

LAKE LURE TOWN COUNCIL REGULAR MEETING PACKET

Tuesday, February 12, 2019



**Mayor Kevin Cooley
Mayor Pro Tem John Moore
Commissioner Bob Cameron
Commissioner John Kilby
Commissioner Stephen M. Webber**



REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL

February 12, 2019

5:00 p.m.

Lake Lure Municipal Center

AGENDA

- I. Call to Order
 - Invocation (Please rise and remain standing)
 - Pledge of Allegiance
- II. Agenda Adoption
- III. Mayor's Communications
- IV. Town Manager Communications
 - Dredging
 - Lake Lure Spring Classic Boat and Car Show
 - Floating Boardwalk
 - Transition to Everbidge
 - Tryon Bay Storm Drain Replacement
 - Commercial Lighting Amortization
 - Duck Cove Properties
 - Dam Evaluation
 - Low-Pressure Sewer System
- V. Public Hearings
 - Proposed Ordinance No. 19-02-12, Wireless Telecom Facility
- VI. Presentations
 - A. Blue Ridge Health Services Presentation
 - B. 2017-2018 Audit Presentation – Martin Starnes & Associates CPA, LLC
- VII. Council Liaison Reports and Comments
- VIII. Public Comment: The public is invited to speak on any non-agenda and/or consent agenda topics. Comments should be limited to less than five minutes.

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IX. Consent Agenda

- A. Adoption of the January 3, 2019 Town Council Special Joint Workshop Meeting Minutes with Parks and Recreation Board, the January 8, 2019 Regular Town Council Minutes, and the January 16, 2019 Special Workshop Meeting Minutes with Chimney Rock Village
- B. Resolution No. 19-02-12 Amending Resolution No. 15-11-10B - Creating a Utility Advisory Board
- C. Resolution No. 19-02-12A Amending Resolution No. 92-03-24 – Creating a Lake Advisory Board
- D. Suspension of the Peddlers Ordinance for the 2019 Hickory Nut Gorge Sale on the Trail
- E. Budget Amendment 239 - Emergency Shut Off Valve in Main Sewer Trunk Line Below Dam
- F. Request from the Mountains Branch Library for Additional Community Banners
- G. Request to Waive the Noise Ordinance, the Peddling Ordinance, the Alcohol Ordinance, and the 21' Maximum Boat Length Restriction for the Lake Lure Spring Classic Boat and Car Show
- H. Parks and Recreation Work Plan Proposal

X. Unfinished Business

- A. Proposed Adoption of the Lake Lure Tours Contract Addendum
- B. Final Report from the Asset Management Advisory Board and Acceptance of their Final Set of Minutes from the January 30, 2019 Asset Management Advisory Board Meeting
- C. Organizational Chart Review

XI. New Business

- A. Proposed Ordinance No. 19-02-12, Wireless Telecom Facility
- B. 2019-2024 Capital Improvements Plan
- C. Proposed Closed Session Minutes Policy

