

LAKE LURE TOWN COUNCIL REGULAR MEETING PACKET

Tuesday, October 12, 2021



**Mayor Carol C. Pritchett
Mayor Pro Tem John Moore
Commissioner Patrick Bryant
Commissioner David DiOrio
Commissioner John Kilby**

TOWN OF LAKE LURE

Town Council Regular Meeting

Tuesday, October 12, 2021 - 5:00 PM

Meeting held virtually via Zoom



Agenda

Zoom Link: <https://us02web.zoom.us/j/85220827140>

Phone Number: +1 301 715 8592

Meeting ID: 852 2082 7140

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 five minutes or less. If you wish to speak, wait for the Mayor to ask if anyone would like to make a comment and then unmute your phone or mic and state your name and address. 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 September 14, 2021 Regular Meeting Minutes and the September 29, 2021 Regular Work Session Minutes

B. Town Code Recodification

VIII. Unfinished Business

IX. New Business

A. Lake Lure Tours Concession Agreement – Off-Season Beach Opening/Closing

B. Fire Fly Cove Water Supply

C. Town Hall Illuminated Sign Proposal

D. Resolution No. 21-10-12 – Regarding use of Design-Build Delivery Method to Complete the Subaqueous Sanitary Sewer Replacement Project

X. Closed Session

In accordance with G.S. 143-318.11(a) (6) for the purpose of discussing personnel matters.

XI. Adjournment

IV
TOWN MANAGER'S
COMMUNICATIONS



NAME:
Mike Williams: Community Development Director
Rick Carpenter: Development and Environmental Review Specialist

DEPARTMENT:
Community Development



REPORT DATE:		PREPARED FOR
October 4, 2021	(reporting period 9/1-9/30/21)	Town Manager/Town Council

I. REOCCURRING WORK ACTIVITIES

1. Zoning Administration/Code Enforcement

Certificate of Zoning Compliance Issued	7
Certificates of Zoning Compliance Denied	0
Certificates of Occupancy Issued.....	6
Vacation Rental Operating Permits Issued.....	5
Permanent Sign Permits Issued (0) Temporary (0)	0
Complaints Logged	0
Complaints Investigated	0
Notices of Violation Issued	1
Civil Penalties Issued	0
Stop Work Orders Issued.....	0
Improperly Posted Address Notifications Issued	0
Abandoned/Dilapidated Structures Cases Open..... (0 closed by demo)...	0
Z&P Hearings Processed.....	0
BOA Hearings Processed.....	0
Demolition Permits Issued	0
VROPs Active to Date.....	447

2. House/Modular/Heavy Load Moves Through Town

3. Environmental

Land Disturbance Permits Issued.	1
Complaints Logged	1
Complaints Investigated	1
Stop Work Orders Issued.....	0
Floodplain Development Permits Issued.....	0

4. Lake Structures/Shoreline Stabilization

Lake Structure Permits Issued	1
Shoreline Stabilization Permits Issued	0
LSAB Hearings Processed	0

5. Subdivision Administration

Preliminary Plat:	0
Final Plat	0

Minor Subdivisions: 0
 Exempt Plat Reviews: 0
 Lots Approved 0

As Rutherford County Plat Review Officer (per GS 47-30):

Plats Reviewed: 1
 Plats Approved: 1

II. PROJECTS UPDATE

Sedimentation into Lake/Water Quality Concerns; sub watershed 5-Grey Logs Cove and the Highlands Subdivision —

The Town, at the advice of our attorney, has agreed to hold Civil Penalties in abeyance for the opportunity for all parties to meet. Amy Annino with the State of NC, Brandee Boggs with USACE, Pete Dickerson with Odom Engineering, Clear Water Environment Consultants, and Highlands HOA have met at the upper road failure site on 02/26/2020. Odom Engineering, as a consultant for Highlands HOA, provided the Town with plans. Staff coordinated and reviewed plans with Amy Annino from NCDEQ and Brandee Boggs from the USACE to ensure all regulations measures are satisfied. Plan revision requests and comments were sent to Pete Dickerson with Odom Engineering on 04/02/2020. Town staff have reviewed the revised plans submitted by Odom Engineering. NCDWR, USACE, and Town Staff have approved the revised plans and have released permits to the applicants.

CDD staff received plan revision requests from Odom Engineering for the upper slope failure repair. Staff reviewed the plan revisions and coordinated comments with NCDEQ and USACE. These comments were shared with Odom Engineering and the Highlands POA on 2/11/21. **Update:** No final revisions were submitted nor has work commenced on this repair. On 4/1/21, the USACE issued a deadline for final plans to be submitted by 5/15/21 and the project be completed within 180 days. **Update:** 8/12/21 communication with USACE: their purview is the redirected stream without permits. They returned Odom Engineering's last resubmission due to incorrectly calculated specs and, for what USACE considered, an inadequate solution. On 8/18/21, Mitchell Anderson from NCDEQ told me that they have not received an application or acceptable plans. Their purview issue is the sediment runoff from The Highlands' road/slope failure into stream. The Town issued a NOV letter on 9/6/19 addressing the failure to file an Erosion Control Plan and related failures of control measures. On 5/1/20, the Town issued a Land Disturbance Permit and erosion & sedimentation control plan Letter of Approval. While some measures have been taken, the approved plans have not been followed. We are evaluating, with USACE and NCDEQ, how to proceed.

Update: Working with NCDEQ/Mitchell Anderson and a representative from Zoning & Planning Board to meet at site to evaluate current situation and appropriate actions to move forward with.

Lake Structure Tag Maintenance Program — The Town of Lake Lure's Lake Structure Regulations require that all lake structures be maintained and in good repair. There is to be a lake structure certificate and accompanying structure tag issued for all structures on the waters of Lake Lure certifying that the structure is in compliance with the ordinance. The ordinance provides that the town shall have the authority to condemn any lake structure due to decay, disrepair, or any hazardous condition. The property owner will be given a written notice and 90 days to comply with the Town Council's determination. If the owner fails to appeal to the Town Council for a hearing or comply with their determination, Council may revoke their lake structure certificate and accompanying tag (if one had been issued) and remove the structure at the property owner's expense. It also provides that owners of upland property who fail to comply with this section of the Lake Structure Regulations (§ 94.08), shall be ineligible to receive a boat permit.

As this program has not been enforced in over 20 years, some lake structure have not been maintained, resulting in potentially hazardous conditions. In an effort to ensure all lake structures built or installed over the Town's lake

property, the Community Development Department has been asked to restart the enforcement of the lake structures tag program. The department is working with the Town's attorney to ensure all elements of this program align with state regulations and can be restarted, as well as evaluating how to develop a sustainable means of monitoring/enforcing the program. As staff are not qualified to inspect the structural integrity of structures, a qualified professional (engineer) will have to perform the inspections. **Update:** Reinstating the program with focus on 1) communicating Town's ownership of Lake where structures stand, 2) communicating the responsibility of Lake Structure owners to maintain those structures in good repair, and 3) Town will begin periodic inspections of structures, including having certified engineering inspections and utilize those professional opinions as a basis for enforcement of the existing Lake Structure regulations. We are negotiating a contract with LaBella to conduct inspections and provide written opinion of structure compliance with Town's Regulations. Inspections will begin during this year's drawdown. **Update:** No contract with LaBella/working on referral-based enforcement of Town's existing Lake Structures requirement that property owners maintain their lake structures in good repair and not create a "hazardous condition". Referrals will come from LaBella's engineers as they conduct Sewer Modification inspections, general public complaints/referrals, and staff referrals based on "float-by" inspections of all lake structures. The staff referrals will be based on inspections done by a selected team of staff and structural review-qualified inspectors. During September-October, we will conduct visual inspection from boat of all lake structures, creating new digital image file of existing structures, and identifying structures that appear to be less than structurally sound and not in compliance with Town requirements. Property owners of those identified structures will be notified of their need to either correct those structural hazards or provide professional certification that the structure is structurally sound and should not be considered a hazard. The other component of the program is communication of the Town's right, as owner of the lake, to require that property owners of structures built on the lake do maintain their structures in good, safe repair or potentially lose their right to maintain a structure on the Town's property. This will be a significant change after many years of very limited enforcement of that requirement but should greatly enhance the safety and enjoyment of the lake for our community as we go forward. **Update:** **Have begun CDD inspections of lake structures by boat. Compiling current photo record of each structure and evaluating each structure using a program checklist. Checklist uses a visual inspection assessment ranking of 1) "Excellent Condition" (like new/no obvious damage), 2) "Good Condition" (minimal signs of wear or damage/decay), 3) "Poor Condition" (missing/damaged boards, decay, not an immediate health/safety hazard), or 4) Bad Condition/Hazard" (damage, disrepair and/or decay that may constitute a hazard). Structures identified with "Poor Condition" will receive a notice of advisement that their structure may soon require repairs or action in order to continue to meet the Town's requirement of maintaining structures built on the Town-owned lake in good repair. Structures identified with "Bad Condition/Hazard" will be notified that they are being referred to an outside evaluator to make a recommendation as to whether *immediate* action may be necessary in order to meet the "Good Repair" requirement.**

Deep-water Ramp project: CDD is working with Dana Bradley and Dean Givens to obtain Federal and State approval for the critical ramp beside the dam, and then to issue the Town permits to allow the ramp to be built during this year's lake drawdown. To try to push through complications with the U.S. Army Corp of Engineers and NCDEQ processes, we have scheduled a review meeting with their representatives here in Lake Lure on September 13th. **Update: Continuing to work with Dana Bradley and Dean Givens on Federal, State and Town permitting.**

Town Park/Cell Tower Project: CDD working with AT&T and their design/construction partners on potential tower, with plan to site it within a planned park/campground development. A proposed 70' X 100' lease area, containing a 50' X 70' fenced tower site has been surveyed and marked. AT&T has recommended a 199' monopole tower based upon the signal effectiveness that our community needs, while keeping the tower under the 200' FAA's required lighting height. AT&T/contractor have also agreed to an engineered tower design that

would have a fall-zone of no more than 75', creating the opportunity for safe placement within a smaller setback. The Zoning and Planning Board has recommended that the Boys Camp Road site be rezoned from the previous zone (Chimney Rock Village's "Commercial Business" Zone) to Town's "Government Use" Zone. This will be presented to the Town Council on November 9th. We will also present a Master Plan revision to include both the park and tower and a text amendment relating to the fall-zone setback at that same meeting. We are also working on a potential lease agreement between the tower owner and the Town that could provide valuable funding for the park project. Potential project completion/tower operation could be mid-2022.

III. OTHER

In addition to what has already been covered, the Community Development Department has been involved in:

1) Staff Development/Training

- a. Rick is in classes through UNC School of Government classes (virtual) for his Certified Zoning Official credentials and will sit for the testing on November 18th. Looking forward to adding the "CZO" to his considerable zoning experience.
- b. I will attend the NC Floodplain Managers Conference October 20-22nd for information, peer contacts and required training credits.

2) Other Projects

- a. CDD is studying and evaluating permitting processes, forms and our code interpretations by asking questions of "why" and "what was the intent of the code as written". We do/will continue to take these issues to the Zoning and Planning Board for follow-up reviews and for recommendations to ensure that we are fairly, consistently and accurately administering the Town's development permitting processes.

If questions or ideas, please let Rick or me know.



Mike Williams, CZO, CFM
Community Development Director



Name: Laura Krejci

Department: Communications\Events\Grants

REPORT DATE: SEPTEMBER 30, 2021

PREPARED FOR: TOWN MANAGER

I. WEBSITE UPDATES

- a. The following articles were posted this month. A listing of these titles with hyperlinks was emailed to 1,477 citizens along with a link to the Town Calendar.

[Lake Lure in the Fall!](#)

[Lake Levels - Drawdown Schedule and Planned Projects](#)

[FREE Lake Lure Flowering Bridge Class - Seed Harvesting, Saving, Sharing and Seed Swapping](#)

[Mentoring for Medicine](#)

[FREE Drive Thru Clinic for COVID-19 Vaccinations](#)

[9/28/21 COVID-19 Update](#)

[Pfizer Booster Update](#)

[Dittmer-Watts Nature Trail Workday](#)

[Fall in Lake Lure](#)

[9/14/21 Town Council Meeting and Public Hearing Recording](#)

[9/14/21 Special Marine Commission Meeting Reording](#)

[9/23/21 COVID-19 Update](#)

["Loaded for Bear!" Auction](#)

[FREE Lake Lure Flowering Bridge Class - Composting 101](#)

[Free Drive Thu Vaccine Clinic](#)

[Buffalo Creek Park Workday](#)

[2021-2022 Dredging Strategy and Plan](#)

[9/14/21 COVID-19 Update](#)

[Notice of Public Hearing - Subaqueous Sanitary Sewer Replacement Engineering Report/Environmental Information Document](#)

[Sewer System Engineering Report/Environmental Information - Questions and Answers](#)

[Town of Lake Lure Special Marine Commission Meeting](#)

[Town Council Meeting and Public Hearing](#)

[9/7/21 COVID-19 Update](#)

[Employment Opportunity - Firefighter](#)

[Vaccination is Your Best Protection as COVID Metrics Increase Due to the Delta Variant](#)

[Employment Opportunity - Administrative Support Specialist](#)

[Employment Opportunity - Police Officer](#)

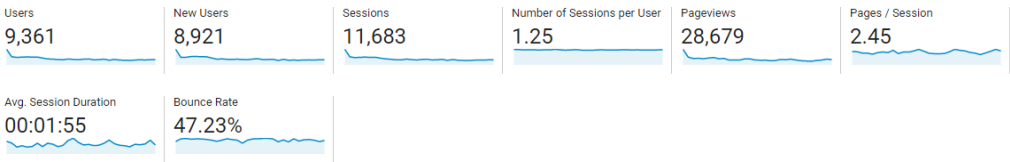
[CPR Class](#)

[Time of Your Life at Mountain Brook Vineyards!](#)

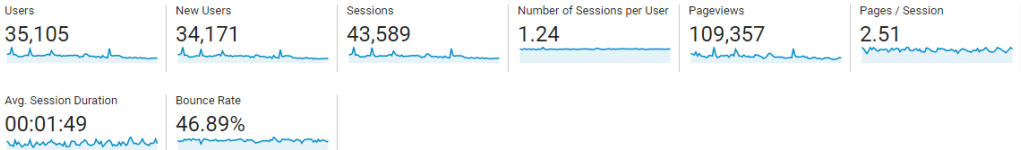
[Messages From Our Mayor](#)

I. WEBSITE UPDATES

- b. Website Analytics:
- 1) Website Inquiries: Responded timeline to 23 website inquirees.
- 2) Monthly Statistics



3) Quarterly Statistics



4) Top Pages this quarter:

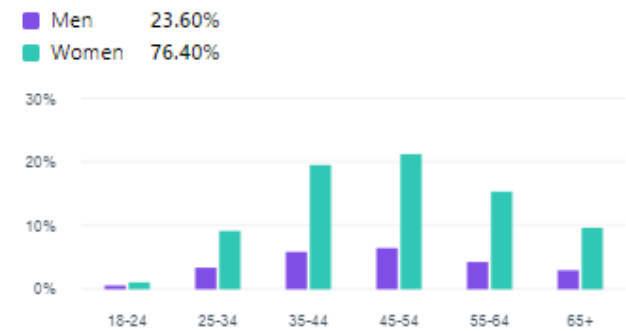
		109,357			
		% of Total: 100.00% (109,357)			
1.	/https://www.townoflakelure.com/	32,684 (29.89%)	11.	/parksreclak/page/buffalo-creek-park	1,193 (1.09%)
2.	/parksreclak/page/town-lake-lure-parks-and-trails	6,465 (5.91%)	12.	/parksreclak/page/recreation-and-around-lake-lure	1,162 (1.06%)
3.	/parksreclak/page/lake-lure-beach-and-water-park	3,564 (3.26%)	13.	/jobs	1,103 (1.01%)
4.	/parksreclak/page/fishing-and-around-lake-lure-nc	2,818 (2.58%)	14.	/parksreclak/page/lake-use-regulations	1,088 (0.99%)
5.	/calendar	2,720 (2.49%)	15.	/news	1,082 (0.99%)
6.	/parksreclak/page/getting-out-lake-lure	2,642 (2.42%)	16.	/404-error	898 (0.82%)
7.	/forms	1,836 (1.68%)	17.	/contact	893 (0.82%)
8.	/parksreclak/page/washburn-marina	1,606 (1.47%)	18.	/parksreclak/custom-contact-page/parks-recreation-lake-contact-informati on	843 (0.77%)
9.	/parksreclak/page/lake	1,492 (1.36%)	19.	/cd/page/town-ordinances	811 (0.74%)
10.	/community/page/4th-july-fireworks	1,299 (1.19%)	20.	/administration/page/fee-schedules	800 (0.73%)

