster stated that 23 properties will be receiving bores during the upcoming drawdown and there will be about 700 tier one customers total. Mayor Pritchett estimated that the project will take 10 to 12 years to complete. A resident asked how big the pipes are and Commissioner DiOrio said 12 to 18 inches and explained the storage situation and early procurement. A resident asked how the new sewer system will interphase with the existing system and Commissioner Doster explained that the old system will remain in its current location. A resident asked if those who have septic will have to connect to the new system and Commissioner Doster said yes. Commissioner DiOrio explained the tiers. Commissioner DiOrio also explained that in North Carolina, when a new sewer system is installed, municipalities are allowed to charge fees to residents even if they have septic and choose not to connect to the sewer system, and expressed that it is beneficial for everyone to connect to the new system.

Commissioner DiOrio provided an update on the dam replacement project. Commissioner DiOrio explained that valve procurement contracts and the conceptual design of the new dam have been completed. Commissioner DiOrio noted that the next step is field investigations and estimated that the dam replacement is a 10 year project. Mayor Pritchett mentioned the dam capital reserve fund. A resident asked if there will be a road over the new dam and Commissioner DiOrio answered that the incorporation of a bridge will be at the discretion of the North Carolina Department of Transportation (NCDOT) and noted that NCDOT is not in favor of putting a new bridge on the existing or new dam, but would prefer a stand-alone bridge. A resident asked if the sewer treatment plant will be at the existing dam location and Commissioner DiOrio explained that it will be near that location. A resident asked if the new dam will have hydroelectric plant and it was explained that the replacement dam will be built in a way that will enable the inclusion of a hydroelectric plant, but the Town has not yet decided if the plant will be operated or not.

Q&A WITH MEMBERS OF TOWN COUNCIL

A resident asked Council members if there has been any further discussion regarding opening Sand Branch Road as another route in and out of Rumbling Bald. Mayor Pritchett explained that the Town is still working towards making an emergency access road possible. The resident asked if the road would just be accessible to emergency services vehicles and Mayor Pritchett confirmed that this is the current plan.

A resident asked about dredging in Firefly Cove. Commissioner DiOrio explained that the Town has been and is going to continue to receive funding for dredging, but is only permitted for hydraulic dredging right now. Commissioner DiOrio continued to explain that the Town is working with the state and the army corp. of engineers to obtain a permit for excavation dredging. Commissioner DiOrio explained that the Town had recently executed a number of easements that will be necessary in completing excavation dredging. Commissioner DiOrio also noted that the Town must wait until lake is drawn down 20 ft. to complete excavation dredging.

Minutes of the August 23, 2022 Special Town Council Round Table Meeting

A resident asked about the Lake Use Regulation changes that the Lake Advisory Board (LAB) will recommend to Marine Commission. Commissioner DiOrio explained that the LAB has worked on finalizing suggested changes and that the Marine Commission will have final review of the changes during the September 13th meeting and will hold a public hearing on a later date before adopting changes.

A resident asked if there is an articulate strategy with connecting Chimney Rock Village and the Town of Lake Lure, and if there is a plan increase the appeal to spending more time in downtown Lake Lure. Mayor Pritchett noted that the two municipalities are always working together and cited the Riverwalk project and relationship regarding utilities. The resident expanded by asking if there are any plans to develop downtown Lake Lure in the future. Commissioner Proctor noted that the Chamber of Hickory Nut Gorge and Rutherford County Tourism Development Authority are key players in expanding tourism. Mayor Pritchett noted that the Town has a master plan that includes some strategic ideas. Commissioner Proctor commented that the work of Zoning and Planning plays a role in implementing and achieving goals. Commissioner Doster explained that the Lake Lure Steering Committee is also working on increasing tourism in Lake Lure and Chimney Rock.

Mayor Pritchett noted that she appreciates input from the Rumbling Bald community and is always looking for those living in the community to serve on boards. Mayor Pritchett recommended that members of the Rumbling Bald community continue to provide input.

A resident asked about the concert area in Morse Park and if public comment plays a factor in the decision on whether or not to complete that project. Commissioner DiOrio noted that a public hearing was held on the master plan, which included that area. Council members encouraged residents to attend Town boards and council meetings.

ADJOURNMENT

With no further business, Commissioner Proctor made a motion to adjourn the meeting at 8:05 p.m. Commissioner DiOrio seconded and the motion carried 3-0.

ATTEST:

Olivia Stewman, Town Clerk

Mayor Carol C. Pritchett



MINUTES OF THE REGULAR WORK SESSION MEETING OF THE LAKE LURE TOWN COUNCIL HELD WEDNESDAY, AUGUST 24, 2022, 8:30 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

ABSENT: N/A

I. CALL TO ORDER

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

II. AGENDA ADOPTION

Commissioner DiOrio made a motion move item XI. Closed Session to item III and renumber accordingly. Commissioner Bryant seconded the adoption of the agenda with the recommended amendments and the motion carried 4-0.

III. CLOSED SESSION

Commissioner DiOrio made a motion to enter closed session in accordance with G.S. 143-318.11(a) (5) for the purpose of discussing property acquisitions. Commissioner Doster seconded and the motion carried 4-0.

During closed session, Council members discussed the possible acquisition of various properties for the purpose of Town use for ongoing projects.

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

III. MORSE PARK PLAN AMENITIES AND OPPORTUNITIES FOR ACCESSIBILITY AND PARTF GRANTS

Town Manager Hank Perkins explained that the Lake Lure Steering Committee has been in the process of discussing the next steps in the Morse Park Master Plan. Manager Perkins noted that a recommendation for an initial step in moving forward with the plan is to expand and improve the parking lot in order to accommodate the future plans. Manager Perkins reviewed the documents that were included in the meeting packet. It was noted that the Rutherford County Tourism and Development Authority (TDA) and Destination by Design (DBD) are going to help the Town apply for accessibility and Parks and Recreation Trust Fund (PARTF) grants. Manager Perkins explained that a PARTF grant requires a dollar-for-dollar match and an accessibility grant does not. Manager Perkins informed Council the Town plans to apply for accessibility grant first and will revert to applying for a PARTF grant if the accessibility grant is not awarded.

Manager Perkins explained that the Town will need to choose three amenities to apply for the accessibility grant. DBD recommended a playground, bathrooms, and walking paths. Manager Perkins reviewed the timeline and funding plans. Manager Perkins noted that DBD will be presenting at the September Council meeting.

Commissioner DiOrio asked if the Morse Park Master Plan had been updated. Manager Perkins stated that it was discussed by the Steering Committee that it had not been updated. Mayor Pritchett stated that the current plans fall in line with the Master Plan regardless of whether or not it has been updated. Commissioner DiOrio asked if the parking lot should be added to the plan to codify it and Manager Perkins expressed that he does not think so but will follow up.