XII. Adjournment

IV
TOWN MANAGER
COMMUNICATIONS



Town Manager's Report – Submitted February 2019

Town of Lake Lure Projects Updated: February 6, 2019							
Community Development	%	Public Works	%	Parks, Recreation & Lake	%	Town Manager-Mayor*	%
Duck Cove Property-DEMOLITION	0	Town Hall Roof and PD Entrance	85	Debris Boom - River	99	*Assisted Living Facility	10
Communication Tower Ordinance	80	Geo-Tubes Installation	50	Debris Boom - Lake	50	*Dam Evaluation	60
Commercial Lighting Amortization	75	Paving Schedule	75	Boys Camp Road Property & PARTF Grant Requirements	70	*Dam Renovation	0
Land Donation - Stead	75	Paving Streets	0	Morse Park Event Space	50	*New Sewer System Engineering Report to DEQ	50
LLCEF Items - Morgan	85	FFC-CRV Water System Inter Connect Study	25	Non-Motorized Watercraft Communication-stickers	95	*New Sewer System Design	0
Workforce Housing Partnership Project	20	Small Generator Repair	65	Floating Boardwalk Plan & Design	50	*New Sewer System Construction	0
Potential Land Donation-Hawkins	5	Sewer Line Valve in Trunk Line at Pump Station	50	Floating Boardwalk Construction	0	Blue Heron Point Water System Evaluation	0
Welcome Center Renovation/Restrooms: Acquired from Mgr. 12-13-2018	25	Tryon Bay Circle Stormwater Culvert	10	Volunteer Corps	30		
Commercial Center Renovation: Acquired from Mgr. 12-13-2018	25			Pre-Hurricane Season Communication	95		
		Move Propane tank at Dam	50	Classical Boat & Car Show	60		
				Small Viewing Area at Beach	50		
				Floating Dock Relocation	90		
				Golf Course Lease Renewal	5		
				Underground Power on Peninsula	75		
				Commercial boat lake use hours study	5		
				SOPI/EAP River debris boom	0		
Fire	%	Finance	%	Communications	%	Police	%
Everbridge Procurement	40	Dam Financing - USDA Loan	25	Facebook a	95	Narcan for Officers Use	50
Annual Service Testing	50	RFP-Audit	25	Website a	90	Hire New Officer	75
Lure Ridge Hydrants Testing	20	Cross Training Program	10	Website d	90		
Lure Ridge Hydrants Repair	0	Budget-CIP Process	10	Brand Deployment	15		
Review the Dam EAP	30			Calendar of Events	50		
				Coordinate Duke Energy Meeting	80		
				Market Rumble 2019	25		
				Everbridge Transition	10		

January Activities

- Town Council & Parks and Recreation Board Joint Meeting, 1/3
- Met with George Wittmer, 1/4
- Met with County RE Chimney Rock Village Sewer, 1/7
- RBR Dredging Discussion (Mayor, Dean, T. Edwards), 1/7
- Attended Town Council Meeting, 1/8
- Met w/William Morgan, 1/8
- Met w/Sam Karr RE CIP Development Process, 1/9
- Meeting w/Mayor, Schnabel & DSO, 1/9
- Met w/George Wittmer, 1/10
- Met w/Brown RE Spoils Pit, 1/14
- Met w/Mayor RE RBR, 1/15
- Attended Town Council Workshop RE Chimney Rock Village Sewer, 1/16
- Met with Mayor RE Affinity, 1/18
- MLK Day, 1/21
- Met w/Kathleen Osta and Dean Givens to develop scope for P&R Work Plan, 1/22
- Attended Blue Ridge Health Information Sharing Meeting, 1/22
- Met w/Dale Minick and Dean Givens RE Golf Course, 1/24
- Conference Call w/Schnabel, DSO, NCLM & Mayor, 1/24
- Commercial Center Workshop, 1/29
- Assisted Living Facility Meeting, 1/29
- Met w/Jim Keene RE Infrastructure, 1/31

Town Manager

Date



NAME: Community Development Director; Brad Burton

Department: Community Development

REPORT DATE:

PREPARED FOR:

December 31, 2018

Town Manager

I. ACCOMPLISHMENTS

1. Zoning Administration/Code Enforcement

Certificate of Zoning Compliance Issued	9
Certificates of Zoning Compliance Denied.....	0
Certificates of Occupancy Issued.....	2
Vacation Rental Operating Permits Issued	1
Sign Permits Issued	5
Complaints Logged.....	0
Complaints Investigated	3
Notices of Violation Issued	1
Civil Penalties Issued.....	1
Stop Work Orders Issued	0
Improperly Posted Address Notifications Issued.....	0
Abandoned/Dilapidated Structures Cases Open	0 (0 closed by demo)
BOA Hearings Processed	1
Demolition Permits Issued	0
VROPs Active to Date.....	325