II. FACEBOOK UPDATES

1. **Followers:** We have surpassed 17K followers and are now have 17,217, a 6% increase over 9/20 and a 17% increase over 9/19.
2. **Demographics:**

Audience

















Age and Gender



Location		
		Cities Countries
Rutherfordton, NC		516
Lake Lure, NC		509
Asheville, NC		409
Charlotte, NC		408
Forest City, NC		379
Hendersonville, NC		291
Shelby, NC		217
Spartanburg, SC		160
Gastonia, NC		151
Mill Spring, NC		137

II. FACEBOOK UPDATES

1. Facebook Posts

	Lake Lure in the Fall! It doesn't get any better than this! Enjoy this captivating view of Lake Lure... Wed, Sep 29	Post Reach 3284		2021-2022 Dredging Strategy and Plan: To maximize lake availability for summer recreational activitie... Thu, Sep 16	Post Reach 1735
	FREE Drive Thru Clinic for COVID-19 Vaccinations: FEMA will be conducting a drive thru clinic for... Wed, Sep 29	Post Reach 2401		9/14/21 COVID-19 Update: There have been (235) Total Positive COVID-19 Cases in the Lake Lure... Tue, Sep 14	Post Reach 3294
	9/28/21 COVID-19 Update: There have been (252) Total Positive COVID-19 Cases in the Lake Lure... Tue, Sep 28	Post Reach 1835		REMINDER - August Town Council Meeting/Public Hearing on Zoom 9/14/21 at 5:00 PM. Please join u... Mon, Sep 13	Post Reach 1571
	Dittmer-Watts Nature Trail Workday Tue, Sep 28	Post Reach 0		9/7/21 COVID-19 Update: There have been (231) Total Positive COVID-19 Cases in the Lake Lure... Tue, Sep 7	Post Reach 3900
	Pfizer Booster Update: The Food and Drug Administration (FDA) and Centers for Disease Control... Tue, Sep 28	Post Reach 1842		Employment Opportunity - Firefighter: The Town of Lake Lure, NC is accepting applications for ... Tue, Sep 7	Post Reach 4913
	Fall is here! There's a nip in the air and the leaves are tuning in lovely Lake Lure! (Photo by DJI Mavic ... Thu, Sep 23	Post Reach 2659		Vaccination is Your Best Protection as COVID Metrics Increase Due to the Delta Variant: North Carolina... Fri, Sep 3	Post Reach 811
	Town of Lake Lure, NC Town Council Meeting and Public Hearing from 9/14/21: Did you... Thu, Sep 23	Post Reach 402		Employment Opportunity - Police Officer: The Town of Lake Lure, NC Police Department is accepting... Thu, Sep 2	Post Reach 1601
	9/23/21 COVID-19 Update: There have been (244) Total Positive COVID-19 Cases in the Lake Lure... Thu, Sep 23	Post Reach 1628		Employment Opportunity - Administrative Support Specialist: The Town of Lake Lure, NC is... Wed, Sep 1	Post Reach 4315

III. ADDITIONAL COMMUNICATIONS UPDATES

- 1. Communications Plan:** developed a comprehensive communication plan based on recent budget and infrastructure developments. Numerous stakeholders for input which has been incorporated and shared with town council for their review and further input.
Update 9/30/21: Await input regarding Town Council recommendations. May need to revise the Social Media Policy based on recommendations found through the recent research related to Facebook Comments.
- 2. Facebook (FB)Comments:** Memo is being forwarded to the Town Manager and Town Council with the findings and input regarding the questions raised about Facebook comments.
- 3. Lake drawdown schedule/project overview:** The lake drawdown schedule and related project summary has been updated this month to include an update of the project timeline. This summary has been posted several times under Town News since the drawdown schedule was announced in May 2021 and has been shared via the email message referenced above. The summary is also posted under lake levels on the website at the following link: <https://www.townoflakelure.com/parksreclak/page/lake-levels-drawdown-schedule-and-planned-projects>

4. **Everbridge:** increased Everbridge registrants by **7 this month** with 1,013 (9/30/21) Everbridge registrants + 1126 Nixel registrants) as of 9/30/21. There were no emergency notifications this month.
5. **Everything Rutherford:** Article – “Everything Lake Lure” forwarded to editor of The Daily Courier. Response from the editor, “thank you for the excellent content. This is perfect for the magazine.” Ritchie Starnes.
5. **Illuminated Signage:** Agenda Item Request Form forwarded to Town Council for consideration.
6. **New Website Orientation Guide:** Working to develop an orientation video to help new users with the website.
7. **NC Governor’s Advisory Council on Film, Television, and Digital Streaming:** Worked with the producer and local leaders to video interviews highlighting ways that the entertainment industry contributes to Lake Lure’s economy and culture as a whole. We will be given a copy of the footage for our own use.
8. **Rutherford County Tourism Development Authority (TDA) Website:** Wrote and submitted the new Lake Lure pages for the TDA website

IV. Grants

1. **FEMA High Hazard Potential Dam (HHPD) Grants:**
 - A. **2020 FEMA HHPD grant:** the 2020 grant application was approved and the town was officially awarded \$121,000 for this project. The total project cost is **\$185,710**. The town must contribute 35% (**\$64,998.50**) to support completion of this project. The FEMA HHPD grant contract was reviewed and approved by the town attorney and signed and forwarded to NC DENR for their signature.
Update 9/30/21: Quarterly report submitted 8/30/21.
 - B. **Second 2020 FEMA HHPD grant:** completed a proposal for a **conceptual design of a replacement for the lake lure dam. The total cost of this project is \$58,568**. This grant opportunity requires a 35% match. The town must contribute **\$20,498.80** to support completion of this project, if awarded the remaining **65% (\$38,070.20)**.
Update 8/31/21: submitted multiple inquiries regarding the status to NC DEQ dam safety office. The NC DSO has in turn submitted multiple request for a status update to FEMA. Awaiting their approval.
 - C. **FY2021 FEMA HHPD grant:** The grant application for this year was submitted 6/11/21. I worked closely with Schnabel Engineering to submit this application for the field investigation to support the dam reconstruction of the replacement dam. The cost was estimated at 1.3 million. FEMA grants awards in NC are expected to be in the \$100 – 120,000 range for this opportunity per NC DEQ DSO.
Update 9/30/21: We were advised That the NC DEQ DSO received the FEMA grant funding and were asked for an update on our proposal. This has been resubmitted along with our Emergency Action Plan (EAP) and Mitigation Plan. We are updating the EAP and are awaiting notification of the award amount.
2. **Transportation and infrastructure committee funding** - Representative Cawthorn: Worked with Commissioner Diorio and the Town Manager to submit an application for funding through representative Cawthorn's office for the Transportation and Infrastructure committee, based on the State Transportation Improvement Program (STIP) and Transportation Improvement Program (TIP). Obtained letters of support from Senator Burr's Office, the Isothermal RPP, Rutherford County and the Mayor of Lake Lure.
Update 9/30/21: Lake Lure’s project remains on the listing for \$8,000,000. Requested a status update from Rep Cawthorn’s office but as we know from the news this funding has not yet been approved.
3. **NC Safety Grant:** Working with the Police/Fire Chiefs to submit a grant for police/firefighter equipment.

V. EVENTS/COMMUNITY OUTREACH

1. **Communications Meeting with Realtors:** awaiting dates and points of contact from doug Kelly to schedule the realtor’s forum.
2. **Round Table:** Await confirmation from Town Council to plan and coordinate the next Round Tables sessions.
3. **Veterans Day:** Have confirmed plans to plan the next Veterans Day program in partnership with Rumbling Bald on 11/11/21.



NAME: DEAN LINDSEY

Department: HYDRO/DAM/WWTP

REPORT DATE:

01 October 2021

CLOSE OUT MONTH:

September 2021

PREPARED FOR:

Town Manager

I. REVENUE

Top 5 Months of Revenue

Rank	Year	Month	Revenue
1	2016	January	\$124,215.00
2	2013	July	\$114,057.00
3	2013	August	\$109,521.00
4	2019	January	\$108,199.00
5	2019	February	\$107,935.00

2021-2022 Budget Year Revenue Red Denotes Off Peak Months

July	392,317 KWH	\$33,765.71
August	435,040 KWH	\$32,829.40
September	519,541 KWH	\$42,545.78
October		
November		
December		
January		
February		
March		
April		
May		
June		
TOTAL:		\$109,140.89

II. GENERATOR RUN TIMES & LAKE LEVELS

Generator # 1 (Small Unit) = 200 Hours

Generator # 2 (Big Unit) = 65 Hours

Minimum Recorded Lake call in Level = 45.00 Inches

Max Gate Opening = 30 Feet Cumulative

III. SIGNIFICANT WEATHER EVENTS & RAIN ACCUMULATION

- We have had 1 rain events this month that a request was made to lower lake levels outside of normal operating limits.

IV. SCHEDULED MAINTENANCE AND IMPROVEMENTS

- Generator 1 has been repaired and is operational
- Continued Cleaning at WWTP to remove obsolete items.
- WWTP Changed Chemical Supplier and Setting up temporary feed system.
- Powerhouse transformer test results have come back. Results came back marginal but within specs. Will retest in 6 months to confirm operational readiness and compare to baseline test.
- Prepping parts for WWTP Mixer motor and gearbox project.
- Doing Preliminary work on Pilot testing of centrifuge for sludge treatment and removal. Trial is scheduled to start 25 Oct 21
- Removing Tanks as they are emptied from Chemical room in preparation for remodeling.
- Water line for WWTP office hut had to be abandoned due to breakage under slab. Still in process of running new piping for facility.
- WWTP Bar Screen hydraulic motor has been tripping breaker. Troubleshooting revealed bad motor contactor and in process of being replaced when it arrives.



Name: Dustin Waycaster

Department: Fire

REPORT DATE:

October 1, 2021

PREPARED FOR:

Town Manager

I. ACCOMPLISHMENTS

9/1: Four calls for service (MVC Boys Camp, Wires down w/trees Snug Harbor, Medical Call-Shumont Estates, and Illegal Burn-Memorial Hwy).

9/2: NC OEMS came and inspected our Apparatus. All Apparatus that is rated for ALS response passed inspection. Structure Fire on Calhoun trl. Mutual aid to Bills Creek VFD.

9/4: Lock-Out call on Lake Blvd. Homeowner locked herself and contractor out of her home they needed assistance regaining entry.

9/5: Four calls for service. (Medical call on Picnic Point, MVC Memorial Hwy, Landing zone @ Ingles to Transport traumatic injured patient, and Medical Call Mountain Village Blvd.)

9/6: Three calls for service (Medical call – Lake Ridge Rd, Medical Call- Chasewood Dr., Medical call- 431 Main St Chimney Rock.)

9/7: Serviced the Well that serves the Fire Department and Lake Lure Golf Course. Well pump was replaced.

9/8: Carryout call in Chimney Rock State Park.

9/9: Department Training/Business Meeting. Lake Lure Fire Trained on how to handled stranded boats and boats that were sinking/ Mechanical Issues/ oil leaks. Put a new sump pump in-service on Fire Boat One.

9/10: Public service call to village resort to assist with drainage issues. Pumps and Fire Boat operations training.

9/11: (9/11 Memorial Services in Forest City) Medical call – Youngs Mnt Dr.

9/13: Station Maintenance (Power/pressure washed the Bay area). Assisted Public Works with cleaning out culvert pipes for Drainage. Cleared Tree from the Emergency Access Point three on the weed patch mountain trl system.

9/15: Picked up support Vehicle from the repair shop and got it back in-service.

9/16: Illegal burn Memorial Hwy.

9/21: Cardiac Arrest Call Bills Creek Rd. Fire Alarm Mountains Blvd. Tree down Memorial Hwy @ Snug Harbor.

9/22: Fall call @ Chimney Rock State Park. Fall Call @ Blue Ridge Health, and Medical Call @ Vista Apartments.

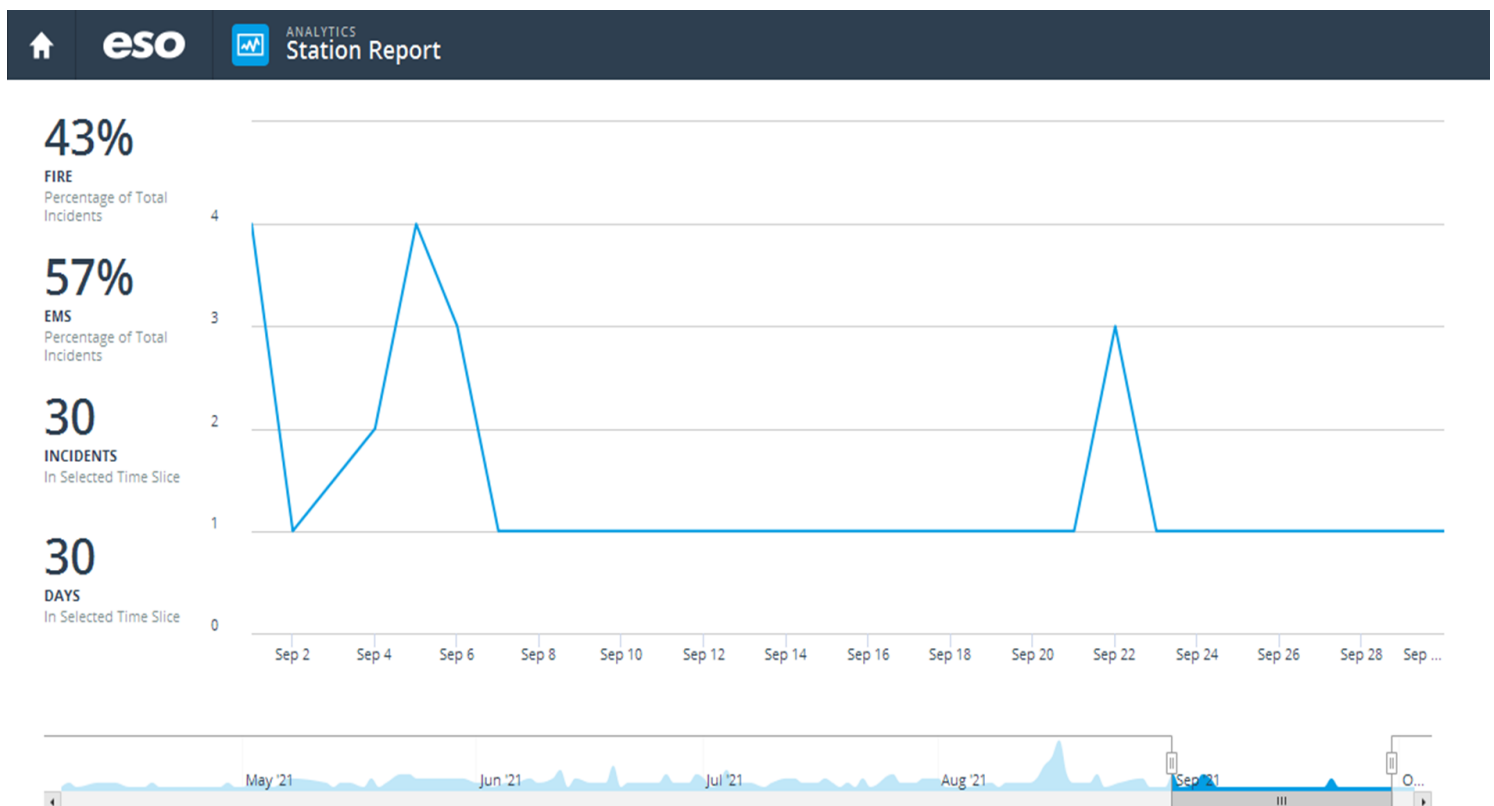
9/23: Hosted In-service training for Chimney Rock State Park.

- 9/25: Entered in Training and Fire Reports
- 9/26: Medical call @ the town Marina.
- 9/28: Annual Ladder testing @ Ingles Parking Lot.
- 9/29: Investigated possible Hazmat issue in Lake near the mouth of the river. Assisted Public works with cleaning out a culvert pipe.
- 9/30: Checked the Hazmat issue on the lake. Made sure that the issue was resolved.

II. FOLLOW UP

1. Lake Lure Fire had **170** total hours of training for the month of September.
2. Lake Lure Fire ran 30 Fire/Medical/ Rescue calls
3. Hickory Nut Gorge has been out of service for the whole month of September.
4. Have the last class scheduled to start in October for the Firefighter Training Class Series.