Commissioner DiOrio asked if this is a separate accessibility application from the campground PARTF. It was noted that the PARTF campground grant is closed. Manager Perkins explained that an accessibility grant and a PARTF grant cannot be existing at the same time.

Commissioner Proctor recommended re-examine the existing Master Plan and noted that a lot of people have expressed the want for activity facilities and that the plan should remain until the Town formally changes it. Manager Perkins recommended updating existing Town facilities in the meantime.

There was agreement from Council members to re-examine the Morse Park Master Plan with additional input from residents.

IV. DISCUSSION REGARDING MOBILE FOOD VENDORS

Community Development Director Williams explained that the purpose of this agenda item is to receive feedback from Council in regard to mobile food vendors. Director Williams explained that Town Attorney William Morgan, the Zoning and Planning Board, and the Chamber of Hickory Nut Gorge have individually done research and/or held discussion on

the matter, but Council input is desired before any additional time is spent on researching or discussing mobile food vendors.

Director Williams explained that the existing ordinance allows mobile food vendors at special events and noted that there is a \$160 permit fee. Director Williams also explained that the existing ordinance and fee poses issues for ongoing events, such as the farmers' market, because mobile food vendors would have to pay \$160 each week to participate. Director Williams informed Council that he had made an administrative decision in the case of the farmers' market which enforced each mobile food vendor submit an application, but the \$160 fee was only paid once and only one permit was issued for each day that the farmers' market is held. Commissioner Doster expressed that a challenge with the process under the existing ordinance is redundancy and costly.

Director Williams detailed that the local ice cream business, Scoops, requested to set up a serving station on the 4th of July, but they were unable to do so due to conflicts with the existing ordinance. Director Williams also explained that he used the example of Scoops to tie into his support for local brick and mortars and noted that there had been discussion in regard to waiving fees for Lake Lure brick and mortar restaurants if they would like to set up mobile food stations during events. Director Williams clarified that the current ordinance only addresses mobile food vendors at special events.

Manager Perkins explained that there are common mobile food vendor ordinances that have been adopted by many local governments and noted that one common ordinance is allowing local businesses which do not offer food (e.g. breweries) to have on-site mobile food vendors. Manager Perkins recommended researching commonly adopted ordinances.

Commissioner DiOrio explained that the existing ordinance is in place due to concerns in regard to local business competition. Commissioner DiOrio noted that was the history, but expressed that he is open to moving forward with a different standard.

Commissioner Doster explained that the Zoning and Planning Board had discussed the concerns detailed by Commissioner DiOrio and some Board members argued that a mobile food vendor would impact existing local restaurants no differently than the emergence of a new restaurant. Commissioner Doster noted that the Zoning and Planning Board had also discussed that Relish, a mobile food vendor that is stationed directly outside of town limits, attracts those in Lake Lure but the Town does not benefit from any taxes associated with Relish because of it being stationed outside of Town limits.

Manager Perkins noted that mobile food vendors may attract more attendees during events.

Commissioner Doster expressed that he does not foresee any loss of business for existing local restaurants. Council discussed that local restaurants may benefit from allowing mobile food vendors because they would be able to set up mobile food vendor stations during events.

Commissioner Doster discussed that there is a difference between stand-alone vendors on sparse occasions and those who would come to events. Commissioner DiOrio noted that it is basically commercial properties that are prohibited under the existing ordinance.

Commissioner Doster noted the steps taken for mobile food vendors' event applications should be streamlined.

Commissioner DiOrio supported Manager Perkins' recommendation to follow a standard ordinance. Director Williams agreed but noted that Lake Lure is much different from other locations. There was consensus that a permit process should be in place regardless.

Council expressed opposition for permanently standing mobile food vendors and noted that all equipment should be removed when a vendor is not operating. Director Williams recommended that owner of the property that a mobile food vendor is stationed could also have a permitting process.

Commissioner Proctor noted that Fairfield and other properties that hold events such as weddings and family reunions have the events catered and many caterers now have mobile food vending capabilities.

Commissioner DiOrio expressed support for waiving mobile food vendor permit fees for local restaurants.

Director Williams agreed to research standard ordinances and relay ideas to the Zoning and Planning Board. Director Williams noted that there are four main considerations surrounding mobile food vendors including 1) the allowance of food vending stations as an accessory use to a special event, 2) allowing mobile food vendor businesses to apply for annual permits to set up on privately owned property, 3) whether to allow mobile food vendors on Town owned property which can be allowed under GU zoning, and 4) offering waived or reduced mobile food vendor fees for in-Town, brick and mortar restaurants.

V. PUBLIC SERVICES REQUEST FOR DECISION TO RENT OR PURCHASE EQUIPMENT FOR SEWER REPLACEMENT PROJECT

Manager Perkins explained that there had been previous discussion regarding preparing for the upcoming drawdown and looking at procuring necessary equipment. Manager Perkins noted that Public Services Director Dean Lindsey had completed a five year cost-effectiveness analysis comparing the purchase versus rental of equipment. Manager Perkins noted that if the Town decides to make purchases, the process should begin soon due to waiting for state approval which might take some time.

Director Lindsey explained that his analysis includes only the equipment for the upcoming drawdown period. Director Lindsey also explained that he incorporated depreciation and estimated that the overall depreciation value will be about half of the total because the equipment would be sold after five years. Council reviewed the analysis.

Minutes of the August 24, 2022 Regular Town Council Work Session Meeting

Manager Perkin noted that a caveat to purchasing equipment is insurance. Manager Perkins explained that Finance Director Stephen Ford has contacted insurance companies regarding use of Town barges and liability insurance. It was determined that the Town's insurance carrier, the North Carolina League of Municipalities (NCLM), advised the other organizations can operate a Town barge, but the Town needs to look into liability insurance and agreements with other organizations for lost or damaged equipment and property. Commissioner DiOrio noted that there would also be liabilities if the Town rented equipment. Commissioner DiOrio also noted that a rental company might not allow some equipment on the water and the Town might have to pay renters insurance.

Manager Perkins advised Council to consider the use of ARPA funds which have a limit and noted that purchases will be eligible for up-front reimbursement.

Director Lindsey noted that one item to consider is a tractor trailer to move the equipment and explained that the Town would use this item infrequently. Commissioner Doster noted that the Town could have the contractors move equipment. Commissioner Doster also noted that the Town should ensure that contractors are held accountable for the responsible use of Town equipment. Commissioner Diorio noted that the Town would ultimately act as a rental company to Ruby-Collins.

Manager Perkins noted that the Town can use the first drawdown as a trial for purchasing equipment, if the Council would like to opt for purchases instead of rentals.