2. Environmental

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

3. Lake Structures/Shoreline Stabilization

Lake Structure Permits Issued	1
Shoreline Stabilization Permits Issued	0

4. Subdivision Administration

Preliminary Plat:.....	0
Final Plat.....	0
Minor Subdivisions:.....	0
Exempt Plat Reviews:.....	0
Lots Approved	0

Review Officer (per GS 47-30):	
Plats Reviewed:	3
Plats Approved:	3
5. Grants Administration	
Total Grants in Progress:.....	0

II. FOLLOW UP

Mike Stead Property Donation. Survey is complete. Will forward to Town Attorney and request that he create a General Warranty Deed for the property. Once complete, Deed and plat will be sent to Stead for endorsement and notarization, and then back to the Town for recordation.

LLCA/LLCEF. Charlie Ellis stated in a phone call last week that with the exception of a few "Scrivener's errors" as detected by LLCEF officials, the documents as prepared by William Morgan, Esq. are acceptable to the LLCEF. Ellis is to forward those corrections and recordation of those documents will begin.

Duck Cove Properties (Hodge Property)– Burton and Town Attorney William Morgan are appearing in Rutherford County Superior Court on February 11, 2019 to bring Plaintiff's Motion for Default Judgment for hearing.

NC Court of Appeals 17-934 Eisenbrown v. Town of Lake Lure. Per Docket Sheet as viewed 02/04/2019, the case is not closed. <https://appellate.nccourts.org/dockets.php?court=2&docket=2-2017-0934-001&pdf=1&a=0&dev=1>

Non-Compliant Commercial Lighting Amortization Ordinance –Burton presented commercial lighting inventory to the Zoning and Planning Board on November 20, 2018. The Zoning and Planning Board by motion recommend Council consider a 10 year amortization program to bring non-compliant fixtures into compliance. It is anticipated that this will be brought to Council in March, 2019.

Telecommunication Support Facility Regulations Amendments–A contemporary wireless telecommunication Facility ordinance, as recommended by the Zoning and Planning Board for approval, will be brought to Town Council on February 12, 2019 for a public hearing.

Rezoning of Parcel 1647424: "The Accretion Island"– This rezoning was approved by Town Council at their January, 2019 meeting.

Spruce Hill LMI Housing Project– An additional property owner on Spruce Hill has recently emerged indicating an interest in donating their property to the Town. Their parcel is one of the larger tracts on Spruce Hill and might be the deciding factor in consideration of a LMI Housing Project in this area. Burton will be bring this information to Zoning and Planning Board in 2019.

Commercial Center Redevelopment–Council Workshop held on January 29, 2019, with directions for the Community Development Director to: 1) Go ahead and send out RFP's for the project 2) Consult with local commercial realtors as to their opinions of the "as is" value of the building and property 3) Examine the viability of Town-owned property on NC 9 across from Ingles as an ABC store site.

Farmer's Market—Burton has had extensive email correspondence with a party interested in setting-up a weekly farmers market on town property, and has provided that party a list of “next steps” necessary to get the matter before Council.

Data Requests—Burton is working on data requests/compilations for the Mayor and to supplement upcoming operational budget submittal.

Hiring Process—Community Development Director is in the hiring process (once again) to replace Garrett Murphy, who will be transferring to Lake Operations/Parks and Recreation.

III. OTHER

I am diligently continuing to strive to provide excellent customer service while attempting to re-staff the department and get that new-hire trained and up-to-speed as soon as possible.

A handwritten signature in black ink, appearing to read "Brad L. Burton", followed by a horizontal line.

Brad L. Burton, Community Development Director

Name: Laura Krejci

Department: Communications

REPORT DATE:

January 31, 2019

PREPARED FOR:

Town Manager/Town Council

I. ANALYTICS

1. Facebook Analytics

- a. Posts:** 95% successful in writing and posting key information weekly to ensure internal and external stakeholder are well informed with 14 posts, compared to 12 in 1/18. See a summary of posts below.