OTHER





Fri 10/1/2021 9:03 AM

Sam Karr

September Finance Report

To Carol Pritchett; David Diorio; John Kilby; John Moore; 'Patrick Bryant'; Patrick Bryant

Cc Olivia Stewman; Shannon Baldwin; Stephen Ford

You forwarded this message on 10/1/2021 9:18 AM.

Message Sept21.xls (90 KB) septdetails.pdf (2 MB)

[Bing Maps](#)

[Action Items](#)

All:

Please find attached September's Finance Report along with revenue and expenditure details.

Items of interest for the month of September:

- Big month for tax collections; we collected over \$2 million.
- State Shared Revenues are pretty much in-line with our estimates; waiting on grants, which is pretty much expected this time of year.
- Beach, Marina, and rentals have been doing well so far this season-showing traffic/activity around town.
- Water/Sewer revenues are in the process of being posted; they are at our pro rata estimates.
- Revenues at the Hydro-electric Fund are a little under our estimates; we will keep an eye on them as we progress throughout the fiscal year.
- Journal entries should be up to date by next month-transfers made to Capital reserve fund-Dam Reserve Fund.

Let me know if you have any questions.

Thanks-

Sam A. Karr

Finance Director

2948 Memorial Highway

Lake Lure, NC 28746

Office: 828.625.9983, Ext. 102

Web: townoflakelure.com

Facebook: www.facebook.com/townoflakelure



Town of Lake Lure

25%



Monthly Financial Summary Report as of: 9/30/2021

Revenues in excess of Expenditures

General Fund					General Fund					General Fund	
	Annual	Month	Annual	Y-T-D %		Annual	Month	Annual	Y-T-D %	Annual Budget	0
Revenues:	Budget:	To Date:	To Date:	Collected	Expenditures:	Budget:	To Date:	To Date:	Spent	Month To Date	\$ 1,620,596
Taxes	\$ 4,429,782	\$ 2,016,982	\$ 2,016,982	45.53%	Governing Body	\$ 58,550	\$ 1,239	\$ 9,991	17.06%	Annual To Date	\$ 863,071
State Shared Revenues	\$ 2,642,810	\$ 237,715	\$ 502,459	19.01%	Administration	\$ 1,068,654	\$ 118,214	\$ 277,923	26.01%		
Lake & Tours	\$ 708,800	\$ 32,662	\$ 119,808	16.90%	Central Services	\$ 114,120	\$ 8,334	\$ 24,106	21.12%		
Beach & Marina	\$ 418,500	\$ 26,686	\$ 118,212	28.25%	Police	\$ 875,906	\$ 67,363	\$ 191,379	21.85%		
*Miscellaneous Revenues	\$ 176,267	\$ 906	\$ 22,436	12.73%	Fire	\$ 912,946	\$ 56,675	\$ 163,274	17.88%		
Land Use Fees	\$ 46,961	\$ 4,092	\$ 12,212	26.00%	Sanitation	\$ 229,400	\$ 19,173	\$ 56,849	24.78%		
Loan Proceeds	\$ 502,000	\$ -	\$ -	0.00%	Public Works	\$ 536,101	\$ 53,398	\$ 133,270	24.86%		
Transfers	\$ 420,428	\$ -	\$ -	0.00%	Economic Development	\$ 98,264	\$ 5,159	\$ 15,616	15.89%		
Total:	\$ 9,345,548	\$ 2,319,043	\$ 2,792,109	29.88%	Community Development	\$ 225,166	\$ 12,154	\$ 37,951	16.85%		
*Miscellaneous Revenues Interest, Beer & wine, Fire Tax, ABC Facilities Rentals, Grants, Sale of Assets, Misc., Town Promo, Copies Recycling Collections Received-Not Posted Yet					Beach and Marina	\$ 17,500	\$ 2,769	\$ 3,640	20.80%		
					Golf	\$ 106,000	\$ 30	\$ 40,260	37.98%		
					Parks, Rec., Lake	\$ 1,371,691	\$ 192,304	\$ 263,381	19.20%		
					Capital Outlay	\$ 1,369,100	\$ 152,014	\$ 459,319	33.55%		
					Debt Service	\$ 395,939	\$ 9,966	\$ 93,848	23.70%		
					Non Governmental	\$ 157,500	\$ (345)	\$ 129,215	82.04%		
					Transfers	\$ 1,600,000	\$ -	\$ -	0.00%		
					DAMWatershed	\$ 208,711	\$ -	\$ 29,016	13.90%		
					Contingency Reserve	\$ -	\$ -	\$ -	#DIV/0!		
					Total:	\$ 9,345,548	\$ 698,447	\$ 1,929,038	20.64%		

Water & Sewer Fund					Water & Sewer Fund					Water & Sewer Fund	
	Annual	Month	Annual	Y-T-D %		Annual	Month	Annual	Y-T-D %	Annual Budget	\$ -
Revenues:	Budget:	To Date:	To Date:	Collected	Expenditures:	Budget:	To Date:	To Date:	Spent	Month To Date	\$ (57,408)
Water & Sewer charges	\$ 1,620,000	\$ -	\$ 268,661	16.58%	Water	\$ 91,500	\$ 21,144	\$ 32,805	35.85%	Annual To Date	\$ 37,093
Taps & Connection fees	\$ 10,000	\$ 1,155	\$ 2,310	23.10%	Sewer	\$ 612,300	\$ 38,449	\$ 207,458	33.88%		
Interest & Transfer Fees	\$ 7,750	\$ -	\$ 3,295	42.52%	Capital Projects	\$ 431,500	\$ -	\$ -	0.00%		
Water Tank Rental	\$ 12,360	\$ 1,030	\$ 3,090	25.00%	Debt Service	\$ 127,685	\$ -	\$ -	0.00%		
Transfer from Fund Balance	\$ -	\$ -	\$ -	#DIV/0!	Transfer to Fund	\$ 387,125	\$ -	\$ -	0.00%		
Total:	\$ -	\$ -	\$ -	#DIV/0!	Total:	\$ 1,650,110	\$ 59,593	\$ 240,263	14.56%		
	\$ 1,650,110	\$ 2,185	\$ 277,356	16.81%							

Hydro Electric					Hydro Electric					Hydro Electric	
	Annual	Month	Annual	Y-T-D %		Annual	Month	Annual	Y-T-D %	Annual Budget	\$ -
Revenues:	Budget:	To Date:	To Date:	Collected	Expenditures:	Budget:	To Date:	To Date:	Spent	Month To Date	\$ 10,749
Power Generation	\$ 400,000	\$ 42,473	\$ 109,214	27.30%	Operations	\$ 377,525	\$ 31,724	\$ 97,119	25.73%	Annual To Date	\$ (1,696)
Interest	\$ 325	\$ -	\$ 49	15.08%	Transfer to General Fund	\$ -	\$ -	\$ -	#DIV/0!		
FEMA Reimbursement	\$ -	\$ -	\$ -	#DIV/0!	Transfer to Silt Fund Reser	\$ -	\$ -	\$ -	#DIV/0!		
Transfer from Fund Balance	\$ -	\$ -	\$ -	#DIV/0!	Cap. Outlay/Special Proj.	\$ 22,800	\$ -	\$ 13,840	60.70%		
Total:	\$ 400,325	\$ 42,473	\$ 109,263	27.29%	Total:	\$ 400,325	\$ 31,724	\$ 110,959	27.72%		

Cash & Investment Position			American Rescue Plan-CSLRF		Capital Funds		Comments / Items of note			
United Bank							Balance to Date			
General Fund	\$	4,015,881	1/2 Trance	\$183,888	Capital Res. Fund		\$ 651,740			
Water & Sewer	\$	1,240,809			Silt Res. Fund		\$ 64,265			
Includes Low Pressure					Marina Brdwa		\$ 3,442			
Hydro	\$	(269,525)			Bridge Pres. Fund		\$ 75,000			
Total:	\$	4,987,165								
NC Capital Management Trust										
General (Cash)	\$	125,518								
Water & Sewer	\$	3,824								
Hydro	\$	74,193								
Total:	\$	203,535								
Total Cash and Investments:	\$	5,190,700								



NAME: SEAN HUMPHRIES

Department: LAKE LURE POLICE DEPT

REPORT DATE:

10/01/2021

CLOSE OUT MONTH:

September 2021

PREPARED FOR:

Town Manager

I. ACCOMPLISHMENTS

1. We continue to exhaust all efforts to secure a new hire. Two experienced candidates turned down the position due to other agencies with higher starting salaries.
2. Corporal Collins and Officer Dills have both visited BLET classes where graduation is coming up, inviting new trainees to apply with LLPD.
3. We are thankful for the great staff of Reserve Officers that we employ. Their dedication to making sure we have full shifts staffed as admirable.
4. Labor Day was busy with traffic in and around town. October traffic will continue to build back as leaf peepers join us in Lake Lure.

Total Police Activities for Month: **387** (Partial Break-down below)

2	Breaking/Entering/Larcenies	35	Traffic Stops
19	Citations	13	Warning Citations
9	Verbal Warnings	4	Accidents
3	Total Arrests	32	Business Checks
6	Lake – Patrols/Permit Checks	41.6	Lake – Total Hours Patrolling
9	Lake – Verbal Warning	0	Lake – Warning/Citation
3	Suspicious Persons/Speak with Subject	15	Residential Alarms Activated
3	Domestic/Disturbance/Disorderly Conduct	2	Warrants/Subpoenas Served

Citations – Cumulative Total of Citations: **19** (Hard Copies) (1 Citation may include 2 charges) (1)DWI, (6) Driving While License Revoked, (2) No Insurance, (10) Other misdemeanor charges

Charges Total: 19

Lake Citations – Lake Totals: Citations (Permit \$125 Fine if not corrected in 7 days) **0** Total

Arrests – Cumulative Total of Arrests: **4** (1 Arrest may include several charges)

Charges Total: (4) Other Misdemeanor charges

* Public Access of this form may affect the Accomplishments and Follow Up listings due to privacy and cases that continue to be investigated.



Dean Givens; Parks, Recreation, and Lake Director

DEPARTMENT: Parks, Recreation, and Lake

REPORT DATE:

PREPARED FOR:

September 30, 2021

Town Manager

I. ACCOMPLISHMENTS

Current Parks, Recreation, and Lake Projects:

1. Boy's Camp Rd. Campground – designing to include cellular pole	2. Luremont Trails – <i>Trail scouted; permits filed; Plan approved by Parks and Rec. Board, legal opinion received; working on next steps</i>	3. Marina Phase II and Amphitheater Funding – <i>Working with TDA/ Rutherford Bound to keep projects moving forward</i>
4. Monetization Schedule for P&R Assets and Facilities – <i>New ideas being considered</i>	5. Updating Parks and Recreation Open Space Plan – <i>Working with Ed Dittmer and Moe Bay on updates</i>	6. Morse Park Walking Path Expansion Grant – <i>To expand the pavement back to town hall</i>
7. Morse Park Master Plan update which includes the design of the amphitheater and additional parking	8. Replacement of boardwalk/seawall at the gazebo	9. Seeking Grants for Buffalo Creek Park parking lot expansion – <i>Grant has been submitted</i>
10. Permit for Filling in Half of Pond in Morse Park – <i>According to the Morse Park master plan</i>	11. Deep Water Launch – <i>Applying for permits</i>	12. Finishing the paver walkway from the small beach house to the big beach house
13. Island Creek spoils site	14. Lake access for dredge equipment	15. Storm Damage Repair

PR&LD ACTIVITIES:

1. Oversee daily operations for Parks, Rec, & Lake
2. Attended multiple staff/public meetings
3. Attended multiple project meetings
4. Continued training new employee
5. Created and implemented a Daily Activity Report (DAR) for PR&L staff
6. Helped with storm damage clean-up efforts
7. Worked on multiple projects
 - Dredging
 - Island Creek Rd. silt disposal site
 - Deepwater Launch
 - Walkway pavers in front of beach
 - New seawall at gazebo
 - Mining permit
 - Boys Camp Rd. plans
 - Went to Florida to get new work boat
 - Designing and Preparing to take delivery of new work barge in October
 - Assisted Police department multiple days due to staff shortages
 - New permitting software

PR&TC ACTIVITIES:

1. Mailed and emailed lake drawdown information to marina slip renters
2. Started preparing to send out commercial boat licensing renewal letters
3. Continued training new PR&L employee
4. Began training the new AmeriCorps member, Samantha Brooks
5. Updated the Parks, Recreation, and Lake Department Standard Operating Procedures
6. Implemented a Daily Activity Report for staff/began entering daily data into a spreadsheet
7. Began research for a new permitting software company
8. Continued lake debris clean-up efforts
9. Recruited volunteer to help with lake debris clean-up - 1 volunteer; 8 hours
10. Ken Golliher, trail boss for the Weed Patch Mountain Trail, walked the trail and reported issues on 9/3 – 1 volunteer; 8 hours
11. Led Weed Patch Mountain Trail workday on 9/8 to remove fallen trees – 8 volunteers; 64 volunteer hours
12. Led Buffalo Creek Park workday on 9/16 to repair erosion – 6 volunteers; 30 volunteer hours
13. Branches were cleared from the Weed Patch Mountain Trail and other issues were reported by the trail boss on 9/24 – 1 volunteer; 7.5 hours
14. Ed Dittmer, trail boss for Dittmer-Watts Nature Trails, walked the trails and reported issues that needed to be repaired on 9/27. 1 volunteer; 2.5 volunteer hours
15. Coordinated a Dittmer-Watts workday on 9/29 to repair minor erosion – 3 volunteers; 9 volunteer hours
16. Planned upcoming trail maintenance days and recruited volunteers to help
17. Checked trail counters on 9/29 and trained Samantha on the process
18. Checked Buffalo Creek Park, Dittmer-Watts Nature Trails, and Weed Patch Mountain for damage
19. Utilized volunteer to collect water samples from streams – 1 volunteers; 8 volunteer hours
20. Collected water samples on lake and took samples to EQI for testing
21. Utilized a total of **137 volunteer hours**

22. Attended several meetings

P&R Maintenance Activities:

1. Helped with storm damage clean-up on the trails
2. Performed regular ground maintenance activities at all areas
3. Cleaned parks, boat ramp, and marina
4. Sprayed playground equipment and picnic tables with bleach
5. Took down Olympiad and library banners

Lake Activities:

1. Buoy maintenance
2. Debris pickup
3. Storm debris clean-up
4. Debris boom repairs and deployment

1. FOLLOW UP

1. Open Space Plan: Will continue working with Ed Dittmer and Moe Bay to update the Open Space Plan
2. Luremont Trail: Plan has been approved by Parks and Recreation Board; legal opinion received; working on next steps
3. Boys Camp Road: Not selected for PARTF funding.
4. Dredging Grant: \$637,500 grant awarded, working to finalize budget
5. Naming Rights Policy: Continuing to gather information for Naming Rights Policy for Town properties
6. Lake Lure Trails: Work days held on Lake Lure trails each month to ensure they are properly maintained

2. OTHER

1. Marina Slips Available: 0



Name: David Arrowood

Department: Public Works

REPORT DATE:

September 31, 2021

PREPARED FOR:

Town Manager

I. ACCOMPLISHMENTS

- 1. We completed Well Drawdown test on existing wells for FFC Water system. Waiting on test results to come back.**
- 2. I got Tri-City Paving lined up to fix a couple place on Strrets where slides are starting in streets.**
- 3. Andie Ogle passed her Waste Water Collection Operator exam.**

II. FOLLOW UP

- 1. We got Don Mcentire started on survey of unopened streets rights of way.**
- 2. We will have meeting next week trying to get water meters project going.**
- 3.**

III. OTHER

9-1-21 We worked on tractors at shop doing maintance because it was raining.

9-2-21 We started cleaning ditches on Kilro Drive today.

9-2-21 We Mowed Kilro, Marina and Chimney Cliffs today.

9-2-21 We hauled gravel to Kilro Drive where it was washing out.

9-3-21 We checked Boardwalk for issues.

9-3-21 Worked on Kilro Drive.

9-3-21 We looked at Fallen tree on Mark Twain that is on edge of house and across Street. Dale Sheilds is going to remove it for us.

9-6-21 Off for Labor Day.

9-7-21 We found and uncovered catch basin on Lakeview Road.

9-8-21 We did more ditching on Lakeview Road.

9-8-21 Met with property owners about cleaning ditches on Sidney Lanier.

9-8-21 We cleaned back right of ways on Kilro Drive.

9-9-21 Andie took her Waste Water Collections exam today.

9-10-21 We worked on Pumps at Pump Station today that were stopped up.

9-10-21 We chipped brush today from downed trees.

9-13-21 We took Scotts truck and trailer to be repaired where truck ran away while unloading trackhoe and jack knifed trailer.