Commissioner Doster asked what a large wheel loader would be used for. Director Lindsey explained that it would be used for sludge removal and mechanical dredging. Commissioner Doster questioned if there is enough personnel to run the equipment. Commissioner Doster expressed that he would like for the Town to frequently use any purchased equipment.

Manager Perkins advised that it is more beneficial to purchase any item that will be reimbursed. Manager Perkins questioned if ARPA funds must be returned if the Town sells the equipment purchased through ARPA reimbursements.

Commissioner DiOrio asked if past engineering activities can be submitted for reimbursement. Manager Perkins explained that NC DEQ is going to look into an eligible date range for reimbursement because there is a date limit. It was noted that the former Finance Director Sam Karr had submitted a request form for the use of State Revolving Fund to reimburse the past costs associated with Brown Engineering, but the Town is in the process of trying to cancel that request and use ARPA funding instead due to the time limit of ARPA fund usage.

Council members expressed support for purchasing equipment.

Manager Perkins noted that he had asked Brian Houston with LaBella Associates to confirm whether or not all of the listed equipment is eligible for ARPA reimbursements.

There was Council consensus to move forward with getting state approval for purchasing equipment and Council allotting money for reimbursement at a later date.

VI. PUBLIC SERVICES REQUEST FOR ADDITIONAL EQUIPMENT

Director Lindsey explained that the he is requesting a blower and leaf & debris vacuum in order to better maintain Town streets and storm water management. Council reviewed the information provided by Director Lindsey.

Commissioner DiOrio noted that there have been lawsuits regarding neglecting storm water ditches and expressed support for the requested purchases. Manager Perkins expressed that one issue to consider is individuals mistaking Town maintenance as loose leaf collection and purposefully dumping leaves in the storm water system. Council briefly discussed a leaf collection policy.

Director Lindsey noted that equipment could also be used to collect trash after events.

There was consensus to include a budget amendment for the requested purchase of a blower and leaf & debris vacuum on the next Council meeting agenda.

Finance Director Ford explained that general fund balance would be used to purchase the equipment.

Commissioner Proctor asked where the Town plans to dispose of the collected leaves and Director Lindsey explained that the Town contracts with Nelon for other sanitation services. Commissioner Proctor noted that if the Town had space to store the leaves, the accumulated compost could eventually be sold.

VII. REVIEW THE DRAFT INTERLOCAL AGREEMENT BETWEEN TOWN OF LAKE LURE AND CHIMNEY ROCK VILLAGE AND DRAFT RESOLUTION DECLARING INTENT TO ENTER AN INTERLOCAL AGREEMENT

Manager Perkins presented the Council with the draft interlocal agreement between the Town of Lake Lure and Chimney Rock Village which was crafted by the Town, LaBella Associates, and consideration of input from Chimney Rock Village. Manager Perkins stated that Chimney Rock Village Administrator Steven Duncan had confirmed that McGill Associates had reviewed the document.

Manager Perkins noted that the state is still reviewing whether or not a merger can be just sewer instead of water and sewer and explained that the draft interlocal agreement is written in a sense that infers that only the sewer system is transferred. Manager Perkins also explained that the draft resolution details that the merger is contingent upon receiving ARPA funding. Manager Perkins relayed the resolution to Chimney Rock Village.

Manager Perkins noted that a decision needed to be made regarding whether or not to proceed with the merger if Town is granted ARPA funding that is less than the total of \$30 million worth of eligible funding between the Town and the Village. It was noted that Brian Houston with LaBella Associates has expressed that the Town should hold out for the \$30 million.

Manager Perkins reiterated that the Town is awaiting a response from DEQ in order to understand their decision as to whether or not the water merger will also be required. Manager Perkins noted that he would continue discussions with DEQ and Chimney Rock Village. Commissioner DiOrio suggested that the Town should move forward with applying for \$15 million if the merger is unfeasible due to requiring the water merger.

Manager Perkins noted that if DEQ determines that a sewer merger without water will suffice, the Council will need to adopt the draft resolution.

VIII. FUNDING FOR APPLICATION AND CERTIFICATION FOR PAYMENT – RUBY-COLLINS

Director Ford explained that the Town received an invoice from Ruby Collins for \$512,000. Director Ford noted that the Town can satisfy the invoice by requesting reimbursement through ARPA funds. Director Ford informed Council that the Town can submit the bill for ARPA reimbursement prior to paying Ruby-Collins, as long as the vendor is paid within three days. Director Ford concluded that the Town can submit a request for reimbursement before making the payment.

IX. PROJECT MANAGER SEARCH UPDATE

Manager Perkins explained that he will be in contact with Renee Narloch today. Manager Perkins pointed out that the outreach and recruitment process closes on the 29th of August and that Ms. Narloch will provide the Town with information about the candidates in September.

X. LAKE DRAWDOWN PREPARATION AND SUNSET COVE COMMUNITY COMMUNICATIONS UPDATES

Communications Director Laura Krejci explained that she had contacted Sunset Cove property owners regarding work that will take place during the upcoming drawdown season and that most all of the individuals were receptive to the call and requests from the Town. Director Krejci reported that only one person expressed that they will not be cooperating with the request to move their boat. Director Krejci explained that all other objections involved associated costs. Director Krejci stated that she had called the Driftwood Marine to obtain price estimates and the Marine contact estimated a cost of \$100 to \$150 for boat transportation costs and \$35 to \$45 per month for boat storage.

It was noted that Director Krejci invited Sunset Cove residents to a meeting on September 20th with Brian Houston. Director Krejci informed Council that the communications packets are prepared to be sent out and that the packets were discussed with the Sunset Cove

members so they are expecting them. Mayor Pritchett asked if the packets will be sent by certified mail and it was recommended to send them by certified mail along with a first class copy. Manager Perkins stated that Director Krejci will have the information available on the website and Director Krejci explained that she uploaded the document to the website yesterday and will post it in the Town News section by the end of the month.

Director Krejci informed Council that one individual requested that the September 20th meeting be available via Zoom. There was Council support to allow the use of Zoom for those who cannot attend in person.

XII. ADJOURMENT

Commissioner Bryant motioned to adjourn the meeting. Commissioner DiOrio seconded and all voted in favor. The meeting was adjourned at 11:17 a.m.

ATTEST:

Olivia Stewman, Town Clerk

Mayor Carol C Pritchett



MINUTES OF THE SPECIAL ROUND TABLE MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, AUGUST 25, 2022, 6:00 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 Hank Perkins, Jr., Town Manager
Dustin Waycaster, Fire Chief

ABSENT:

CALL TO ORDER

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

Mayor Pritchett explained that Fire Chief Dustin Waycaster will be giving a presentation first followed by question and answers, then Council will provide Town updates, and lastly Council will open the floor for questions and answers. Mayor Pritchett explained that this venue is a good opportunity to ask questions since the public comment portion of regular meetings are not followed by Council interaction.