Published	Post	Type	Targeting	Reach
01/30/2019 10:10 AM	 SAVE THE DATE - LAKE LURE SPRING CLASSIC BOAT AND CAR			1.9K
01/30/2019 7:53 AM	 Please see the following information from the National Weather Service: A			2K
01/29/2019 10:47 AM	 UPDATED WINTER WEATHER ALERT 1/29/19 The Town of Lake			2.1K
01/28/2019 1:20 PM	 UPDATED WINTER WEATHER ALERT: Please read and share the			2.2K
01/27/2019 7:28 PM	 WEATHER ALERT: The Town of Lake Lure, NC would like to share			3K
01/25/2019 8:28 PM	 CHECK IT OUT: Did you miss the eclipse last week? Overnight from			878
01/24/2019 10:24 AM	 EMPLOYMENT OPPORTUNITY: Development and Environmental			1.3K
01/23/2019 7:28 AM	 WINTER WEATHER ADVISORY REMAINS IN EFFECT UNTIL NOON			1.4K
01/22/2019 4:01 PM	 WINTER WEATHER ALERT: The Town of Lake Lure, NC would like to			5.6K
01/13/2019 8:47 AM	 WINTER WEATHER UPDATE: The Town of Lake Lure, NC did not			2.7K
01/11/2019 1:39 PM	 WINTER STORM ALERT: The Town of Lake Lure, NC's Emergency			6.5K
01/07/2019 6:40 PM	 A MESSAGE FROM THE MAYOR: The Town of Lake Lure, NC Mayor,			2.5K
01/05/2019 1:21 PM	 AHhhh... A SUNNY WINTER DAY IN THE Town of Lake Lure, NC! It's a			3.7K
01/01/2019 9:42 AM	 Taking the plunge into the new year. (Photo courtesy of Blaine Cox)			2.9K

- b. Inquiries:** 100% successful in monitoring and responding to all Facebook inquiries within 48 hours, collaborating with key leaders as needed to address questions in their respective areas.
- c. Benchmarking:** Benchmark with at least 1 other municipal site per month to identify strong practices to enhance the ToLL Facebook Page. Benchmarked with Black Mountain and found the following results:

Town	Population	Followers	Likes	Average Posts/Month	Strong Practices
Lake Lure	1,151	13,423	13,246	14 (1/19)	Throw Back Thursdays
Waynesville	9,971	4,921	4,964	22 (1/19)	

- d. Rating:** Lake Lure's Facebook page has a rating of **4.7 out of 5**, based on the opinion of 115 raters.
- e. Followers:** **35% increase in followers** 1/19 compared to 1/18 with 13,246 in 1/31/19 (Compared to 9,796 in 1/18.)
- f. Reach:** **44% increase** in average monthly reach in 1/19 (39,585) (Compared to 27,404 in 1/18.)

j. Most popular posts this month were as follow:

- 1) 1/11/19: Winter Weather Alert with a reach 6,519, and 1,481 engagements.
- 2) 1/22/19: Winter Weather Alert with a reach of 5,645 and 1,004 engagements.
- 3) 1/13/19: Winter Weather Update with a reach of 2,689 and 302 engagements.
- 4) 1/7/19: A Message from the Mayor with a reach of 2,507 and 551 engagements.

2. Events: Out Lake Lure Spring Classic Boat and Car Show has reached 10,800 people.



Lake Lure Spring Classic Boat & Car Show
Town of Lake Lure, NC
Fri May 10, 11:00am

10.8K

3. Website Analytics:

- a. **Users: 16% improvement with 7,045 users** in 1/19, compared to 6,313 in 1/18.
- b. **New Users: 12% improvement with 6,460 new users** in 12/18 compared to the 5,746 in 1/18.
- c. **Page Views: 9% improvement with 17,909 page views** in 12/27, compared to 16,363 in 1/18.
- d. **Inquiries:** General information inquiries.

III. WEBSITE ENHANCEMENTS

1. Built a new page for the Lake Lure Spring Classic Boat and Auto Show
2. Refreshed and expanded the Lake Lure Golf Club pages.
3. Expanded the "Events and Fun Things to Do" page with community events.