9-13-21 We cleaned out sump pump pit at pump station.

9-13-21 We mowed intersections.

9-17-21 We mowed Streets last several days and also intersections.

9-20-21 We mowed Boys Camp and Old Sand Branch Road today.

9-21-21 We checked ditches and culverts during rain.

9-22-21 We repaired a broken water line at the WWTP for Dean Lindsey.

9-23-21 We cleaned out brush bins for Flowering Bridge today.

9-23-21 We cleaned ditches on Snug Harbor today behind Marathon Builders.

9-24-21 We did Boarwalk inspection today.

9-24-21 We cleaned up office and Bathroom at Shop.

9-27-21 We cleaned 442 Feet of ditches on Burnt Ridge Today near where slide happened.

9-28-21 We worked on Water Leak in FFC today.

9-29-21 We cleaned Storm Drain on Sheridan Lane.

9-30-21 We clean flow sensor at pump station today again. The sensor is going out. We ordered a new one.



NAME: Olivia Stewman

POSITION: Town Clerk

REPORT DATE: October 4, 2021

PREPARED FOR: Town Manager

ACCOMPLISHMENTS

- Prepared agendas for, attended, and recorded minutes for Town Council, Marine Commission, and ABC Board.
- Clerked one regular Town Council Meeting
- Clerked one Town Council Work Group Meeting
- Clerked one Marine Commission Meeting
- Clerked one ABC Store Meeting
- Clerked one BOA/LSAB Meeting
- Attended the Western Regional Clerk Academy
- Finalized all of the September minutes to be approved in October
- Submitted the third quarter Principle Expense Report to the NC Secretary of State
- Updated the inventory of all contracts and agreements as necessary
- Participated in a group discussion regarding permitting software applications
- Helped in ensuring that all staff understands the new Code of Ordinances formatting
- Coordinated with various staff members to improve or complete miscellaneous tasks.
- Communicated with citizens to grant public requests and answer inquiries – specifically have been working on a large FOIA request
- Cross-trained on the duties and responsibilities of the Administrative Support Specialist position

FOLLOW UP

- NCLM Ordinance Report is due to be submitted by November 1st.
- Attend a Local Government seminar this month and plan to attend the NC City/County Clerk Association Academy in November.

OTHER

VI

PUBLIC COMMENT

The public is invited to speak. Please keep comments limited to five minutes or less. If you wish to speak, wait for the Mayor to ask if anyone would like to make a comment and then unmute your phone or mic and state your name and address. 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

- Adoption of the September 14, 2021 Regular Meeting Minutes and the September 29, 2021 Regular Work Session Minutes
- Town Code Recodification



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, SEPTEMBER 14, 2021, 5:00 P.M. VIRTUALLY VIA ZOOM**

PRESENT: Mayor Carol C. Pritchett
Mayor Pro Tem John W. Moore
Commissioner Patrick Bryant
Commissioner David DiOrio
Commissioner John Kilby

William Morgan, Jr., Town Attorney
Shannon Baldwin, Town Manager

ABSENT: N/A

I. CALL TO ORDER

Mayor Carol C. Pritchett called the meeting to order at 5:09 p.m. Council members led the pledge of allegiance.

II. APPROVE THE AGENDA

Commissioner David DiOrio made a motion shift the Dredging Plan 2021-2022 from Consent Item B to New Business item C, add New Business D involving Resolution No. 21-09-14, add New Business E involving the discussion of a town manager hiring firm, and move Public Comment from section VII to section XI after New Business. Commissioner John Kilby motioned to accept the Agenda, as amended. Commissioner DiOrio seconded and the motion carried 4-0.

III. MAYOR'S COMMUNICATIONS

Mayor Carol C. Pritchett recognized Jewish holidays Rosh Hashanah and Yom Kippur taking place this month. Resident Greg Gardner sent her prayer that is used in the time of the two Jewish holidays. Mayor Pritchett read the prayer for invocation. Mayor Pritchett thanked Town staff for their hard work during the recent large storm and announced that Parks, Recreation, and Lake Director Dean Givens has gotten a new boat that will collect debris and make this process easier in the future.

IV. TOWN MANAGER COMMUNICATIONS

Town Manager Shannon Baldwin showed appreciation towards Town staff.

Mr. Baldwin explained that Boys Camp Road Duke Energy Tree Survey has been transpiring per the suggestion of Commissioner Kilby. Baldwin detailed that Duke has Energy identified and removed hazardous will be continuing to do so for the purpose of preventing some future power outages. The Town Manager noted that Duke Energy is communicating with property owners during this project.

Town Manager Baldwin informed the board that the Town's sewer collection inspection has been passed by NCDEQ. Baldwin noted that Public Works Director David Arrowood and Public Works staff were the key players in this success.

V. PUBLIC HEARING

Commissioner John Moore made a motion to open the public hearing. Commissioner DiOrio seconded and the motion carried 4-0.

Maurice Walsh, PE, LaBella Associate presented the Engineering Report/Environmental Information Document (ER/EID). He educated meeting attendees on the project background, statement of need, subaqueous sanitary sewer alternatives, wastewater treatment plant alternatives analysis, phase one funding and rates of, phase one scope, the full project scope and the proposed project schedule. Throughout his presentation, Engineer Walsh answered residents' questions that had been submitted to the Town website prior to the meeting.

Mayor Pritchett reminded residents in attendance that any other questions for Maurice Walsh regarding the ER/EID could be submitted on the Town website following the meeting.

Commissioner Moore motioned to close the public hearing. Commissioner Patrick Bryant seconded and motion passed 4-0.

VI. COUNCIL LIAISON REPORTS & COMMENTS

Commissioner John Kilby reported the activities of the Lake Advisory Board and noted that the ABC had not yet met this month.

Commissioner David DiOrio reported that the Utility Advisory Board did not meet.

Commissioner John Moore reported the activities of the Zoning and Planning Board.

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

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Commissioner was not present at present at the BOA and LSAB meetings.

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 John Kilby made a motion to approve the Consent Agenda. Commissioner David DiOrio seconded. Therefore, the Consent Agenda incorporating the following items was unanimously approved and adopted:

- A. Adopt the August 10, 2021 Regular Meeting Minutes, and the August 25, 2021 Regular Work Group Meeting Minutes

VIII. UNFINISHED BUSINESS:

There was no unfinished business to discuss.

IX. NEW BUSINESS:

A. CHIMNEY ROCK RIDGE HOMEOWNER'S ASSOCIATION, INC. REQUEST REGARDING STREET IMPROVEMENTS

Resident Steve Milito spoke on behalf of the Chimney Rock Ridge Homeowner's Association (HOA). Mr. Milito provided history of the location which ultimately led to the requested that the dirt roads be improved to gravel on Proctor Road. Mr. Milito noted that Town Manager Baldwin had provided him with a cost estimate and that the Chimney Rock HOA has agreed to pay half of the cost. Milito expressed that if this request is granted it would benefits multiple parties and noted the HOA would be exercising existing right-of-ways. Mr. James Ledgerwood explained that this will be beneficial in the future particularly in terms of proposed park and master plans. Mr. Milito explained that this will set a framework for the purpose of future Town projects and the ability to identify right-of-ways.

Commissioner Moore noted that the request is sensible and reasonable. Commissioner Kilby expressed his support for the approval of the request.

Commissioner Moore made a motion to approve the Chimney Rock Ridge Homeowner's Association, Inc. Request Regarding Street Improvements as presented. Commissioner Kilby seconded and the motion passed 4-0.

IX. NEW BUSINESS:

B. TREE REMOVAL REQUEST APPROVAL

Town Manager Baldwin explained that the Firefly Cove POA and a community resident requested permission to remove a hazardous tree from the resident's yard. Baldwin noted that the tree is within the 995' lake boundary and requires the approval of Town Council. Community Development staff visited the site on August 12th for the purpose of evaluating the removal request. Baldwin stated that both Town staff and Epperson Tree Service recommended the tree removal due to damage from Emerald Ash Borer Beetles.

Commissioner Moore announced that the tree is on his property and that he would be abstaining from any votes on this matter.

Commissioner DiOrio made a motion to approval the removal of the hazardous tree. Commissioner Bryant seconded and the motion passed 3-0 with the abstention of Commissioner Moore.

IX. NEW BUSINESS:

C. DREDGING PLAN 2021-2022

Parks, Recreation, and Lake Director Dean Givens and Commissioner DiOrio presented the 2021-2022 Dredging Plan. Commissioner DiOrio described details of the slide presentation regarding dredging plan location and logistics. Commissioner DiOrio explained that the flow engineers' most efficient plan of action way was to create a concentration area that is crucial to dredging. Commissioner DiOrio recommended that the plan include information that the dredging season is from Labor Day to Memorial Day, and from Labor Day to November 1st hydraulic dredging would take place in the area displayed. DiOrio explained that a second location is being examined for a sedimentation drop area and the Town is working with LaBella Associates to get a permit for this purpose. Tim Edwards and Lake Operations staff have requested permission for dredging to be allowed on the weekends. Commissioner DiOrio explained that state grant money is available to the Town.

Manager Baldwin asked DiOrio if he had edits to the dredging plan available. Commissioner DiOrio stated yes and that he would share this and staff could make this plan available on the Town website.

Director Givens requested that the Town dredge on Saturdays and Sunday in the main channels from between the current date and November 1st. Givens explained that this request is for

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the purpose of dredging excess sediment and utilizing grant money that is to be spent by December 31st.

Commissioner Moore asked why Givens would want to limit this plan to November and not into the spring. Director Givens stated that the proposed timing is sensible as the hydraulic dredging is underway now and excavation will depend on drawdown. Commissioner Moore expressed his support of amending the dates to expand into the spring, if Givens finds it to be appropriate.

Givens stated he will amend the weekend incorporated dredging plan to take place from the current date until the end of the dredging season previously noted. Commissioner Bryant expressed support for this amendment. Commissioner Kilby asked Director Givens if this would help in ensuring that the money that needs to be spend will be spent by the end of the year. Director Givens confirmed that Commissioners Kilby's question was correct.

Baldwin asked givens to confirm that his request includes adopting the current dredging plan document with the inclusion of additions and edits by Commissioner DiOrio and Director Givens.

Commissioner Moore made a motion to approve the dredging plan as discussed. Commissioner Kilby seconded and the motion passed 4-0.

IX. NEW BUSINESS:

D. RESOLUTION NO. 21-09-14 – DECLARATION OF OFFICIAL INTENT TO REIMBURSE

Reese Walsh, PE, detailed the resolution which involves an Asset Inventory Assessment (AIA) Grant that provides grant funding based on what the project is, where the project is, and in what condition is the project focus in. Engineer Walsh explained that through the AIA, the Town could get a 150,000 dollar grant that may be used to fund sewer system matters such as pipe condition assessment, flow monitoring, smoke testing, etc. Walsh presented his proposed use of the funding that would include a survey of the sewer system, smoke testing, etc. Walsh explained that this would be beneficial in being able to locate pipes if an issue occurs and would assist with dredging. Walsh informed Council that the AIA Grant has a deadline of September 30th and if approved by Council, Walsh and the Town will know outcome in February of next year. If funds are approved, the survey can be initiated. Walsh and Baldwin noted that the Town can match funds through service rather than finances. Baldwin expressed his support for the opportunity.

Commissioner Bryant asked in the case in which the grant was awarded next year would the topography would remain the same. Walsh stated yes because it would be ran through the same SRF program but is unrelated to the SRF and is more beneficial for the boat if there is water, so this would take place when the lake is drawn back up.

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Manager Baldwin asked Walsh to confirm that this resolution includes the entirety of the lake. Walsh explained that this correct and that the if passed, he would submit the resolution to the state, if the state notifies of the intent to fund there would be a need for an additional resolution to accept terms, and review of state plan. Walsh also noted that this would not bind the Town to accepting state terms.

Commissioner DiOrio motioned to approve Resolution No. 21-09-14. Commissioner Bryant seconded and motion passed 4-0.

IX. NEW BUSINESS:

E. DISCUSSION OF SELECTION OF SEARCH FIRM FOR THE NEW TOWN MANAGER

Attorney William Morgan explained that the Board assigned him the task of finding a search firms to recruit a Town Manager. Attorney Morgan provided a brief overview of the three firms that were identified as ideal and sent in their proposals. Morgan described the first firm, Renee Narloch and Associates. Attorney Morgan stated that the second firm is that Mercer Group Associates which is currently in limbo with the passing of Mr. Mercer, Attorney Morgan's contact for this group was Ellis Atkins. Mr. Atkins is working with Mr. Morgan's former law firm and Attorney Morgan noted for the record that he had no affiliation with or interest in the firm. Attorney Morgan noted that the third firm was the Novak Group who have merged with another firm, and that his contact was Katheryn Parrish. Morgan explained that he was impressed with all three firms, all were similar in ideologies, and he did not believe that there was a wrong choice.

Commissioner Moore asked if Morgan would rate them all of the same. Morgan answered yes. Commissioner Moore suggested that the Town with the firm that offers the best price. Morgan said that the best price offer was from the Mercer Group Associates.

Commissioner DiOrio asked Attorney Morgan about if any groups could provide a quicker timeline than the others. Morgan stated that the Renee Narloch and Associates and Mercer Group Associates seemed to be ready to begin quickly.

Commissioner Bryant noted Renee Narloch and Associates has a wide range of experience with areas that face natural disasters, as well as experience with small communities. Commissioner Bryant continued to explain that the Narloch group has a wide variety of experiences with multiple demographics. Commissioner Bryant stated that this firm is his top choice.

Commissioner Kilby expressed that he supports any of the three firms. Mayor Pritchett explained that she supports all, but noted that Narloch may be more focused on areas similar to Lake Lure.

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Commissioner DiOrio motioned to select Renee Narloch and Associates as the appointed firm for a town manager search. Commissioner Bryant seconded and the motion passed 4-0.

Attorney Morgan asked that Council allow Mayor Pritchett to have the authority to sign and approve appropriates as necessary to sign the Renee Narloch and Associates for the purpose of town manager search.

Commissioner DiOrio motions to give the mayor the authority to sign and approve appropriates as necessary to sign the Renee Narloch and Associates for the purpose of town manager search. Commissioner Bryant seconded and the motion passed 4-0.

VI. PUBLIC COMMENT

Mayor Carol C. Pritchett invited the audience to speak and no one requested to speak at this time.

Resident Greg Gardner thanked Mayor Pritchett for inclusion of Jewish prayer. Mr. Gardner explained that Debra Gardner is chairperson for the upcoming Paws for a Cause event and announced on her behalf that masks and temperature checks will be required.

X. CLOSED SESSION

Commissioner John Kilby made a motion to go into closed session in accordance with G.S. 143-318.11(a) (3) for the purpose of discussion attorney client privilege or legal claims. Commissioner Patrick Bryant seconded and the motion carried 4-0.

During Closed Session, Council discussed a legal claim.

Commissioner John Moore made a motion to return to open session. Commissioner Patrick Bryant seconded and the motion carried 4-0.

XI. ADJOURN THE MEETING

Mayor Pritchett noted that Council has a work session scheduled on 8:30am on the September 29th. Commissioner Kilby asked if there were items that needed to be discussed during the work session. Commissioner Bryant suggested holding this work session for the purpose of discussing Narloch Firm or other items. Commissioner DiOrio included the inclusion of discussions regarding budget line items and update on legislation and design for cell tower. Manager Baldwin asked council to send additional items for the work session agenda if necessary. Council decided that it is within the best interest continue to hold the work session.

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With no further business, Commissioner Moore made a motion to adjourn the meeting at 7:30 p.m. Commissioner DiOrio seconded and the motion carried 4-0.

ATTEST:

Olivia Stewman,
Town Clerk

Mayor Carol C. Pritchett



**MINUTES OF THE REGULAR WORK GROUP MEETING OF THE LAKE LURE
TOWN COUNCIL HELD WEDNESDAY, SEPTEMBER 29, 2021, 8:30 A.M. VIRTUALLY
VIA ZOOM**

PRESENT: Mayor Carol C. Pritchett
Mayor Pro Tem John W. Moore
Commissioner Patrick Bryant
Commissioner David DiOrio
Commissioner John Kilby

Shannon Baldwin, Town Manager
William Morgan, Jr., Town Attorney

ABSENT: N/A

I. CALL TO ORDER

Mayor Carol Pritchett called the meeting to order at 8:33 a.m.

II. APPROVE THE AGENDA

Commissioner John Kilby made a motion to approve the Agenda, as presented. Commissioner David DiOrio seconded and the motion carried 3-0. Commissioner Patrick Bryant had not yet arrived to the meeting.