PRESENTATION AND Q&A WITH FIRE CHIEF DUSTIN WAYCASTER

Chief Waycaster provided a history on the Lake Lure Fire Department. Chief Waycaster explained the current conditions surrounding emergency services. Chief Waycaster provided an overview of ISO rating and how it impacts residents. Chief Waycaster informed attendees that the Town provides an advanced EMT program. Chief Waycaster detailed the logistics and steps that the department takes in order to continue improving. Chief Waycaster concluded by presented the Town's new heart monitor, e-bikes, and diving equipment.

A resident asked where defibrillators are in located in Town. Chief Waycaster provided examples of locations and explained how the Automated External Defibrillators (AEDs) work by demonstrating the operation of one located in Town Hall. Chief Waycaster provided advice on administering CRP and handling emergency situations.

Mayor Pritchett reminded attendees to sign up for Everbridge through the Town website.

UPDATES FROM MEMBERS OF TOWN COUNCIL

Commissioner Doster provided an update on the sewer project. A resident asked if all residents will be required to hook up to a main pipe in their community and Commissioner Doster answered that all on individuals on the lake should be required to hook up and residents in other tiers will likely need to or be able to following tier one completion. A resident asked about resident responsibility and Commissioner Doster explained residents will be required to have a plumber run a line to the stub-out and the Town will connect with no connection fee. A resident asked if all of the existing systems will have to hook up to the new and Commissioner DiOrio explained community subsystems and that if an existing system is in good conditions, they may not have to be decommissioned and may be recertified. A resident asked if it would be around 10 years to complete the project and Commissioner Doster explained that it will take around 10 years due to funding setbacks and Lake Drawdown periods. A resident asked if notices will be sent to those in different phases and Commissioner Doster confirmed that residents will be given notice. A resident asked if the current plan will be carried through with and Commissioner Doster answered that the current plan is comprehensive and should not change. A resident asked if new taps are allowed on the existing system and Commissioner Doster explained that new residential taps are allowed to be connected to the existing system and that new commercial structure tap connections must be approved by North Carolina Department of Environmental Quality. A resident asked if the sewer has been tested for impacting groundwater or stream water and an attendee noted that they volunteers to test it. Manager Perkins noted the State Revolving Fund loan that the Town had been awarded is no interest with \$50,000 forgiveness and no payments will be required until the project is completed.

Commissioner DiOrio provided an update on the dam replacement project and dam bridge. A resident asked if the Town is generating hydroelectricity and Commissioner DiOrio noted that it has been generated a few days this summer, but it has been difficult due to evaporation and lack of rain. A resident asked about the schedule on the state website and asked if the \$16 million will be used for the design of the new and Commissioner DiOrio explained that the use of the \$16 million should follow the timeline on the state website until it is completely utilized, which should include design. Commissioner DiOrio explained the dam reserve fund and other funding avenues.

Commissioner Proctor provided an update on the communications tower. A resident asked where the tower will be built and Proctor answered that the Tower is set to be built in the Boys Camp Road area.

Town Manager Hank Perkins provided an overview of Town updates and goals.

Commissioner Bryant provided an update on expressed appreciation for Town residents, staff, and Council members.

Q&A WITH MEMBERS OF TOWN COUNCIL

A resident asked when the electric sign in front of Town Hall is going to be functioning and Public Services Director Dean Lindsey explained that the Town is waiting on an inspection and Duke Energy to complete a hook-up connection, but it should be functioning soon.

A resident offered to provide knowledge regarding invasive species to anyone who would like to learn.

A resident asked about boat safety specifically with vacation rental boats and lack of police presence and Mayor Pritchett explained that the Lake Use Regulations are being reviewed for improvements right now and that the Town does not have enough police to be on the entire lake at all times. Commissioner DiOrio explained the comprehensive review of the Lake Use Regulation and the training requirements that will be implemented. Commissioner DiOrio also noted that Marine Commission will review the recommended Lake Use Regulation changes at the September meeting and will hold a public hearing following that meeting. A resident expressed that the only way to relieve issues is more police presence. Lake Lure Police Officer Carl Umphlett provided input regarding how the Police Department functions on the lake.

A resident asked about dredging and Commissioner DiOrio provided an update.

A resident asked about Equinox and the greenspace stream and Commissioner DiOrio provided an explanation of how stream restoration might work in that area. Commissioner Proctor provided additional information. Council members discussed the current use of the greenspace and explained that future uses are possible, but it is premature to make any decisions on how to utilize the greenspace differently.

ADJOURNMENT

With no further business, Commissioner Doster made a motion to adjourn the meeting at 8:10 p.m. Commissioner DiOrio seconded and the motion carried 4-0.

ATTEST:

Olivia Stewman, Town Clerk

Mayor Carol C. Pritchett

LAKE LURE TOWN COUNCIL
AGENDA REQUEST FORM
Meeting Date: September 13, 2022

SUBJECT: Ordinance No. 22-09-13 Amending Code of Ordinances Section 4-2. Dangerous dogs; barking; leash requirements.

AGENDA INFORMATION:

Agenda Location: Consent Agenda
Item Number: B
Department: Parks, Recreation, and Lake
Contact: Dana Bradley, Parks, Recreation, and Trails Coordinator
Presenter: Dana Bradley, Parks, Recreation, and Trails Coordinator

BRIEF SUMMARY:

Town staff has received complaints in regard to an unleashed dog in Morse Park. Upon speaking with the owner, it is claimed that the dog is wearing an “invisible leash” which is similar to an e-collar. The purpose of Ordinance No. 22-09-13 is to specify that all leashes must be visible and are not to exceed six feet in length.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

To adopt Ordinance No. 22-09-13 Amending Code of Ordinances Section 4-2. Dangerous dogs; barking; leash requirements.

ATTACHMENTS:

Ordinance No. 22-09-13 Amending Code of Ordinances Section 4-2. Dangerous dogs; barking; leash requirements.

STAFF’S COMMENTS AND RECOMMENDATIONS:

Staff recommends the adoption of Ordinance No. 22-09-13 Amending Code of Ordinances Section 4-2. Dangerous dogs; barking; leash requirements.

ORDINANCE NUMBER 22-09-13

**AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 4-2(C).
DANGEROUS DOGS; BARKING; LEASH REQUIREMENTS.**

WHEREAS, Section 4-2(c) of the Town of Lake Lure Code of Ordinances establishes that it shall be unlawful for any person owning, having possession, charge, care, custody or control of a dog to allow such dog to enter any town owned parcels, including, but not limited to, Lake Lure Town Hall, Washburn Marina, Morse Park, Dittmer Watts Nature Trail and Lake Lure Greenspace without being properly restrained by a leash; and

WHEREAS, The Town of Lake Lure find it necessary to clarify a potential ambiguity in the interpretation of proper restraint by a leash; and

WHEREAS, It is within the best interest of the Town of Lake Lure and Lake Lure residents that proper restraint by a leash be described as being properly restrained by a visible leash not exceeding six feet in length;

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

SECTION ONE. The Town of Lake Lure Code of Ordinances Section 4-2(c) is hereby amended as follows:

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

Sec. 4-2. Dangerous dogs; barking; leash requirements.