IV. MISCELLANEOUS/OTHER

Completed:

1. **Published Article: A Look at Lake Lure in 2018:** Click [here](#) to read the article published in The Daily Courier and see attachment A.
2. **Blue Ridge Health:** Meeting held with representatives from local stakeholder groups and churches. Click [here](#) for a summary of the meeting including questions and answers. Note, the CEO/CMO Richard Hudspeth is scheduled to present a similar overview for the public at large at the February Town Council Meeting.
3. **Community Partners and Stakeholders:**
 - Expanded outreach to Community Partners and Stakeholders and developed an expanded email and phone list for future correspondence.
 - Communicated with these stakeholders during weather alerts, etc.
 - **Chimney Rock Village**
 - **Chimney Rock Village Community Development Authority**
 - **Hickory Nut Gorge Chamber**
 - **Rutherford County Tourism**
 - **Fairfield Mountain Chapel**
 - **Hickory Nut Gorge Chamber**
 - **Hickory Nut Gorge Foundation**
 - **Hickory Not Gorge Outreach**
 - **Lake Lure Baptist Church**
 - **Lake Lure Classical Academy**
 - **Lake Lure Adventures**
 - **Lake Lure Lake Front Owners Association**
 - **Lake Lure Beach and Marina**



Meet Scout McCormick

Scout grew up in Athens, GA. He is the eldest of three boys in his family. Pictured here from left to right are his younger brothers, Alex and C J. Scout is pictured on the far right and he and his brothers are surrounding their mother, Susan. Scout graduated from high school in Athens, GA and moved to upstate New York where he worked and resided in Ithaca, NY for several years. He moved back to the south in 2011 and settled in the Hickory Nut Gorge area to be near family and the beautiful mountains. Scout loves this area and the people. He enjoys reading and playing his guitar when he is not working.



While living in Hickory Nut Gorge, Scout had his first personal experience with a major fire during the historic drought of 2016. Sadly, he was evicted from his home during the Party Rock Fire that occurred that year. He was deeply moved by the experience and volunteered to help support the firefighters during the event. He helped make sandwiches and serve those who were out fighting the fire. Although he knew his efforts were appreciated, he longed to do more. He knew he was capable of contributing more significantly.

This experience inspired Scout to want to become a volunteer firefighter. He felt like he could make a difference in this role so he applied and was accepted at the Chimney Rock Fire Department, an all volunteer fire station. Chris Melton, the Fire Chief at the Chimney Rock Fire Department, not only served as Scout's Chief, but as his mentor. Becoming a NC Firefighter takes endurance, strength, determination, and most of all, heart. Chris Melton stated, "Scout definitely has a heart for service." Training goes far beyond the initial schooling required for new recruits; they are required by law to further their education in every aspect of service every year. Chief Melton stated he saw something in Scout when he signed up to become a volunteer. He added, "there is a unique quality that certain people have that make them ideal for this career field. It's a combination of compassion, dedication and hard work that Scout brings to his work that makes him ideal for the role of a firefighter."



Scout began taking classes and became invested in training to become a full time firefighter. He enrolled to take NC Firefighter certification classes. While working on his certification, a full-time firefighter position became open at the Lake Lure Fire Department. Chief Melton and others encouraged Scout to apply for the job. He recalls the day that Lake Lure Fire Chief, Dustin Waycaster, came to tell him he was selected for the job. He was thrilled and began his full time service at the Lake Lure Fire Department in October 2018. Scout is continuing his firefighter certification by taking the Technical Rescuer classes as well as Emergency Medical Technician (EMT) classes because these skill sets are important for the Town's needs for fire and rescue.

It is obvious to see how proud Scout is to be serving as a member of the Lake Lure Fire Department. He loves his job, but more importantly, he loves the service he provides to his community. Scout bought a home in Lake Lure and not only works at the Lake Lure Fire Department, he continues to volunteer back at Chimney Rock. Fire Chief Waycaster stated, "Scout is an asset to our team and he is working hard to gain the knowledge and skills to better serve the citizens of Lake Lure with pride."