III. COUNCIL WORK SESSION DISCUSSIONS

**A. LAKE LURE TOURS CONCESSION AGREEMENT – OFF-SEASON BEACH
OPENING/CLOSE**

Parks, Recreation, and Lake Director Dean Givens explained that Lake Lure Tours had sent a letter for the purpose of requesting that the beach remain closed in the off-season due to past and reoccurring problems. Director Givens informed Council that the original concession agreement between the Town of Lake Lure and Lake Lure Tours stated that the beach would be reopened one week after Labor Day until one week to Memorial Day to allow the beach to be cleaned and ready. Givens explained that this meant that the beach would remain opened without lifeguards and that people could only walk on the beach and not enter the water. Givens stated that this policy was amended on September 8, 2020 to allow two weeks after Labor Day and two weeks

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before Memorial Day. Director Givens noted that since this amendment, Lake Lure Tours and the Town are still experiencing issues with people getting in the water. Givens stated that Lake Lure Tours is requesting that the beach remain closed in the off-season.

Commissioner DiOrio referenced past discussions in which it was mentioned that it is appropriate to close the beach while at full pond, but as the lake draws down accommodate for people to walk on the beach. Commissioner DiOrio asked Director Givens if this had changed. Director Givens stated that it had not changed. Commissioner Bryant explained that the concept discussed includes closing the beach fully during the off-season when the lake is drawn back up. Director Givens asked if this is proposed as a one year solution or multiyear solution. Commissioner Bryant stated that the intent is to continue with this plan each year.

Police Chief Humphries explained that last year when the beach was opened during the off season, officers had informed Chief Humphries that there was ongoing issues with having to go to the beach multiple times a week due to people swimming. Chief Humphries explained that while this is not a criminal offense, but it is a safety hazard and a nuisance. Chief Humphries had put together statements regarding this matter and presented them to the Town Manager in the past.

Town Manager Baldwin asked Attorney William Morgan if a solution could be to post signage stating that individuals would be swimming at their own risk or if this would present any legal issues. Attorney Morgan explained that such signage should put the Town at an advantage with appropriate warnings and would not seem to be a significant liability, but it is ultimately a policy decision for the Council to make.

Commissioner Kilby explained that he views it as a public safety issue.

Mayor Pritchett asked what the down side to closing the beach would be. Friends of the Lake Lure Flowering Bridge Chair Kathy Tanner provided input that from their perspective the beach is a community amenity, fencing the entire beach would prohibit the ability to see attractive views in the area, and recommended the possibility of fencing the shoreline. Chair Tanner also noted that the Rumbling Bald Resort beach does not have a lifeguard. Commissioner Bryant noted that the cold weather could be an additional deterrent to people getting in the water in the off-season.

Commissioner Kilby suggested seeking an opinion from the Town's insurance carrier and questioned if the Rumbling Bald Resort has pool lifeguards and if they do not have lifeguards at the beach area because they do not own the lake. Attorney Morgan agreed that the Town might benefit from seeking the opinion of the insurance carrier. Manager Baldwin asked if there has been an instance in which a fatality has occurred at the Town Beach. Commissioner Moore recalls one during the in-season in 2000.

With no further discussion, Mayor Pritchett announced that this issue will be put on the agenda discussion and consideration at the Town Council Regular Meeting on October 12th.

III. COUNCIL WORK SESSION DISCUSSIONS

B. PARKING & TRAFFIC FLOW AT MARINA BUILDING

Parks, Recreation, and Trails Coordinator Dana Bradley explained that there has been concerns regarding the parking and traffic flow at the marina building. Coordinator Bradley explained that such concerns should be addressed by the new Morse Park Plan. Bradley presented a display of the plan and showed how it should eliminate parking and traffic flow issues. Coordinator Bradley noted that this plan design had been presented to the Parks and Recreation Board and that members were in support of the plan.

Commissioner Kilby asked if traffic will still flow one way. Bradley explained that this is correct.

Mayor Pritchett asked if parking had been expanded through this plan. Bradley confirmed that this is correct. Mayor Pritchett asked how many additional spaces would be provided and Coordinator Bradley estimated around 40 additional parking spaces.

Commissioner Bryant expressed his support for this plan in regards to additional parking.

Kathy Tanner asked if signage could be displayed at the entrance and exit of the area that identifies parking to prevent people parking on the side walk or other prohibited area. Director Givens explained that Fire Department needs access to the old boat ramp in order to allow them access to the fire suppression system. Givens expressed that having only signage in this area would not prevent people from interfering with this area. Givens stated that Lake Lure Tours staff parking in the area in the plan would prevent other cars from driving through this area and frees up parking spaces in the regular parking lot. Ms. Tanner recommended a chain rather than her initial recommendation of signage. Director Givens exclaimed that he has no prohibitions to this idea, but it is the decision of the Council.

Mayor Pritchett asked for input on this matter. Commissioner DiOrio explained that the process that is taking place is that the Town is updating the Master Plan and that this could be put on the October Agenda for approval. The Council agreed that this topic should be discussed during the October Regular Meeting.

Commissioner Moore asked about dredging and what consideration has been given to this plan in regards to dredging. Givens answered that this has not been discussed. Commissioner DiOrio explained that this would be a very complicated process but it could be considered.

III. COUNCIL WORK SESSION DISCUSSIONS

C. FIRE FLY COVE WATER SUPPLY

Kurt Wright, PE, explained recent inspection of wells one and two and that this inspection went well. Wright explained the report that was given by the inspector found that volume/rate were adequate, quantity is adequate, and that quality will be addressed as results are received from the lab. Wright informed Council that he does not think quality will be an issue when both wells are running. Manager Baldwin explained the issue which is the lack of water for the wells and that a well was found that was never put on line despite permitting and state approval. Baldwin informed attendees that the well is currently being assessed and tested. It is explained that when back on line, Wright and Baldwin think that Fire Fly Cove will have sufficient water. Wright announced that he will be making system recommendations to present to Town Council and Manager Baldwin in the near future.

III. COUNCIL WORK SESSION DISCUSSIONS

D. BOYS CAMP ROAD PROPERTY / COMMUNICATIONS TOWER

Community Development Director Williams explained that the Town is still working with AT&T. Williams noted that the site is being surveyed and tree preservation is being assessed. Director Williams explained that the property will have to be zoned and that the Zoning and Planning Board recommended Government Use (GU) zoning. Williams also explained that a text amendment will be needed regarding the cell tower ordinance. Williams discussed recommended set-backs, the need for a text amendment to alter language for fall zone, and zoning the property to Government Use. Baldwin explained that Boys Camp Road Property history and the need for reduction of setbacks due to change in technology. Williams mentioned that the tower zoning would need to be incorporated into the Master Plan. Commissioner DiOrio explained the three part process to this project includes a statutory requirement to hold a public hearing to rezone the property to GU as recommended by the Zoning and Planning Board and regulation change, holistically examine the Master Plan and approve, and signing the contract with AT&T and execute the plan. Director Williams is planning to address steps one and two by November. Williams announced that he is currently communicating with AT&T to establish a leasing agreement and that he has proposed that AT&T pay for all of the swinging bridge and that AT&T is receptive to this idea. Council discussed the presentation of the Master Plan if voted to change.

III. COUNCIL WORK SESSION DISCUSSIONS

E. SEWER REPLACEMENT ER/EID PROGRESS

Maurice Walsh, PE, reported the progress on the ER/EID. He explained that he has not received any pushback in terms of residents participating in the online public hearing and he does not anticipate any further obstructions. He noted that the ER/EID should be approved next month.

III. COUNCIL WORK SESSION DISCUSSIONS

F. MANHOLE REHABILITATION

Maurice Walsh, PE, informed Council of the progress that has been made regarding manhole rehabilitation. Walsh explained that drawings are complete and that he and Public Works Director David Arrowood studied a manhole being rehabilitated in another location, helping them know how they would like the rehab to be done. Walsh explained that interior preparation is necessary including a multicoated system. Walsh noted that the project is anticipated to progress during the lake draw down period. Commissioner Kilby asked what the goal is for this drawdown. Walsh explained that 62 manholes have been identified and the goal is to rehabilitate all of them this drawdown. Commissioner DiOrio reminded that ARP funding is available for this project.

III. COUNCIL WORK SESSION DISCUSSIONS

G. RESERVOIR DRAIN / SEWER ACCESS VALVE

Jonathan Pittman, PE, explained the current state of the reservoir drain and sewer access valve project. Pittman noted that the project is within the design phase and that he needs to meet with Maurice Walsh to discuss this. Pittman expressed that his plan is to have the design completed by October. Pittman explained that the biggest challenge at this time is the lead time to receive the valves. Pittman informed Council that another factor in project progress is the NC Dam Safety approval, and that he has been communicating with NCDEQ's George Eller who claimed that this is on the top of the priority list. Manager Baldwin expressed the importance of installing the reservoir drain and that it will serve a dual purpose. Pittman presented a cross section view of the current reservoir plan. Manager Baldwin asked that Pittman send his schedule meeting times for next week to him, Maurice Walsh, Commissioner DiOrio, and Mayor Pritchett. Commissioner DiOrio mentioned that there is multiple funds that this may be tapped into to pay for this project. Commissioner DiOrio asked about a timeline. Pittman stated that if the plan is submitted to the state by mid-November he will be hopeful that the project will be approved by mid-January. Baldwin mentioned that NC Budget is forecasting to be successful for this project when it is passed.

III. COUNCIL WORK SESSION DISCUSSIONS

H. LAKE DRAWDOWN SCHEDULE

Kurt Wright, PE, presented the Lake Drawdown Schedule. Wright explained that the schedule is dependent upon the manhole project, beginning on November 1st and estimated to end by February 14th. Maurice Walsh added that the timing is consistent, and that the lake level should be discussed with the contractor. Commissioner Bryant asked Wright to verify whether or not the drawdown will be one foot per day and the draw-up would be six inches per day. Wright explained it is dependent on rain and noted that the main target date is to begin filling in January. Commissioner Bryant noted that there is leeway in the schedule since the town is ahead and the target date may be extended. Wright explained that this can be done. Commissioner DiOrio explained that lake draw-up is a Town decision and will likely be based on the manhole rehabilitation project, including a two month buffer. Wright change to the lake drawdown schedule. Wright extended the target date to the end of February.

III. COUNCIL WORK SESSION DISCUSSIONS

I. ADMINISTRATION SUPPORT SPECIALIST RECRUITMENT

Finance Director Karr explained process in recruiting an Administration Support Specialist. Karr explained that an interview panel had been established consisting of himself, HR Specialist Jennifer Duncan, Assistant Finance Director Steve Ford, Director Michael Williams, and Commissioner DiOrio. Director Karr noted that there were about 20 applications and four candidates were recruited to be interviewed. Karr announce that the interview panel unanimously came to a decision regarding a top candidate. Karr informed the Council that HR Specialist Duncan and Baldwin will call references today and are hoping to make an offer by tomorrow. Karr expressed that the goal is to have the position filled and training initiated within two weeks.

III. COUNCIL WORK SESSION DISCUSSIONS

J. TOWN CODE RECODIFICATION

Town Clerk Olivia Stewman informed the Council that former Clerk Michelle Jolley and Attorney Morgan had worked with Municode to recodify the Code of Ordinances. Stewman noted that books had arrived and a staff member had noticed a change in formatting particularly in terms of numbering. Stewman explained that this was done with the approval of the former Clerk and that she and other staff were not aware of the changes that were made until the arrival of the updated Code of Ordinances. Stewman stated that she, Manager Baldwin, and Director Williams met with Municode Code Attorney Dan Walker to discuss changes in which Walker noted that such changes are standard. Stewman explained that emails were sent to staff containing an

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attachment of the Code of Ordinances Recodification and staff was asked to review and report back any questions or concerns for the purpose of ensuring that staff understood the changes before the document went before Council for approval. Mr. Walker agreed upon holding a training session if staff found the new formatting to be challenging to understand. Stewman noted that no negative feedback had been received and that it was likely not necessary to hold a training session.

IV. ADJOURN THE MEETING

With no further business, Commissioner John Moore made a motion to adjourn the meeting at 10:06 a.m. Commissioner David DiOrio seconded and the motion carried 4-0.

ATTEST:

Olivia Stewman,
Town Clerk

Mayor Carol Pritchett

**LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION
Meeting Date: October 12, 2021**

SUBJECT: Town Code Recodification

AGENDA INFORMATION:

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

BRIEF SUMMARY: The Town Attorney and former Town Clerk worked with Municode to recodify the Town Code of Ordinances. The only changes are formatting, no substantive changes were made during the recodification. Town staff members were sent copies of the new formatting to ensure that it would be easily understood prior to going before Council for approval.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To approve the recodification of the Code of Ordinances.

ATTACHMENTS: Examples of table of contents and page formatting changes

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff members were sent copies of the new formatting to ensure it would be easily understood and were asked to report back to the Town Clerk with any feedback. All feedback received was positive.

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ZONING REGULATIONS

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ZONING*

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- Sec. 36-1. Title.
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- Sec. 36-4. Word interpretation.
- Sec. 36-5. Definitions.
- Secs. 36-6—36-28. Reserved.

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- Sec. 36-29. Use districts.
- Sec. 36-30. Establishment of district boundaries.
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- Sec. 36-60. R-3 Resort Residential District.
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- Sec. 36-62. CN Commercial Neighborhood District.
- Sec. 36-63. CTC Commercial Town Center District.
- Sec. 36-64. CG Commercial General District.
- Sec. 36-65. CSC Commercial Shopping Center District.
- Sec. 36-66. L-1 Lake District.
- Sec. 36-67. M-1 Reserved Mountainous District.
- Sec. 36-68. S-1 Scenic Natural Attraction District.
- Sec. 36-69. GU Governmental Institutional Use District.
- Sec. 36-70. Building site minimum dimensional requirements.
- Sec. 36-71. Protected mountain ridge overlay zones.

***Federal law references**—Preservation of local zoning authority concerning wireless telecommunications facilities, 47 USC 322(c)(7); limited federal preemption of state and local zoning laws affecting amateur radio facilities, Memorandum Opinion and Order, PRB-1, 101 FCC 2d 952 (1985) and 47 CFR 97.15(b); Religious Land Use and Institutionalized Persons Act, 42 USC 2000cc et seq.

State law references—Grant of zoning powers to local governments, G.S. 160D-702; regulation of particular uses and areas, G.S. 160D-901 et seq.; floodplain regulations, G.S. 160D-923; adoption of stormwater control regulations, G.S. 160D-925; wireless telecommunication facilities, G.S. 160D-930 et seq.; historic preservation, G.S. 160D-940 et seq.

CURRENT PAGE FORMAT EXAMPLE

ZONING REGULATIONS

1 GENERAL PROVISIONS

§ 92.001 TITLE.

This chapter shall be known as the "Zoning Regulations of the Town of Lake Lure, North Carolina." (**Ord. passed 1-22-91**)

§ 92.002 AUTHORITY AND ENACTMENT.

The Town Council of the Town of Lake Lure, North Carolina, in pursuance of the authority granted by G.S. §§ 160A-381 through 160A-392, hereby ordains and enacts into law the following articles and sections for the purpose of promoting the health, safety, morals and general welfare of the community. (**Ord. passed 1-22-91**)

§ 92.003 JURISDICTION.

The provisions of this chapter shall be applicable to all land within the corporate limits of the Town of Lake Lure, North Carolina, as established on the map entitled "Official Zoning Map, Town of Lake Lure." No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the district in which it is located, except as provided in this chapter. (**Ord. passed 1-22-91**)

§ 92.004 WORD INTERPRETATION.

- (A) Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.
- (B) For the purpose of this chapter, certain words or terms used herein are defined as follows.
 - (1) The words "Town Council" shall mean the Lake Lure Town Council.
 - (2) The words "Zoning and Planning Board" shall mean the Town of Lake Lure Zoning and Planning Board.
 - (3) The words "Board of Adjustment" shall mean the Town of Lake Lure Board of Adjustment, and shall include both regular and alternate members.
 - (4) The word "chapter" shall mean the Zoning Ordinance of the Town of Lake Lure.
 - (5) The word "may" is permissive.
 - (6) The word "shall" is mandatory.
 - (7) The word "lot" includes the words "plot" or "parcel."

RECODIFICATION PAGE FORMAT EXAMPLE

ZONING

§ 36-4

ARTICLE I. IN GENERAL

Sec. 36-1. Title.

This chapter shall be known as the "Zoning Regulations of the Town of Lake Lure, North Carolina."
(Code 1989, § 92.001; Ord. of 1-22-1991)

Sec. 36-2. Authority and enactment.