- (c) It shall be unlawful for any person owning, having possession, charge, care, custody or control of a dog to allow such dog to enter any town owned parcels, including, but not limited to, Lake Lure Town Hall, Washburn Marina, Morse Park, Dittmer Watts Nature Trail and Lake Lure Greenspace without being properly restrained by a visible leash not exceeding six feet in length. This section shall apply to all dogs with the following exceptions:
- (1) Dogs used or being trained for law enforcement by law enforcement officials.
 - (2) Service animals, as defined by the Americans with Disabilities Act, used by authorized persons and under the control of such persons.
 - (3) Dogs in specified off-leash areas as designated by the town.

- (4) Dogs fulfilling a specific town or public purpose, per authorization from the town.

READ, APPROVED, AND ADOPTED this 13th day of September, 2022.

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 REQUEST FORM
Meeting Date: September 13, 2022**

SUBJECT: Requested Budget Amendment (BA #340) – Additional Costs for Capital Items Related to Maintenance Equipment for the Public Services Department

AGENDA INFORMATION:

Agenda Location: Consent Agenda
Item Number: C
Department: Finance
Contact: Stephen Ford, Finance Director
Presenter: Stephen Ford, Finance Director

BRIEF SUMMARY:

To increase funding for expenses related to the maintenance equipment for the Public Services department that was discussed during the August work session meeting.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

To approve Budget Amendment #340

FUNDING SOURCE:

General Fund – Transfer from Fund Balance

ATTACHMENTS:

BA #340

STAFF'S COMMENTS AND RECOMMENDATIONS:

Staff recommends approval of Budget Amendment #340.

**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: Public Services

Purpose: In order to fund additional costs for capital items related to maintenance equipment in the Public Works Department, the following is requested:

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
550	10-80000		\$112,496	\$155,000

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: \$ **112,496**

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.

LAKE LURE TOWN COUNCIL
AGENDA REQUEST FORM
Meeting Date: September 13, 2022

SUBJECT: Requested Budget Amendment (BA #341) – Additional Costs for Contracted Services Related to WWTP Sludge Removal

AGENDA INFORMATION:

Agenda Location: Consent Agenda
Item Number: D
Department: Finance
Contact: Stephen Ford, Finance Director
Presenter: Stephen Ford, Finance Director

BRIEF SUMMARY:

To increase funding for expenses related to contracted services for sludge removal at the wastewater treatment plant.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

To approve Budget Amendment #341

FUNDING SOURCE:

General Fund – Transfer from Fund Balance

ATTACHMENTS:

BA #341

STAFF'S COMMENTS AND RECOMMENDATIONS:

Staff recommends approval of Budget Amendment #341.

**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: Public Services

Purpose: In order to fund additional costs for contracted services related to sludge removal at WWTP, the following is requested:

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
690	53-7140000		\$155,000	\$315,000

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: **\$ 155,000**

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.

**LAKE LURE TOWN COUNCIL
AGENDA REQUEST FORM
Meeting Date: September 13, 2022**

SUBJECT: Requested Budget Amendment (BA #342) – Police Vehicle Repair

AGENDA INFORMATION:

Agenda Location: Consent Agenda
Item Number: E
Department: Finance
Contact: Stephen Ford, Finance Director
Presenter: Stephen Ford, Finance Director

BRIEF SUMMARY:

To fund police vehicle repair due to accident using insurance reimbursement.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

To approve Budget Amendment #342

FUNDING SOURCE:

General Fund – Transfer from Fund Balance

ATTACHMENTS:

BA #342

STAFF'S COMMENTS AND RECOMMENDATIONS:

Staff recommends approval of Budget Amendment #342.

**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: Police

Purpose: In order to fund police vehicle repair due to accident using insurance reimbursement the following is requested:

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
354	10-4310000		\$8,000	\$33,000

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: **\$ 8,000**

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.

**LAKE LURE TOWN COUNCIL
AGENDA REQUEST FORM
Meeting Date: September 13, 2022**

SUBJECT: Suspension of Chapter 8 Article II: “Peddlers” of the Code of Ordinances and Waiver of the Noise Regulation, Chapter 20 Article II, for Hickory Nut Gorge (HNG) Outreach 2022 Fall Lake Lure Arts and Crafts Festival scheduled for October 15-15, 2022 in front of the Arcade Building.

AGENDA INFORMATION:

Agenda Location: Consent Agenda
Item Number: F
Department: Administration
Contact: Matt Dolan, HNG Outreach Event Coordinator
Presenter: Laura Krejci, Communications Director

BRIEF SUMMARY:

In the past, Town Council has suspended Chapter 8 Article II: “Peddlers” of the Lake Lure Code of Ordinances and waiver of the Noise Ordinance, Chapter 20 Article II, for the Hickory Nut Gorge Outreach events being held on Town property. HNG Outreach is requesting suspension of Chapter 8 Article II: “Peddlers” of the Code of Ordinances and wavier of the Noise Ordinance, Chapter 20 Article II for the 2022 Fall Lake Lure Arts and Crafts Festival. The festival will feature onsite displays, live music, and local food. The event serves as the major fundraiser for HNG Outreach. HNG Outreach is a nonprofit organization that provides food and outreach services to low-income families throughout the Gorge.

Note that HNG Outreach has submitted applications for an Entrainment Event Permit and Fabrice Structures Permits.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

To approve the suspension of Chapter 8 Article II: “Peddlers” of the Code of Ordinances and Waiver of the Noise Ordinance, Chapter 20 Article II for the HNG Outreach’s 2022 Fall Lake Lure Arts and Crafts Festival to be held on the weekend of October 15-16, 2022.

ATTACHEMENTS:

Chapter 8 Article II: “Peddlers”; Chapter 20 Article II: “Noise Regulation”

STAFF’S COMMENTS AND RECOMMENDATIONS:

Chapter 8 Article II of the Code of Ordinances prohibits the sale of merchandise or other items within the corporate limits of the town. The suspension of the ordinance for these specific dates allows the HNG Outreach to promote sales at their event. Waiver of the Noise Ordinance, Chapter 20 Article II allows the event to provide music and announcements throughout the event.

ARTICLE I. IN GENERAL

Secs. 8-1—8-18. Reserved.