Thank you for stepping up to serve our community, Scout!
We appreciate your service on our team!

3. Community Partners and Stakeholders: (Continued)

- **Lake Lure Inn**
- **Lake Lure Tours, Inc.**
- **Rumbling Bald Resort**

Local Churches

- **Bat Cave Baptist Church**
- **Bill's Creek Baptist Church**
- **Bearwallow Baptist Church**
- **Cane Creek Baptist Church**
- **Chimney Rock Baptist Church**
- **Chimney Rock Baptist Church**
- **Episcopal Church**
- **Fairfield Mountain Chapel**
- **Lake Lure Baptist Church**
- **St. John's Missionary Baptist Church**
- **Temple of Jesus**

4. Published article on one of our **new Firefighters, Scout McCormick**, to help staff get to know him better.
(See Attachment B) Will produce similar monthly articles on new employees.
5. Attended **Parks and Recreation Board** to support their efforts, as needed.
6. Attended the **Utilities Board Workshop** and the **Town Council Workshop** to gain understanding of issues related to the sewer replacement project and to assist, as needed.
7. Assist Emergency Management Coordinator/Police Department with the transition from Code Red to **Everbridge**.

Ongoing:

1. Attended **Chamber of Commerce Meeting** to represent the Town of Lake Lure and will present information on one of the upcoming Chamber events, Sale on the Trail.
2. Continue to support the **Hickory Nut Gorge Outreach** by communicating their accomplishments and volunteering.
4. Expanded **photo library** with new pictures taken and from those shared by community members.
5. **Benchmarking** to enhance web and social media platforms.
6. Correct broken web links and remove outdated materials.

In the works:

1. Marketing, support and set-up for the **Hickory Nut Gorge Citizens and Duke Energy Meeting on 2/11/19.**
2. Joined **Lake Lure Spring Classic Boat and Auto Show Committee** to support marketing efforts.
2. Marketing for **Rumble 2019** – Climbing event scheduled for 2/15-17/19.
3. Marketing and Support for **Cycle, NC**. Site visit planned for 2/19-20/19.
4. Look for opportunities to collaborate with and obtain support from **Rutherford County TDA**.
5. Developed list of **branded merchandise** for consideration for future events.
6. Developing a **calendar of events** for the year to be prioritized with the Town Manager/Mayor.
7. Drafting an article and an ad for "**On the Lake**" magazine, due 3/15/19.
8. Coordinating **coverage for the Town Clerk's** upcoming maternity leave (April-June).
9. Assisting with review and input on **pre-season communication** with Lake Operations.

Monthly Report

January 2019

1/1: Stood-by for the polar plunge event. Also had a unit stand-by in the area for the extreme plunge at the Tiki Hut.

1/3: Sent Zodiac to stand-by at RFD for RCSO due to a search in water for a person that was evading the Sheriff's Dept.

1/7: Air-Pak Maintenance On all LLFD/FMVFD/CRVFD air-paks.

1/9: Call for possible water rescue in the Rocky Board River.

1/16: Ran mutual aid to Bills Creek area for an appliance Fire in a residence.

1/18: Staged Equipment out at Village Resort due to the road closure.

1/19: Called Downstream people to notify them that we were open 1' on one flood gate due to rainfall and lake level rising.

1/21: Ran a Chimney Fire on Grassy Knob Rd mutual aid to Bills Creek Area.

1/25: Search on weed patch mountain trail. Located the lost mountain biker and was able to reconnect her with the party that she was with.

1/28: Was able to get some of the annual pump testing done on some of our trucks.

1/30: Had a Medical call for a patient that had fell. EMS flew the patient out due to the patient having a possible head injury and multiple broken bones. Lake Lure Fire set up the LZ for MAMA.

Also had a MVC on Buffalo Creek at Winesap for a vehicle that had rolled and ended up in the creek with subject inside.

We had a total of 471 hours of training for the Month of January.