The town council, in pursuance of the authority granted by G.S. 160D-107 et seq., hereby ordains and enacts into law the following articles and sections for the purpose of promoting the health, safety, morals and general welfare of the community.
(Code 1989, § 92.002; Ord. of 1-22-1991)

Sec. 36-3. Jurisdiction.

The provisions of this chapter shall be applicable to all land within the corporate limits of the town, as established on the map entitled "Official Zoning Map, Town of Lake Lure." No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the district in which it is located, except as provided in this chapter.
(Code 1989, § 92.003; Ord. of 1-22-1991)

Sec. 36-4. Word interpretation.

(a) Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

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

Board of adjustment means the town board of adjustment, and shall include both regular and alternate members.

Building includes the term "structure."

Chapter means the zoning ordinance of the town.

Lot includes the term "plot" or "parcel."

May is permissive.

Person or *applicant* includes a firm, association, organization, partnership, corporation, company, trust, individual, or governmental unit.

Shall is mandatory.

Street includes the terms "road" and "highway."

Town council means the Lake Lure town council.

VIII
UNFINISHED
BUSINESS

IX

NEW BUSINESS

- Lake Lure Tours Concession Agreement – Off-Season Beach Opening/Closing
- Fire Fly Cove Water Supply
- Town Hall Illuminated Sign Proposal
- Resolution No. 21-10-12 – Regarding use of Design-Build Delivery Method to Complete the Subaqueous Sanitary Sewer Replacement Project

**LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION
Meeting Date: October 12, 2021**

SUBJECT: Lake Lure Tours Concession Agreement – Off-Season Beach Opening/Closing

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: A
Department: Parks, Recreation, and Lake
Contact: Dean Givens, Parks, Recreation, and Lake Director
Presenter: Dana Bradley, Parks, Recreation, and Trail Coordinator

BRIEF SUMMARY: Lake Lure Tours, Inc. (LLT) requested the amendment of their Concession Agreement with the Town of Lake Lure regarding closing and opening the beach to unsupervised public access. The requested amendment includes the beach remaining closed one week after Labor Day Weekend until November 15, 2021; the beach be re-opened November 15, 2021 for complimentary, unsupervised, “no swimming” public access until the lake has been returned to “full pond” on or around April 15, 2021; and the beach then be re-closed to unsupervised public access until re-opened by LLT – on, or one week prior to Memorial Day Weekend. LLT cited both safety concerns and freeing the Lake Lure Police Department (LLPD) officers to concentrate on duties other than policing the beach as reasons for the requested amendment to the Concession Agreement.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To approve/deny the requested amendments to the LLT/TOLL Concession Agreement regarding off-season beach opening and closing.

ATTACHMENTS: Written request from George Wittmer on behalf of LLT; LLPD Responses regarding beach access

STAFF’S COMMENTS AND RECOMMENDATIONS: Lake Lure Police Department Staff have expressed opinion that keeping the beach opened, without safety measures in place, is a public safety risk.

**Lake Lure Tours, Inc.
P.O. Box 10043
Fleming Island, FL 32006
828-980-1727 (Gen Mgr)**

September 15, 2021

Dean Givens, Lake Lure Operations Director
Lake Lure Commissioners
Lake Lure Mayor
Town Manager

Although Lake Lure Tours, Inc. (LLT) has begun opening the entrance gate at Beach #1 (following post-season requirements of our Concession Agreement with the Town of Lake Lure), LLT respectfully requests a change in our Concession Agreement specifics regarding closing and opening the beach to unsupervised public access.

Our rationale for this requested change is two-fold: One, a safety issue focused upon persons choosing to swim in a full pond at the beach during warm weather (in violation of signage at the beach prohibiting swimming without lifeguards present); and, Two, freeing the Lake Lure Police Department's officers to concentrate on duties other than policing the beach.

Hence, we respectfully request that Lake Lure Town Council approve an amendment to the post-season, opening / closing caveats of LLT's Concession Agreement to affect the following:

1. The beach remain closed from one week after Labor Day Weekend until November 15, 2021.
2. The beach be re-opened November 15, 2021 for complimentary, unsupervised, "no swimming" public access until the lake has been returned to "full pond" on or around April 15, 2021.
3. The beach then be re-closed to unsupervised public access until re-opened by LLT -- on, or one week prior to, Memorial Day Weekend.

Should there be questions regarding this request, please feel free to contact Sonya Ledford, General Manager, LLLT at 828-980-1727.

Respectfully,
LAKE LURE TOURS, INC.


George Wittmer

To: Town Manager

From: LAKE LURE POLICE DEPARTMENT

Regarding: BEACH AND WATER ACCESS DURING OFF SEASON

Several years ago when it was decided that the gate to the Beach area be left unlocked for visitors after Labor Day (to Memorial Day), our officers began extra patrols of the area as there was still quite a bit of traffic going through Town.

Officers were immediately concerned about leaving the gate opened to the beach area due to no lifeguards being on duty and the fact that the officers would not be able to patrol the beach constantly, allowing the possibility of someone entering the water. Officers were concerned about the liability to the Town and continue to be.

As a fact of record, from November 2018 to April 2021, *not including months that the concessionaire had lifeguards stationed at the beach (Memorial Day to Labor Day)*, Lake Lure Police were called/summoned to the Beach area with a report of swimmers in the water 52 times. In these 52 recorded calls, the officer(s) found swimmers in the lake and had to use their siren or other means to get the attention of swimmers to remove themselves from the water. Additionally, officers have mentioned several arguments that have ensued as a result of this. These 52 times there were *signs* up that stated no swimming was permitted. These beachgoers and those getting in the water to swim are not necessary radical folks going up against authority, but merely seeing a gate open to a beach and water area thinking this is an invitation for their family to go swimming.

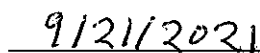
There are as well a number of times that officers have been driving by the beach area and found swimmers. These stops were not necessarily "*calls for service*" and may not have been recorded.

It is in the officer's opinions that keeping the Beach opened, without a safety measure in place, is a risk of life regardless of any *signs* in place.

We believe it would be in the best interest of the Town, the Lake Lure Police Department and the concessionaire to reconsider their opening of the Beach and swimming area during the off season.



Chief Sean Humphries



Date

TO: CHIEF HUMPHRIES

FROM: SERGEANT GITTENS

SUBJECT: LAKE LURE BEACH

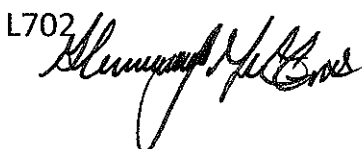
Sir,

As you know the Lake Lure Beach and Water Park is open to the public from Memorial Day to Labor Day. After Labor Day for the past few years, the beach has been opened to the public without lifeguards present or any town employee. No Town employee is there in an attempt to curtail anyone from getting in the water, especially kids, other than a sign that says "Patrolled by LLPD" which everyone ignores. The fact that the Beach is opened to the public without any type of supervision should be a concern on many levels. The most glaring and obvious one is someone drowning, especially a child and the Town being held liable via a lawsuit. The sign that is posted about LLPD patrolling the Beach is also a big problem because it is not true. On any given day shift it's just two officers on duty, responding to calls for service from Chimney Rock to Rumbling Bald Resort and everything in between. For us to effectively "patrol" the Beach we would have to sit in front of the beach for more than eight hours or more and that is not feasible. The situation has gotten to the point where there are so many people in the water – that on several occasions I had to get everyone off the beach and close and lock the gate.

As you know all it takes is one terrible incident to take place and then, it's too late. This issue of the Beach being open to the public without any type of supervision is a ticking time bomb. We as a Town need to address this urgent matter before anything bad happens. Remember, we have a wonderful reputation as a Town in welcoming everyone to this beautiful place and that includes keeping them safe. If we are not able to keep this promise to our residents and visitors, we will unfortunately pay a self inflicted price.

Sergeant G. Gittens

L702



9/22/2021



Lake Lure Police Department
Chief Sean Humphries
Post Office Box 195 Lake Lure, North Carolina 28746
P. 828-625-4685 F. 828-625-8839
www.TownOfLakeLure.com

TO: Chief Humphries
FROM: Sgt. Umphlett
REGARDING: Open Beach Access
DATE: 09-17-2021

Dear Chief,

In response to your request for my experiences with the open access to the Lake Lure Beach during the off season, I would like to express a few thoughts. I have read the memo by Sergeant Gittens on this subject and I agree wholeheartedly with the points that he makes. My experience has been similar to his.

I and members of my crew have been called repeatedly to address the twin issues of trespassing when the beach is closed and of people in the water when access is open (which is also considered trespassing). There is signage at the entrance to the beach, on the beach at the foot of the ramp and on the docks that attach to the beach. These signs explain the rules of access clearly. There are also the physical barriers of the chain across the peninsula leading to the boat docks and the channel of Pool Creek separating the beach from Pool Creek Park. The majority of visitors adhere to these rules, but a significant portion ignore all of these efforts to maintain security and safety for the beach.

I mention the trespassing when the beach is closed to illustrate a point. I have found, both through calls for service and my own observations while on patrol, that people will access the beach when it is closed by ignoring the signs and physical barriers. I have found people who climb over the fence, crawl through the openings between the boards of the fence, swim across Pool Creek from Pool Creek Park, moor their boats at the beach docks, kayak in from the Marina, access the docks from the beach by bypassing the chain blocking the path, etc.

My point in mentioning the problems with "closed beach trespassing" is that if they will do all of these things to gain access when the beach is obviously closed, I believe it is unrealistic to expect such people to obey the rules of the beach when it is open. Particularly when the temperature is high, people on the beach have a difficult time restraining themselves from accessing the water. Often it is families with children, and the parents are not supervising the kids. At times when there are numerous people in the water and I have had to clear the beach, there are those who take offense at being penalized for not obeying the rules. The liability issues are such that we make the decision, in agreement with the beach manager, to close the beach when water access is out of control. And, of course, it is unfair to the visitors who obey the rules!

We have one of the largest municipalities in terms of acres and mileage in the state of North Carolina. We also have the lake that we are responsible for, and we typically have only two officers on duty during the day. As Sgt. Gittens stated, we do not have the manpower to "patrol" the beach. There are no lifeguards to help in the event of a swimmer in trouble. There is no staff there to watch for a missing child, when in fact the parents themselves are not watching their children. We make every effort to deal with the situation as best we can, but we can only

do so much. My personal feeling is that this open access without supervision is a tragedy and a lawsuit waiting to happen. Just like with the issue of towing disabled watercraft, the fact that we have been lucky in the past is not a guarantee that a tragic accident cannot happen in the future!

Thank you,

A handwritten signature in black ink, appearing to read "Sgt. Carl Umphlett", with a large, stylized flourish at the end.

Sgt. Carl Umphlett

**LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION
Meeting Date: October 12, 2021**

SUBJECT: Firefly Cove Water Supply

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: B
Department: Public Works
Contact: David Arrowood, Public Works Director
Presenter: Kurt Wright, PE, SDG Engineering, Inc.

BRIEF SUMMARY: Basis of Design (BOD) for the Firefly Cove Water System

This involves the preparation of a BOD for the recommended water system improvements to the Firefly Cove Water System (FCWS) in order to bring the entire system into compliance with the North Carolina Public Water Supply Section, which currently it is not. Also, to for the purpose of enhancing operational control of the water system.

This BOD will be used for two key purposes:

1. First obtain the concurrence of the Director of Public Works and the Town Administrative staff on the extent of the improvements that are recommended for the FCWS and then obtain the approval of the Board of Commissioners.
2. After the above has been accomplished, submit the BOD to the Asheville Regional Office of the Public Water Supply Section to obtain their concurrence regarding the recommended improvements.

Once the above has been accomplished the TOLL can then obtain from a consulting firm of their choice a fee and scope for the design, permitting and construction phase services for the water system improvements outlined in the BOD.

Fee = Hourly Not to Exceed \$25,000

RECOMMENDED MOTION AND REQUESTED ACTIONS: Approve/deny the Basis of Design for the Firefly Cove Water System as proposed.

FUNDING SOURCE: Water/Sewer – Acct. #53-80000-557 Firefly Cove System

ATTACHMENTS: SDG Proposal Number 2090

STAFF’S COMMENTS AND RECOMMENDATIONS: Staff recommends the approval of the Basis of Design for the Firefly Cove Water System as proposed.



163 Heritage Lane, Bostic, NC 28018 • 828.245.4080 *office* • 828.223.2265 *mobile* • 828.245.2189 *fax*

Proposal to the Town of Lake Lure North Carolina

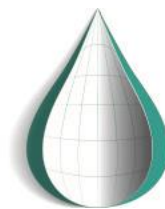
Professional Engineering Services – Basis of Design for Improvements to the Firefly Cove Water System P.W.S #10-81-024

Presented to: C. Shannon Baldwin, AICP
Town Manager
Town of Lake Lure
2948 Memorial Highway
PO Box 255
Lake Lure, NC 28746

Prepared by: Kurt D. Wright, PE, BCEE, PWAM
President
SDG Engineering, Inc.
NC License # C-2366

Date: October 7, 2021

Proposal Number: 2090



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1.0 INTRODUCTION

This Proposal is submitted by SDG Engineering, Inc. (SDG) to the Town of Lake Lure (TOLL) for Professional Engineering Services in connection with water system improvements to the Firefly Cove Water System (FCWS). The FCWS is a separate water system owned and operated by the TOLL with a North Carolina Public Water Supply Section (PWSS) Identification Number 10-81-024. These improvements will bring the FCWS into compliance with the requirements of the PWSS and enhance and improve operational control of the water system.

Purpose of this Proposal

The purpose of this Proposal is to create a Basis of Design (BOD) for the recommended water systems improvements for the FCWS as noted above. This BOD will be used to first obtain the concurrence of the Director of Public Works and Town Administrative staff, and later the Board of Commissioners, relative to the water system improvements recommended by SDG, then subsequently obtain concurrence with the Asheville Regional Office of PWSS (ARO). This does not constitute ARO's official approval. Rather it is to gain their concurrence on the scope of the recommended improvements.

The above is identified as Phase I or the PROJECT for the purposes of this Proposal.

This PROJECT is submitted as a separate project, apart from the annual services agreement with the TOLL with its own budget approved by the Board of Commissioners.

Once the BOD has been approved by the TOLL and the ARO, SDG will present a separate scope and fee for completing the design and permitting of the recommended improvements contained in the BOD.

1.1. Background

It is SDG's understanding that the FCWS was designed and constructed by a developer (using an engineer and contractor of their choosing) about fifteen years ago with very little input from the TOLL. It was subsequently turned over to the TOLL. The TOLL was concerned two to three years ago with the fact that there is only one well operating on the FCWS, Well No. 1. This prompted the TOLL to investigate providing additional water supply to the FCWS. Previous engineers recommended a water booster pump station that would pump water from the TOLL main water system into the FCWS. This water booster pump station was designed and approved by the PWSS. However, the TOLL chose not to construct it. One of the reasons the TOLL chose not to construct the water booster pump station was due to the fact that the original cost estimate for it of \$200,000 increased significantly to nearly \$500,000. This caused the TOLL to reconsider the booster pump station option and table it.

Subsequent to this decision the TOLL directed the Town Engineer, Kurt Wright, P.E., to re-evaluate all reasonable options for providing additional water supply to the FCWS. During the course of his investigations, he discovered that the FCWS was not constructed as originally designed and permitted by the PWSS. This was communicated with the ARO, and they have agreed, for now, to work with the TOLL as they take the necessary steps to rectify this situation. This Proposal is another step towards that objective.

Kurt Wright prepared a July 7, 2021, Memorandum outlining his discoveries and the options he developed to resolve the issues. This Memorandum is included in this Proposal by reference. It was submitted to Shannon Baldwin, David Diorio, David Arrowood and Chuck Ammacher. All the complexities associated with the FCWS will not be discussed in this Proposal. If there are any questions pertaining to the FCWS such as why it was designed the way it was, why it was constructed the way it was, etc. please consult the July 7th Memorandum.

In this Memorandum five options were proposed:

1. Do Nothing
2. Blend – No Treat
3. Blend – Treat
4. Booster Pump Station (the Booster Pump Station mentioned above)
5. Join Systems

The above options will not be discussed in detail in this Proposal.

1.1.1 Option Number 2

Option number 2, “Blend – No Treat,” was recommended in the July 7th Memorandum. The Board of Commissioners instructed SDG, as the Town Engineer, to take steps to further investigate this Option. There were two very important factors pointed out in the Memorandum that were necessary to investigate Option 2 further. They are:

1. Conduct a simultaneous 24-hour drawdown of Wells Number 1 and 2, which are within 50 feet of each other.
2. Take a sample of the water from Well No. 2 during the 24-hour drawdown and analyze it for Radionuclides (RADS).