ARTICLE II. PEDDLERS**Sec. 8-19. Peddling prohibited.**

(a) No person or itinerant merchant shall sell or offer for sale produce, merchandise, or other items of personal property or engage in the general business of peddling within the corporate limits of the town. The sale of produce, merchandise, and other items of personal property, and in general the carrying on of business of peddling from stands and other temporary structures, trucks, cars, or other vehicles, constitutes a nuisance and is dangerous to the health and safety of the citizens of the town.

(b) Nothing contained herein shall prevent property owners from conducting yard sales on their own property, as long as said yard sales are not held more frequently than one day per month.
(Code 1989, § 61.10; Ord. of 4-10-2018)

Sec. 8-20. Exemptions.

The following are exempt from the provisions of this article:

- (1) The circulation of petitions for signature or lawful distribution of advertising materials, flyers, or materials expressing views on political, social or religious matters.
- (2) The lawful promotion or expression of views concerning political, social, religious and other like matters.
- (3) The selling or offering for sale of goods, wares, merchandise, food, periodicals or services by bona fide members or representatives of charitable, religious, civic, educational or fraternal organizations, and who receive no compensation of any kind for their services, and such sale or offering by children under the age of 18 years who are students in a public or private school for school activities.
- (4) The solicitation of contributions or pledges thereof for bona fide nonprofit organizations.
- (5) The selling or delivery of goods to business establishments.

(Code 1989, § 61.20; Ord. of 4-10-2018)

Sec. 8-21. Penalty.

Violation of this article shall be a misdemeanor and punishable on conviction by a fine not exceeding \$50.00 or by imprisonment not exceeding 30 days, or both, as provided in G.S. 14-4.

(Code 1989, § 61.90; Ord. of 4-10-2018)

Secs. 8-22—8-45. Reserved.

(2) Lake operations located on Buffalo Shoals Road, Lake Lure, N.C.

(d) Appropriate decals or signs indicating that firearms are prohibited within, shall be conspicuously displayed at each entrance by which the general public can access the municipal buildings specified in subsections (b) and (c) of this section. Decals or signs shall not be posted at or on municipal properties not identified herein, or where no prohibitions exist.

(e) If this section or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given separate effect and to that end the provisions of this section are declared to be severable. All ordinances or parts of ordinances in conflict with this section are hereby repealed.

(f) This section shall be effective immediately upon adoption by majority vote of the town council. (Code 1989, § 84.04; Ord. of 6-14-2016)

Secs. 20-5—20-26. Reserved.

ARTICLE II. NOISE REGULATION*

Sec. 20-27. Scope.

This article shall apply to all sound, sound vibration, and noise originating within the corporate limits of the town. Nothing in this article shall be construed to limit or prevent the town or any person from pursuing any other legal remedies for damages or the abatement of noises in the town. (Code 1989, § 84A.01)

Sec. 20-28. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Amplified sound means any sound or noise, including the human voice, that is increased in volume or intensity by means of mechanical and/or electrical power.

Construction means the erection, repair, assembly, alteration, landscaping, or demolition of any building or building site.

Decibel (dB) means a unit for describing the amplitude of sound, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micronewtons per square meter.

Motorized vehicle means any vehicle, as defined in G.S. 20-4.01(49), including, but not limited to:

- (1) Excursion passenger vehicles as defined in G.S. 20-4.01(27)e.
- (2) Common carriers of passengers as defined in G.S. 20-4.01(27)d.
- (3) Motorcycles and mopeds as defined in G.S. 20-4.01(27)h and j.

*State law reference—Authority to regulate noises, G.S. 160A-184.

- (7) Outdoor entertainment events only to the extent authorized in a special event permit issued by the town;
- (8) Regularly scheduled athletic events at town parks, athletic facilities, and public or private schools;
- (9) Film and video production activities for which permits have been issued by the town, provided all equipment such as generators are properly muffled;
- (10) Lawful fireworks;
- (11) Properly equipped aircraft operated in accordance with applicable federal rules and regulations; and
- (12) Governmental emergency vehicles and firearms in the course of the performance of official duties.

(Code 1989, § 84A.04)

Sec. 20-31. Decibel standards—Generally.

It shall be presumed that a noise disturbance in violation of this article has occurred whenever any noise or sound is projected from one property in the town onto another or onto a public area if such sound, measured in accordance with section 20-32, exceeds the following decibel standards. The zoning classification of the property where the sound originates will be used to determine which standards apply.

- (1) Residential districts R-2, R-4, L-1, M-1, S-1 and the various R-1 districts:
 - a. 7:00 a.m. to 11:00 p.m.: 65 dBA.
 - b. 11:00 p.m. to 7:00 a.m.: 55 dBA.
- (2) Resort, commercial and all other zoning districts:
 - a. 7:00 a.m. to 11:00 p.m.: 65 dBA.
 - b. 11:00 p.m. to 7:00 a.m.: 55 dBA.

(Code 1989, § 84A.05)

Sec. 20-32. Decibel standards—Method of measurement.

Except as qualified by section 20-34, when measuring vehicular noise, this section describes acceptable methods and techniques for the measurement and reporting of noise for the purpose of determining compliance with the allowable noise levels listed in section 20-31.

- (1) *Measurement location.* Measurement of sound shall be made at any point beyond (outside) the property line of the property where the noise originates; provided, however, when sound is measured on town property, the point of measurement shall be at least 50 yards from the property line of the property where the sound originates.
- (2) *Calibration.* All sound level measuring devices shall be calibrated by a certified agency, at a minimum once each year.
- (3) *Sound level meter.* Sound level measurement shall be made with a sound level meter using the A-weighting scale, set on "slow" response.

manager shall determine that the building operations are adversely affecting others, he shall be authorized to modify or revoke the permit. The town manager may permit emergency work in the preservation of public health or safety at any time.

- (4) Operation of outdoor amplified music or public address systems between the hours of 11:00 p.m. and 7:00 a.m.

(Code 1989, § 84A.07)

Sec. 20-34. Vehicular noise.

The following shall be prohibited as a public nuisance under this article:

- (1) Operation of any motor vehicle so as to cause the tires to squeal or screech unnecessarily.
- (2) Operation within the town limits any type of motor vehicle that exceeds a measured noise level of 92 decibels on the sound meter when measured 20 inches from the exhaust pipe at a 45-degree angle while the engine is operating at idle.
- (3) Operation of any motor vehicle of any size and regardless of the year of manufacture that meets one or more of the following criteria:
 - a. It is not equipped with an adequate muffler in constant operation, free of defects and modifications, that prevents the escape of any excessive or unusual noise;
 - b. It has a muffler system that is equipped with a straight pipe exhaust system (regardless of the presence of baffles);
 - c. It has a hollow core muffler;
 - d. It has a muffler that is labeled for off-road course competition use;
 - e. It has a muffler system that has a cut-out, bypass, or similar device designed or so installed so that it can be used continually or intermittently to bypass or otherwise reduce or eliminate the effectiveness of a muffler or muffler system;
 - f. It has a muffler system that has been modified in a manner which will amplify or increase the noise emitted by the exhaust.
- (4) Operation of any motor vehicle within the town limits so as to make any unreasonably loud noise that results from any one or more of the following actions by the operator:
 - a. Misuse of acceleration or braking power that exceeds tire traction limits, sometimes known as "burn-outs," "burning rubber," "laying down rubber" or "peeling rubber."
 - b. Excessive acceleration or deceleration while in motion where there is no emergency need.
 - c. Racing or revving of engines by manipulation of the accelerator, gas pedal, or carburetor in applying fuel to the engine in a greater amount than is necessary whether the vehicle is either in motion or standing still.

VIII
UNFINISHED
BUSINESS

IX

NEW BUSINESS

- A. Request from Property Owner, Josh Skudlarick, of 315 Lakeview Road for Written Approval from Town Council for Adding Fill at or Below the Lake Shoreline. (Parcel #225319)

**LAKE LURE TOWN COUNCIL
AGENDA REQUEST FORM
Meeting Date: September 13, 2022**

SUBJECT: Request from Property Owner, Josh Skudlarick, of 315 Lakeview Road for Written Approval from Town Council for Adding Fill at or Below the Lake Shoreline. (Parcel #225319)

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: A
Department: Community Development
Contact: Mike Williams, Community Development Director
Presenter: Mike Williams, Community Development Director

BRIEF SUMMARY:

On or before July 18, 2022, Mr. Josh Skudlarick added sand to an existing beach along his property shoreline, in violation of Section 6-61 of the Town Code of Ordinances. On July 19th, finding no one on the property, Community Development (CDD) posted a stop work order at the site and issued a notice of violation by postal mail and email. During the next three weeks, personal contact was made at the property with someone identifying herself as Mr. Skudlarick's sister and, on another occasion, with a group of people staying at the house who identified as friends of Mr. Skudlarick. Both stated that they had communicated with Mr. Skudlarick about our request for him to contact the Town but no communication was received from him. On August 11th, after no contact from Mr. Skudlarick, a Notice of Citation was sent to him assessing a civil penalty of \$100 for each day the violation remained. A copy was also given to an individual at the property who identified himself as Mr. Skudlarick's son. On August 12th, CDD received an email from an engineer stating that he was working with Mr. Skudlarick to deal with the cited violation. On August 18th, CDD finally received a response from Mr. Skudlarick, apparently following Director Williams' conversation with the engineer regarding the Town's concern that he had still not even acknowledged CDD's attempted communications. In that phone call, Mr. Skudlarick stated that he didn't understand why the beach was a problem after so many years of existence but that he was making arrangements for someone to remove the sand. He also questioned why fines were being assessed and Director Williams told him that fines would not have come up except that it appeared that he was ignoring the issue by not even acknowledging us until 25 days after CDD had begun attempting to communicate with him. Director Williams offered to Mr. Skudlarick that the daily fines would cease accumulating as the result of his call, as long as he continued with his presented action plan for resolving the violation. Director Williams also made clear that the already accrued expenses fines would remain. Director Williams received another call from him on August 19th and he expressed concern that he was being unfairly singled out and referenced the Rumbling Bald and Town beaches, as well as other existing private beaches on the lake. Director Williams pointed out that the existence of the beaches were not violations but adding sand fill to the lake was, according to the Town Code. CDD and Mr. Skudlarick discussed that Ordinance prohibits that activity unless written approval is given by the town council. On August 22nd, Director Williams

received a letter by email addressed to Mayor Pritchett, the Lake Structure Appeals Board and Town Commissioners requesting approval for his recently installed sand to remain. After some difficulty making contact with him, Director Williams left a phone message on August 31st for Mr. Skudlarick confirming that his request would go before the Town Council at the September 13 meeting, and that the accrued fines discussed previously would remain but with no additional fines until his request for approval was decided. Director Williams reiterated that if his request was not approved, the fines would begin accruing when the decision was made until the violation was resolved.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

To defer making a decision whether to approve Mr. Skudlarick's request until after he obtains and provides approval of the sand fill from the US Army Corps of Engineers pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

ATTACHMENTS:

Mr. Scudlarick's request letter and copy of Section 6-61 "Prohibited Uses"

STAFF'S COMMENTS AND RECOMMENDATIONS:

1) Adding sand, even to an existing beach, is violation of Section 6-61 of the Town Code of Ordinances. 2) The US Army Corps of Engineers' Regional General Permit, General Conditions, states that, except as authorized by the Corps, no excavation, fill or mechanized land-clearing activities shall take place with the waters. 3) The Town does have a number of pre-existing beaches, not limited to Rumbling Bald and the Town's beach, that have probably replenished sand and expect to be able to do so in the future.

August 22, 2022

Dear Mayor Pritchard

Lake Structure Appeals Board

Town Commissioners

Subject: Request for Lake Structure Appeals Board Approval

RE: 315 Lakeview Road; Citation NOV-2022021

Thank you for taking the time to consider this.

By way of introduction, our family has been blessed and fortunate to be homeowners in Lake Lure for nearly 40 years.

Our home here has provided lifelong family memories for several generations. The sandy shoreline at our house, where the kids play from sunrise to sunset, is probably our *favorite place on earth*.

Last month we received a Notice of Citation per Sec. 6-61 because we replenished our sand without prior written permission from the town, and we were informed that we are being fined \$100 per day. I sincerely apologize that we did not apply for permission in advance, as we had no idea that this was a requirement, were unaware of Sec. 6-61, and never had an issue with this in the past.

We humbly request that we be allowed to keep the sand that has been installed. We hope you approve this request for the following reasons:

- We are maintaining the prior existing sand line the same as we historically have throughout ownership.
- We have performed this replenishment in the past, most recently in 2017, to maintain the existing shoreline. It seems that about every 5 years or more some sand needs to be replenished.
- We were unaware that this needed to be applied for in advance as we had never had any issues or citations prior to this summer.
- Shorelines at Rumbling Bald Resort and Lake Lure Beach, in much larger quantities, along with many other private homes around the lake have added sand to maintain or enhance their beaches, and we are simply doing the same as these others.
- Removing this sand, if even practical, would incur a large financial cost and emotional stress.

Given that it has been a historical practice at our home, and given that many others around the lake have done likewise, we request that the Board approve our request to keep this sand in place. Our sincere gratitude for your consideration on this matter.

Respectfully,



Josh Skudlarick

315 Lakeview Road
Lake Lure, NC 28746
skudlarick@gmail.com
704-807-4017

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.

(Code 1989, § 94.15; Ord. of 10-20-1998; Ord. of 4-12-2005; Ord. of 8-14-2007; Ord. of 4-12-2011; Ord. of 4-12-2016)

Sec. 6-63. - Injunctive relief.