The 24-hour drawdown of Wells Number 1 and 2 occurred on September 21 – 22, 2021. It was conducted by Camp’s Well Drilling Company, Ellenboro, NC (CAMP). The paperwork has not yet been turned in by CAMP. However, David Camp, the employee of CAMP who actually performed the test, informed Kurt Wright that the results are as follows:

Well No. 1 = 24 gpm

Well No. 2 = 12 gpm

Total Yield = 36 gpm.

This is more than enough water to meet the needs of the build out condition of the Firefly Cove Community. This discovery enhanced Option 2 as the best option for the FCWS. At this time the TOLL does not have the results of the RADS testing, which is an important factor. It is anticipated that the results will be made available near the end of October. Although the results of the RADS testing is not in hand, it is reasonable to assume that the level of RADS will be similar to Well No. 1. This Proposal is based on that assumption.

2.0 ISSUES THAT WILL BE ADDRESSED IN THIS PROPOSAL

2.1 Water Supply

To provide adequate water supply in the Firefly Cove Community that meets the requirements of the PWSS, both Wells No. 1 and 2 will need to work together. This will require installing a new pump in Well No. 2, which has never had a pump installed in it before. Also, it could mean installing a different type of pump in Well No. 1, this is to be determined. It could also mean installing a water booster pump in the Well House. Describing all the options with pump selection and design will not be discussed in this Proposal. Pump selection is part of the Scope of Services in this Proposal.

2.2 Water Quality

When the results of the RADS testing are known SDG will determine if water treatment will be required. The BOD will not contain an actual design of the water treatment system; however, it will make general recommendations relative to what type of treatment is best suited to treat the water.

2.3 Above Ground Water Storage Tank

When the FCWS was originally designed the method to shut off the multiple well pumps (three wells were part of the original design) when the 127,000 gallon above ground storage tank (AGT) was full was by an electronic signal from a pressure transducer at the AGT. When the system was constructed the pressure transducer was installed at the AGT. Lightning strikes have been a common occurrence at the AGT. For this reason, among others, it has been difficult for the TOLL to maintain this electronic based system of controls. Therefore, the TOLL changed the method of controlling the pump in the only active well in the FCWS (Well No. 1) by using a timer to turn the pump on and off. Therefore, when there are periods of low demand and the tank is full, the pump in Well No. 1 has no way of knowing this and the pump continues pumping water until it times out and is turned off. In these instances, this causes the tank to overflow, and the excess ground water is wasted. Due to this method of pump operation the percentage of Lost and Unaccounted for Water (L&UW) in the FCWS is 64%. The recommended percentage of L&UW by the American Water Works Association (AWWA) is 15%. This practice of allowing the tank to overflow in this manner is not recommended because it is significantly more than the recommended national average for L&UW, it wastes an important natural ground water resource, and it wastes electricity and chlorine. Therefore, SDG recommends that the TOLL install that which is necessary to better manage how much water is pumped into the AGT so that it functions properly. This Proposal includes an initial review of the various means to accomplish this task and to identify the best option. An altitude valve has been offered as one method among others to shut off the supply of water to the tank when it has reached the desired level. The altitude valve is operated by hydraulics and therefore not affected by lightning strikes in the area around the AGT. The operation of the altitude valve (if selected) will include some means to instruct the pumps to stop pumping when the altitude valve has closed. To provide an idea of how this could work, a limit switch could be installed on the altitude valve and that mechanical switch could result in a radio signal being sent to instruct the pumps. This radio signal would be based on Kimball Communications system, the existing control system in the rest of the town's water system. Of course, all of this would have to be vetted during the initial phase of this project. When this system is installed, maintaining the minimum level of Chlorine in the tank as required by PWSS will be a concern. Therefore, this proposal also includes making a recommendation to the TOLL for the operation of the FCWS to maintain the minimum levels of Chlorine in the water system in accordance with PWSS.

Maintaining adequate fire flows for the Firefly Cove Community has already been discussed with the Fire Chief. The changes noted above will not degrade the Fire Department's capability to fight fires in the Firefly Cove Community.

2.4 Electrical and Controls

SDG proposes to subcontract with Sturgill Engineering, an electrical engineering firm specializing in providing electrical and control engineering services for water and wastewater systems. The Scope of Services includes examining the existing electrical and control systems for the FCWS in order to discern if electrical improvements are required. Kimball Communications will be consulted relative to the radio control systems.

2.5 System Pressure

SDG understands from conversations with David Arrowood, Director of Public Works, and Chuck Ammacher, Water System Operator, that the lower sections of the piping network for the FCWS is under a system pressure of approximately 200 psi. This is unusually high for a small water system. This elevated pressure is due to the physical location of the AGT at the top of Boulder Run Road. The elevation difference between this tank and the lower sections of FCWS creates this high pressure. There are no pressure reducers in the lower piping network to reduce this pressure. David Arrowood indicated that the water system has operated this way for many years and as such evaluating this pressure issue is not a requirement for the Scope of

Services for this Proposal. Therefore, SDG will include only dialoging with Messrs. Arrowood and Ammacher during SDG's onsite recon visit for carrying out the services identified in this Proposal. If there are any obvious issues related to piping pressure that are of concern to SDG, we will make it known to them.

3.0 SCOPE OF SERVICES

This Proposal is to provide professional engineering services for the PROJECT.

The Scope of Services for the PROJECT is to develop a Basis of Design (BOD) document that will identify the following items.

- Determine the best method to deliver water from Wells No. 1 and 2 into the water system and the AGT. This will include evaluating the existing 15-year-old pump in Well No. 1, the new pump required for Well No. 2, and the possibility that a water booster pump may be required to deliver water to the AGT, which would be installed in the Well House. These decisions are contingent to a certain extent on the type of power supply (single or three phase).
- Determine the best method to manage the amount of water pumped into the AGT. One method to do this is by installing an altitude valve, however, another method might be employed, and this is to be determined.
- Determine the recommended control system for the pumps to work in concert with the method to manage the amount of water pumped into the AGT.
- Submit the BOD to the TOLL and obtain their input, revise as necessary.
- Submit the BOD to the ARO and obtain their input, revise as necessary.
- Outline the next steps that must be undertaken after approval of the BOD.

3.1 Subconsultants

SDG intends to utilize two subconsultants to execute the PROJECT.

1. Dewberry Engineers, Inc.
Dewberry will provide professional water engineering services.
2. Sturgill Engineering, PA
Sturgill will provide professional electrical engineering and control services.

Most of the fees for this project identified in Section 5.0 are to cover these subconsultants. Kurt Wright's labor for this PROJECT will be covered through the annual services agreement.

3.2 What is not Included in the Scope of Services

1. Design and Permitting Phase Services.
2. Surveying Services.
3. Water Treatment for Radionuclides. The BOD will only inform if it is required, it will not actually design the recommended treatment system.
4. Hydraulic water modeling.
5. System Pressure Evaluation.
6. Advertisement, Bidding, and Construction Phase Services such as:
 - a) Advertisement for Bidding, Conduct the Bid Opening, and prepare a Bid Tab
 - b) Review the Bids for the purpose of making a Recommendation of Award of Contract to the TOLL and issuing a Notice to Proceed
 - c) Preconstruction Conference

- d) Limited Construction Observation
- e) Contract Administration
- f) Startup Services
- g) Engineer's Certification to the PWSS of the final installation

4.0 TOLL RESPONSIBILITIES

- Timely response to requests for information.
- Providing printed copies as requested of past documents relative to the water system such as maps, drawings, figures, sketches, reports, memorandum, etc. of the existing FCWS as may be needed to prosecute the assignment.
- Clearly communicate needs and issues regarding the PROJECT to SDG as these arise.
- Identify the Primary Point of Contact (PPOC) between the TOLL and SDG for the purposes of this proposal and related agreement. It is understood that the PPOC is David Arrowood, Director of Public Works, if this is not the correct PPOC provide instructions otherwise.
- If there is a discrepancy between the services provided by SDG and the expectations of the TOLL related to this Proposal and associated engineering Agreement covering the services described in this Proposal, identify them immediately to Kurt Wright. A face-to-face meeting is preferred over telephone discussions, emails, or texts.

5.0 FEE

The BOD will be developed on an Hourly Not to Exceed (HNTE) basis.

HNTE includes labor and reimbursable expenses. SDG's Hourly Rate Sheet is provided in Exhibit A.

Hourly Not To Exceed = \$ 25,000

6.0 SCHEDULE

The PROJECT will commence as soon as the Agreement accompanying this Proposal has been executed by the TOLL and can be completed in two months.

7.0 AGREEMENT

SDG will provide a signed agreement for TOLL to execute in connection with this Proposal. The Agreement will include this Proposal by reference.

SDG Engineering, Inc. is a professional corporation registered with the North Carolina Board of Examiners for Engineers and Surveyors, Corporate License Number C-2366.

SDG's Employer Identification Number (EIN) is 46-0506837.

EXHIBIT A – SDG RATE SCHEDULE

SDG ENGINEERING, INC. Effective through December 31, 2021

DESCRIPTION

Labor Rates are provided as a general indication for the class of Labor shown. Although many classes of Labor are provided, it may not cover some personnel that might be utilized for a given project. In that case, a rate for that individual will be provided.

RATE PER HOUR

LABOR

Project Principal	\$190.00
Senior Project Manager / Professional Engineer	\$158.00
Project Manager / Professional Engineer	\$142.00
Senior Designer / CAD Operator	\$133.00
Designer / CAD Operator	\$112.00
Operations - Specialist	\$124.00
Operations - Technician	\$112.00
Construction Observer – Grade III	\$107.00
Construction Observer – Grade II	\$103.00
Construction Observer – Grade I	\$87.00
Administrative Assistant	\$80.00
Technician	\$67.00
Secretarial Staff	\$60.00

Special Categories

Subject Matter Experts	> \$200.00
Specialists in their area of expertise. If used, their rate will be provided on a project specific basis.	
Engineer for Wastewater Treatment Plant Simulation	\$325.00
The simulation software used is BioWin, developed by EnviroSim https://envirosim.com/ (This Rate includes use of BioWin software.)	

REIMBURSABLE EXPENSES

Mileage	IRS rate
Travel (airfare, car rental, parking, etc.)	At Cost
Meals	At Cost
Lodging	At Cost
Reproduction (photocopy, prints, plots, color printing, etc.)	Cost + 15%
Postage, Supplies	Cost + 15%
Sub-consultants, (example: Surveying, Geotechnical, etc.)	Cost + 15%

**LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION
Meeting Date: October 12, 2021**

SUBJECT: Town Hall Illuminated Sign Proposal

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: C
Department: Communications/Administration
Contact: Laura Krejci, Communications Specialist and Mike Williams, Community Development Director
Presenters: Laura Krejci, Communications Specialist and Mike Williams, Community Development Director

BRIEF SUMMARY: Town Council requested additional information on an illuminated sign to update the existing sign in front of Town Hall. Local illuminated signs were researched and we learned that the lighted signs for the Mountains Branch Library, Bills Creek Fire Station and Bill's Creek Baptist Church were all purchased from the same company, Stewart Signs. Bat Cave Fire Department also has an electronic sign which was made locally but not by a sign company. A bid was obtained for a two sided electronic sign from Stewart Signs. The proposal for \$18,500 is attached for additional information. (See Attachment B) Two additional companies were contacted for quotes; however, the second company out of Asheville is a distributor for Stewart Signs and the third locally made sign would not meet the town standards the following assessments are provided so that Town Council can make an informed decision regarding the illuminated sign.



Financial Assessment: Finance Director Sam Karr reviewed the information above and advised that if Town Council wished to proceed with this purchase, it should be made through a sole source, Stewart Signs. Funds have been budgeted for the purchase of this sign if Town Council wishes to proceed.

Community Development Assessment: The Community Development Director Mike Williams completed a thorough assessment of the signs at the Mountains Branch Library, Bills Creek Fire Station and Bill's Creek Baptist Church. See Attachment A for details of the findings:

RECOMMENDED MOTION AND REQUESTED ACTIONS: To approve/deny the proposal to replace the existing Town Hall sign with an LED, digital illuminated sign.

FUNDING SOURCE: General Fund – Capital Outlay (\$19,000)

ATTACHMENTS: Community Development Summary; Proposal from Stewart Signs

STAFF'S COMMENTS AND RECOMMENDATIONS: Communications Specialist Laura Krejci researched local illuminated signs and procured the attached proposal from Stewart Signs. Community Development Director Michael Williams reviewed the sign regulations specified by the Town Code of Ordinances. He finds that the proposed sign would be within regulation so long as the sign is within the size and setback regulations specified in §92.157, and abides by §92.156(F) which prohibits "a sign which contains any moving, flashing, animated lights, visible moving or movable parts, or giving the appearance of animation." The Zoning and Planning Board concurred.

**Community Development Summary
Town Hall Illuminated Sign 9/23/21**

1. Do the electronic signs comply with existing regulations?

- The proposal is to replace the current TOLL sign with a similarly sized monument sign. The current/proposed location is outside the ROW of Memorial Highway and 18' from the edge of the road (exceeding the minimum setback).
- The sign is in the GU zone, but within 80' of the CG zone to the west and 65' from CG across Memorial Drive to the south.
- The proposed sign is 7' high X 6' wide and the current sign is 8'1" high X 7.3' wide, both within the maximum height of 16' within the CG zone.
- The proposed sign face is 30sf and the business, commercial and industrial districts allows up to 50sf face.
- The sign type is a free-standing, double-faced, detached sign with LED display.
- Lake Lure's ordinance allows free-standing, double-faced, detached signs, and they may be illuminated (§92.157(B)(3)).
- The ordinance (§92.156(F)) prohibits "a sign which contains any moving, flashing, animated lights, visible moving or movable parts, or giving the appearance of animation.
- The proposed sign displays a static, programmable message, which can be programed to change to a different message with a 3 second, or more, hold time between changes.
- The difference between the prohibited "animated" or "flashing" lights may be illustrated by the corresponding language from the Henderson County ordinance: "Portable, animated and flashing signs are prohibited", but "Electronic message signs are allowed".

2. Are there any concerns relative to light intensity / impacts during night use?

- There are no concerns relative to light intensity and impacts during night use.
- CDD Director Mike Williams and I have viewed the similar sign at the library on Bills Creek Road and observed no issues of driver distraction/impairment hazards either during day or at late dusk.
- The light is not projected out from the sign and the intensity or contrast appeared appropriate.
- I spoke with the vendor representative, Jane Hyde of Stewart Signs, who explained the wireless, remote programmable capability to not only change message but to adjust the intensity and message hold times as needed.

3. Is an amendment needed and being proposed?

- Based upon my interpretation of the Sign Regulations of the TOLL Zoning Regulations, no amendment would be necessary to allow the proposed sign in any of the immediately adjacent business or commercial zones.
- There is R3 and R4 zoning just over 300' away from the sign location, where the sign would not be permitted, but these are not continuous with the Town parcel.

4. Should Town Council create special sign standards for GU to accommodate this type of sign?

- The Community Development Department determined that the business and commercial sections of §92.157 "Signs Permitted and Regulated" were most appropriate for application to the unstated regulations of the GU: Governmental – Institutional Use District. It is the opinion of CDD staff that the sign as proposed does meet the standards and requirements of §92.157.
- The Community Development Department presented the sign application for review by the Zoning and Planning Board on 9/21/21. The board voted unanimously to confirm that the proposed sign did meet the regulations of §92.157 and that they were in agreement with CDD staff's approval of the proposed sign application.



The provided logo graphic will be insufficient quality for the manufacturing process. Please see our website <https://www.stewartsigns.com/artwork/requirements> for acceptable file formats. Source file preferred.

Stewart Signs
ONE SIGN. ONE COMPANY

1-800-237-3928 [stewartsigns.com](https://www.stewartsigns.com)

TekStar Full Color 20mm 32x80
Cabinet Size: 5'x6"

(200) Sk: 971416-2 Cust: 3169506

4/7/2021 Ca/jHyde PROPOSAL

Scale: 5/8"=1' Color(s): Digital Print Paint: Almond

Signature _____

Date _____



This custom artwork is not intended to provide an exact match for ink, vinyl, paint, or LED color. Signs are designed for an illuminated graphic and art is based off of this premise. Non-illumination during daylight hours may result in graphics of varying appearance. Brickwork and masonry are not included in the proposal with the exception of Cornerstone products. Measurements shown are approximations; final product dimensions may vary. LED images shown are simulated to replicate optimum viewing distance. Original design, do not duplicate.