- (a) In the event any lake structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or used in violation of these regulations, the lake structure administrator or any other appropriate town authority, or any person who would be damaged by such violation, in addition to other remedies, may institute an action for injunction, or mandamus, or other appropriate action or proceedings to prevent such violation.
- (b) Whenever the town council has reasonable cause to believe that any person is violating or threatening to violate this article or any rule or order adopted or issued pursuant to this article, or any term, condition, or provision of an approved lake structure permit, it may, either before or after the institution of any other action or proceeding authorized by this article, institute a civil action in the name of the town for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the superior court of the county.
- (c) Upon determination by a court that an alleged violation is occurring or is threatened, the court shall enter any order or judgment that is necessary to abate the violation, to ensure that restoration is performed, or to prevent the threatened violation. The institution of an action for injunctive relief under this section shall not relieve any party to the proceedings from any civil or criminal penalty prescribed in section 6-65 for violations of this article.

(Code 1989, § 94.17; Ord. of 4-12-2005; Ord. of 8-14-2007; Ord. of 4-12-2011)

Sec. 6-64. - Inspections and investigations.

- (a) *Inspection.* The lake structure administrator or a designee will periodically inspect lake structures to ensure compliance with this article, or rules or orders adopted or issued pursuant to this article. Notice of the right to inspect shall be included in the certificate of approval of each lake structure permit.
- (b) *Willful resistance, delay or obstruction.* No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of the town while that person is inspecting or attempting to inspect a lake structure under this article.
- (c) *Notice of violation.* If it is determined that a person engaged in activities in violation of this article, or rules, or orders adopted or issued pursuant to this article, a notice of violation shall be served upon that person. The notice may be served by any means authorized under G.S. 1A-1, rule 4. The notice shall specify a date by which the person must comply with this section, or rules, or orders adopted pursuant to this article, and inform the person of the actions that need to be taken to comply with this article, or rules, or orders adopted pursuant thereto. However no time period for compliance need be given for failure to submit a lake structure permit application for approval or for obstructing, hampering, or interfering with an authorized representative while in the process of carrying out his official duties. **Any person who fails to comply within the time specified is subject to the civil and criminal penalties provided in this article.**

- (d) *Investigation.* The lake structure administrator shall have the power to conduct such investigation as may reasonably be deemed necessary to carry out the duties prescribed in this article, and for this purpose to enter reasonable times upon any property, public or private, for the purpose of investigating and inspecting the same any lake structure.
- (e) *Statements and reports.* The town shall also have the power to require written statements, or filings of reports under oath, with respect to pertinent questions relating to lake structures.

(Code 1989, § 94.18; Ord. of 4-12-2011)

Sec. 6-65. - Penalties.

- (a) Generally. This section may be enforced by any one, all, or a combination of the remedies authorized and prescribed by G.S. 160A-175.
- (b) Criminal penalties.
 - (1) All lake structures built after December 15, 1992 are required to have a permit prior to commencement of any construction or alteration for which a permit is required (see section 6-49). Any person who knowingly or willfully violates any provision of this section, or rule, or order adopted pursuant to this article, or who knowingly or willfully initiates or continues construction or alteration of a lake structure for which a permit is required except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a Class 3 misdemeanor which may include a fine not to exceed \$500.00 as provided in G.S. 14-4.
 - (2) Failure to receive a lake structure permit as required by this section prior to commencement of construction or alteration of a lake structure shall subject both the owner of the upland property and any contractor engaged for the purpose of performing the work to a fine not to exceed \$500.00. If the illegal construction or alteration meets all requirements of this section, a permit and a lake structure certificate shall be issued upon payment of the fine and submittal of a completed application, including detailed plans, other required documentation, and fees. If the illegal structure or alteration does not meet said requirements, the structure shall either be removed, be brought into compliance, or receive a variance (see section 6-62) prior to approval of a permit and receipt of the certificate.
 - (3) The owner of the illegal structure shall either apply for a permit or apply for a variance within 30 days or remove the structure within 60 days of receipt of notification that the structure is in violation of this section. Failure to comply with this requirement shall subject the owner to an additional fine, not to exceed \$500.00, payable immediately upon notification.
 - (4) The fines imposed in subsection (b)(1) of this section shall be due and payable by the owner within 30 days of approval of a permit and due and payable by the contractor within 30 days of notification that the structure is in violation of this chapter.
 - (5) In the event that a petition for variance is submitted, the petitioner shall have 30 days in which to apply for a permit in conformance with the conditions of an order granting the variance or 60 days in which to remove the illegal structure if an order denying the variance is issued. Failure to comply with this subsection shall result in an additional fine, not to exceed \$500.00, payable immediately upon notification.
- (c) Civil penalties.

- (1) Civil penalty for a violation. Any person who violates any of the provisions of this section, or rule or order adopted or issued pursuant to this article, or who initiates or continues construction or alteration of a lake structure for which a permit is required except in accordance with the terms, conditions, and provisions of an approved permit, is subject to a civil penalty. The maximum civil penalty amount that the town may assess per violation is \$500.00. A civil penalty may be assessed from the date of violation. Each day of a continuing violation shall constitute a separate violation.
 - (2) Notice of civil penalty assessment. The lake structure administrator shall provide notice of the civil penalty amount and basis for assessment to the person assessed. The notice of assessment shall be served by any means authorized under G.S. 1A-1, rule 4, and shall direct the violator to either pay the assessment or contest the assessment, by written demand for a hearing (see section 6-62).
 - (3) Collection. If payment is not received within 30 days after it is due, the town may institute a civil action to recover the amount of the assessment. The civil action may be brought either in the superior court of the county or in a court in the location of the violator's residence or principal place of business, as the town shall elect. Such civil actions must be filed within three years of the date the assessment is due. An assessment that is not contested is due when the violator is served with a notice of assessment. An assessment that is contested is due at the conclusion of the administrative and judicial review of the assessment.
- (d) Any provision of this section that makes unlawful a condition existing upon or use made of any property may be enforced by injunction and order of abatement, and the general court of justice shall have jurisdiction to issue such orders. When a violation of such a provision occurs, the town may apply to the appropriate division of the general court of justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the rules of civil procedure in general and rule 65 in particular. In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; the fixtures, furniture or other movable property be removed from the building on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this policy or such ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, such defendant may be cited for contempt, and the town may execute the order of abatement. The town shall have a lien on the upland property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs to the town of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.
- (e) The provisions of this section may be enforced by any one, all, or any combination of the remedies authorized and prescribed by this article.

(f) Except as otherwise specifically provided, each day's continuing violation of any provision of this section shall be a separate and distinct offense.

(Code 1989, § 94.99; Ord. of 10-20-1998; Ord. of 4-12-2011)

X

ADJOURNMENT