Town of Lake Lure
2948 Memorial Highway
P.O. Box 255
Lake Lure, NC 28746

Consultant:
Jane Hyde, x1740
jhyde@stewartsigns.com
Direct Fax: (888) 328-4524
Customer ID: 3169506
Quote #: 971416 / 2
Quoted: 9/24/2021

Attn: Laura Krejci
828-625-9983

DESCRIPTION

5'x 6' Double Sided 20mm TekStar with 32x80 Full Color LED Display. Thermoformed Makrolon SL Faces Decorated on Inside Surface with 3M Vinyl Graphics. 12" Deep Extruded Aluminum Hinged Cabinet.

Face / Cabinet Details

Internal TekStar Cabinet with Complete LED Display Assembly, 20mm 32x80 Color

Electrical Information

Horizontal LED Illumination Package for a 3' x 6' Cabinet
Dusk To Dawn Light Sensor #2001 Elongated 1/2" Conduit
MOUNT Photo Control (Switch & Boot # SEI-20-A-2000 / S-B-1000)

Lifetime Wireless Data Plan Provided by StewartSigns
By signing you, the customer, affirm and agree to the terms and conditions listed at
<https://www.signcommand.com/data-plan>

One 20 Amp Circuit, 120 Volts; Max Draw: 7.51 Amps

LED Communication Method: Wireless Data Modem with no restrictions on distance.

SignCommand.com Cloud-Based Software Included FREE for Lifetime of Product. Please visit www.signcommand.com for more information**.

Structural Details

Mount Style: Monument

Customized Mount Size:

Leg Width: 5 Ft 0 In

Minimum Wind Load Rating: 120mph, Exposure B

Cowling (Creates Pedestal Appearance)

Leg Height: 2 Ft 0 In

Overall Sign Height: 7 Ft 0 In

Miscellaneous Items

Shipping included

*** Review Custom Artwork for Text, Graphic and Layout Details ***

I.D. Cabinet: Almond

Header Copy: White

Draft: White

Mount: Almond

Investment:

\$18,500.00

Unless otherwise noted in Special Instructions, these prices are valid for 30 days.

Freight, storage, other freight services and applicable sales tax will be added to your invoice.

Organizations exempt from sales tax must include exempt certificate with order.

Shipping Terms: F.O.B. Origin

Payment Terms: Net 30 with Purchase

Order Issued to Stewart Signs

* Compliance: FCC Part 15 / UL Listed

** By purchasing the SignCommand.com product, you are agreeing with the Website Terms of Use (<https://www.signcommand.com/terms>) and Software End User License Agreement (<https://www.signcommand.com/eula>).

Stewart Signs • 2201 Cantu Court • Suite 215 • Sarasota, FL 34232-6255
Phone: (800) 237-3928 Fax: (800) 485-4280 Web: www.stewartsigns.com

Stewart Signs
America's Premier Sign Company
Limited Product Warranty ("Limited Warranty")

Definition of Warranty Coverage:

- 1) Stewart Signs (the "Company") expressly warrants to the original purchaser ("You" or "Buyer" or "Owner" or "Customer") that, for a period of five (5) years from the date of shipment (the "Warranty Period"), the electronic displays and the associated Company products (the "Product") will be reasonably free of material defects in materials and workmanship impacting Product fit, form and/or function. During the Warranty Period, the Company will, at its discretion, repair or replace any defective covered Product. The Owner will be responsible for removing and reinstalling any and all repaired or replacement parts. This Limited Warranty only applies to the Company's Product if installed, used, and maintained in the manner recommended by Company, and this Limited Warranty is conditioned upon compliance with all such instructions. Lifetime telephone support for the Product is provided, as needed.
- 2) In the event the Product is damaged during shipping, it is the responsibility of the Buyer to refuse delivery, causing the Product to be returned to the manufacturer for repair. Title to the Product passes to the Buyer upon the Company's delivery to the freight carrier. The Company assumes no liability for damage caused by careless handling or poor installation, except for work completed by employees of the Company. Loss or damage to the Product when in possession of the freight carrier is the responsibility of the Customer and is not covered by this Limited Warranty.
- 3) Any information or suggestion by the Company with respect to the Product concerning applications, specifications or compliance with zoning, codes and standards is provided solely for your convenience and without any representation as to accuracy or suitability. You must verify and test the suitability of any information with respect to the Product for your specific application.
- 4) Sign Structure and Sign Face: In the event the sign structure or identification/changeable copy portion of the sign malfunctions under normal use and service thereof DURING THE LIFE OF THE SIGN due to material defects in workmanship or materials, the Company will, at its option, repair or replace any defective materials.
- 5) Vandalism to Sign Faces: This Limited Warranty covers polycarbonate faces against breakage due to vandalism DURING THE LIFE OF THE SIGN. Warranty protection does not extend to these surfaces if damaged by gunshots, or when damaged coincident with damage to the sign cabinet in which the faces are installed.
- 6) Failed electronic parts or assemblies, with the exception of lamps, will be repaired or replaced, at the sole discretion of the Company. Owner bears the expense and responsibility of shipping Product to Company's Repair Center. Replacement or repaired parts are warranted to be free from material defects in material or workmanship for ninety (90) days, or for the remainder of the Warranty Period of the Product they are replacing or in which they are installed, whichever is longer.
- 7) The Company will repair failed LED pixels if greater than one half of one percent (0.5%) of the total number of pixels in the sign have failed in one (1) calendar year, provided the sign is installed with the recommended ventilation system for its location. The definition of pixel failure is when all LED's in the pixel will no longer emit light. Pixel repair is performed at the Company Repair Center. It is common knowledge within the sign industry that all LEDs degrade and produce less light as they age. Eventually the LEDs will require replacement even though the LEDs will still emit light. This Limited Warranty does not cover normal LED degradation.
- 8) **Customer Obligations:**
Failure by the Customer to properly maintain the Product, including but not limited to filters and the ventilation/air conditioning systems, will void coverage for affected components. The Customer shall notify the Company immediately of equipment failure and allow the Company full and free access to the Product when required. Waiver of liability or other restriction shall not be imposed as a site access requirement. The Customer is responsible for all costs and management oversight associated with providing the Company access to the Product, providing the necessary machines, communication facilities and other equipment, inclusive of but not limited to lifting equipment. Should on-site repair be required, Customer is required to have a responsible individual on-site to provide access to the Product as well as sign off on a completed work order.
- 9) **Exclusions and Restrictions:**
The Company reserves the right to restrict service, limit replacement parts or invalidate this Limited Warranty to Customers whose account balance is past due. This Limited Warranty specifically excludes any on-site labor required to service the covered Product including diagnosis, removal and installation of parts or products. Any on-site service required by the Customer of Company technicians or a local authorized service provider is billable to the Customer based on an agreed upon written quote.
This Limited Warranty does not apply to software. Software is covered by a separate agreement, which appears in the Company's software license agreement.
Ballasts are covered for a period of three (3) years.
ID cabinet LED illumination and power supply are covered for a period of two (2) years, when purchased as a system.
- 10) This Limited Warranty specifically does not cover the following:
 - a) Third-party communication devices such as wireless devices and modems, which are covered by a separate electronic communication warranty.
 - b) Damage to Product that has been moved from its original installation location or is mounted in a mobile structure.
 - c) Cosmetic damage to the Product (including but not limited to scratches and dents that do not otherwise affect the fit, form or functionality of the Product or materially impair its use).
 - d) Temperature sensor results: temperature sensors will register variable results, given local environmental factors such as direct sunlight, distance from concrete or asphalt, etc.; results are not guaranteed or covered under this Limited Warranty.
 - e) Recovery or transfer of any data or software stored on the Product not originally installed on the Product by the Company.
 - f) Light bulbs or lamps.
- 11) This Limited Warranty specifically does not cover conditions, defects or damage caused by or resulting from the following:
 - a) Defects caused by unreasonable or unintended use of Product, improper or unauthorized handling, accident, omission, neglect, vandalism (unless otherwise noted in this Limited Warranty), misuse, physical abuse, installation, use and/or fabrication, and maintenance of the Product by any party other than the Company.
 - b) Damage not resulting from manufacturing defects that occurs while the Product is in the Owner's control and/or possession.

Stewart Signs • 2201 Cantu Court • Suite 215 • Sarasota, FL 34232-6255
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Your Consultant: Jane Hyde
(800) 237-3928, x1740

Customer ID: 3169506

Quote Number: 971416 / 2

Date Quoted: 9/24/2021

- c) Extreme physical or electrical stress or interference; environmental conditions beyond the Company's control, such as man-made or naturally occurring electrochemical oxidation or corrosion and/or metallic pollutants; normal wear and tear; inadequate, improper, or surges of electrical power; lightning, floods, fire, acts of God, war, terrorism, or other external causes, including Force Majeure.
 - d) Unauthorized modification including installation of third-party software on the Product.
 - e) Product modification or service by anyone other than: (a) the Company, (b) a Company-authorized service provider, or (c) Customer's own installation of Company approved parts with instruction from the Company. Service to a damaged or malfunctioning sign which has not been ordered or authorized by the Company's Customer Satisfaction Department is not covered under this Limited Warranty and will automatically invalidate this Limited Warranty.
 - f) Computer viruses, Trojan horses, worms, self-replicating code or like destructive code which was not included in the Product by the Company.
 - g) Products installed with known or visible manufacturing defects at the time of installation.
- 12) All items returned to the Company must have a Return Materials Authorization ("RMA") number, available by using the contact information below. Items received without an RMA number will not be processed and will be returned to the Customer at their expense. The Customer is responsible for sending any defective part to the Company, after which the Company will send a repaired or replacement part to the Customer.
- 13) The Company will provide and be responsible for the cost of shipping parts from the Company to the Customer, with the exception of sign faces replaced due to vandalism. Standard shipping via the United States Postal Service or other commercial parcel delivery company is the default method of delivery. Expedited delivery is available to the Customer at his or her expense. The Customer will provide and be responsible for the cost of shipping parts to the Company.
- 14) Warranty claims must be registered with the Company within thirty (30) days of damage or malfunction. To register a claim, the Customer must contact the Company at the location specified below and provide (a) his or her name and any other required contact information, (b) Product and purchase descriptions, and (c) the nature of the defect. The Company reserves the right (at its sole discretion) to require proof of original purchase (e.g. paid invoice, receipt) and to visit the site of the installation or to require documentation of the claim before assuming any responsibility under the provisions of this Limited Warranty.
- 15) THE LIMITED WARRANTIES SET FORTH HEREIN ARE THE ONLY WARRANTIES MADE BY THE COMPANY IN CONNECTION WITH THE PRODUCT. THE COMPANY CANNOT AND DOES NOT MAKE ANY IMPLIED OR EXPRESS WARRANTIES WITH RESPECT TO THE PRODUCT, AND DISCLAIMS ALL OTHER WARRANTIES, INCLUDING, BUT NOT LIMITED TO, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. THE COMPANY'S SOLE OBLIGATION UNDER THIS LIMITED WARRANTY SHALL BE TO REPAIR OR REPLACE MALFUNCTIONING OR DEFECTIVE PARTS OF THE PRODUCT. BUYER ASSUMES ALL RISK WHATSOEVER AS TO THE RESULT OF THE USE OF THE PRODUCT PURCHASED, WHETHER USED SINGULARLY OR IN COMBINATION WITH ANY OTHER PRODUCTS OR SUBSTANCES.
- 16) NO CLAIM BY BUYER OF ANY KIND, INCLUDING CLAIMS FOR INDEMNIFICATION, SHALL BE GREATER IN AMOUNT THAN THE PURCHASE PRICE OF THE PRODUCT WITH RESPECT TO WHICH DAMAGES ARE CLAIMED. IN NO EVENT SHALL COMPANY BE LIABLE TO BUYER IN TORT, CONTRACT OR OTHERWISE, FOR ANY SPECIAL, INDIRECT, INCIDENTAL, CONSEQUENTIAL, RELIANCE, PUNITIVE OR EXEMPLARY DAMAGES, OR FOR LOSS OF PROFIT, REVENUE OR USE, IN CONNECTION WITH, ARISING OUT OF, OR AS A RESULT OF, THE SALE, DELIVERY, SERVICING, USE OR LOSS OF USE OF THE PRODUCT SOLD HEREUNDER, OR FOR ANY LIABILITY THAT BUYER HAS TO ANY THIRD PARTY WITH RESPECT THERETO.

Contact Information:

Stewart Signs Customer Satisfaction
2201 Cantu Court, Suite 215
Sarasota, FL 34232
Phone: 855-841-4624
Web: www.stewartsigns.com/support/

**LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION
Meeting Date: October 12, 2021**

SUBJECT: Resolution No. 21-10-12 – Regarding use of Design-Build Delivery Method to Complete the Subaqueous Sanitary Sewer Replacement Project

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: D
Department: Sewer
Contact: Maurice Walsh, PE, LaBella Engineering
Presenter: Commissioner David DiOrio

BRIEF SUMMARY: Lake Lure is seeking to pursue a Design-Build (DB) approach to the GLS construction. This approach has many benefits that would be advantageous to the Town. Some of the benefits would include: schedule, material procurement, early contractor involvement, qualification based team, and superior risk mitigation as opposed to the conventional Design-Bid-Build (DBB) approach. This resolution would authorize the publication of a Request for Qualifications (RFQ) for interested DB teams. The Town would receive and review Statements of Qualifications (SOQ) and then select a DB team from the submissions. The DB approach would qualify for reimbursement under the existing SRF Loan.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Adopt Resolution No. 21-10-12 Regarding use of Design-Build Delivery Method to Complete the Subaqueous Sanitary Sewer Replacement Project

ATTACHMENTS: Proposed Resolution No. 21-10-12

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff recommends the adoption of Resolution No. 21-10-12 regarding use of design-build delivery method to complete the subaqueous sanitary sewer replacement project.



RESOLUTION NO. 21-10-12

RESOLUTION REGARDING USE OF DESIGN-BUILD DELIVERY METHOD TO COMPLETE THE SUBAQUEOUS SANITARY SEWER REPLACEMENT PROJECT

WHEREAS the Town is pursuing replacement of the existing century-old sanitary sewer system located at the bottom of Lake Lure ('the Lake'), for which the State of North Carolina has notified the Town that it is in non-compliance with State regulations, and for which the Town recognizes untenable risk of system failure should the replacement not occur,

WHEREAS the Town has investigated various options for replacement, and has selected and developed a schematic design of a system being referred to as the Gravity-Lift Station option, which will be constructed primarily in normally submerged lands around the perimeter of the Lake, and with which the State has indicated concurrence and intent to approve for State funding and construction,

WHEREAS the Town recognizes the inherent difficulties and risks of designing and constructing a system to be installed in normally submerged shorelines, particularly those areas which will be exposed by future improvements to the Lake's dam, but which have not previously been exposed for nearly a century,

WHEREAS the Town recognizes that a traditional Design-Bid-Build approach could result in the Town having to engage a marginally-qualified Contractor, which would multiply the risks of project failure either based on quality of the installed system or timeliness of project delivery, or both,

WHEREAS the Town recognizes that a Design-Build approach enables the Town to secure a contractor based on past successful project performance, past history of satisfied clients, the highest level of qualifications and competence, and other considerations that the Town believes would be in their best interests,

WHEREAS the viability of the Town's tourist-driven economy requires that construction occur during a limited period of time each year when local tourism activity is minimal and the Lake can be drawn down to enable construction, and a Design-Build approach would enable early materials procurements in order to be prepared to construct during the 2022-23 drawdown,

WHEREAS the selected Design-Build contractor, who would be directly responsible for the actual installation of the proposed project, would be engaged during design of the project in order to mitigate projects risks by providing the design engineer with input regarding constructability, alternative construction methods, and other risk mitigation approaches, and these

benefits are not available under the delivery methods identified in NC G.S. 143-128(a1) subdivisions (1), (2), and (4),

WHEREAS the Town has individual(s) on-staff and/or intends to engage a qualified consultant to manage and oversee the proposed Design-Build project,

WHEREAS the Town would require the Design-Builder to comply with NC G.S. 143-128.2 and 143-128.4 regarding good-faith efforts to solicit minority and disadvantaged business involvement in the project, and the Town would issue a public notice of solicitation for Design-Build services compliant with NC G.S. 143-128.1A(c) and not preclude properly licensed and qualified respondents from submitting in response to the solicitation,

THEREFORE, BE IT RESOLVED on this 12th day of October, 2021 that the Town has determined that the Design-Build delivery method is appropriate for the project, and that a Design-Build solicitation should be issued for the project in accordance with the requirements of NC G.S. 143-128.1A.

READ, APPROVED, AND ADOPTED on this 12th day of October, 2021.

ATTEST:

Olivia Stewman, Town Clerk

Mayor Carol C. Pritchett

X CLOSED SESSION

- In accordance with G.S. 143-318.11(a) (6) for the purpose of discussing personnel matters