Wrote 13 Burn Permits

Inspections:

Done the inspection on the Old Doctor Burch's office for Hickory Nut Gorge outreach.

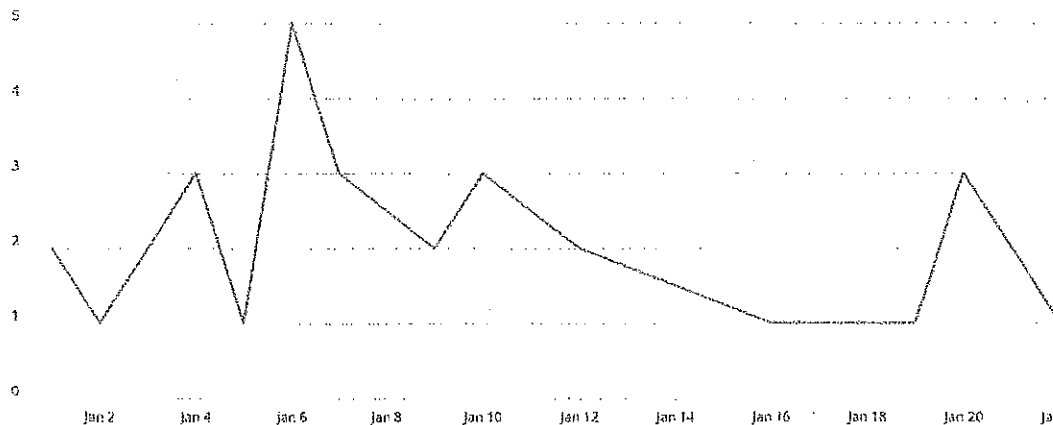
Ran a total of 44 Incidents for the month.

13 EMS/Medical calls 10 of those were ALS.

4 Calls were outside of our response area Mutual Aid.

Jan 1, 2019 - Jan 31, 2019

DAYS
In Selected Time Slots



2/17/19

Sep '78

Oct '18

Nov '78

Dec '11

[illegible]

Town of Lake Lure

Monthly Financial Summary Report as of: 1/31/2019

59%



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	
Revenues:	Budget:	To Date:	To Date:	Collected	Expenditures:	Budget:	To Date:	To Date:	Spent	Month To Date	
Taxes	\$ 3,081,734	\$ 3,952	\$ 1,607,252	52.15%	Governing Body	\$ 41,300	\$ 1,623	\$ 15,912	38.53%	Annual To Date	\$ (491,499)
State Shared Revenues	\$ 1,446,425	\$ 91,769	\$ 812,683	56.19%	Administration	\$ 753,738	\$ 79,266	\$ 450,544	59.77%		
Lake	\$ 495,600	\$ 40,195	\$ 170,620	34.43%	Central Services	\$ 101,500	\$ 8,250	\$ 56,423	55.59%		
Beach & Marina	\$ 164,800	\$ 39,725	\$ 173,115	105.05%	Police	\$ 743,197	\$ 84,069	\$ 432,617	58.21%		
*Miscellaneous Revenues	\$ 84,100	\$ 15,203	\$ 94,269	112.09%	Fire	\$ 770,792	\$ 61,387	\$ 465,392	60.38%		
Land Use Fees	\$ 28,400	\$ 1,130	\$ 13,308	46.86%	Sanitation	\$ 230,000	\$ 18,665	\$ 132,476	57.80%		
Loan Proceeds	\$ 102,000	\$ -	\$ -	0.00%	Public Works	\$ 460,906	\$ 50,227	\$ 263,003	57.06%		
Transfers	\$ 892,228	\$ -	\$ 15,000	1.68%	Economic Development	\$ 70,200	\$ 8,024	\$ 53,448	76.14%		
Total:	\$ 6,295,287	\$ 191,974	\$ 2,886,247	45.85%	Community Development	\$ 300,800	\$ 18,841	\$ 97,381	32.37%		
*Miscellaneous Revenues Interest, Beer & wine, Fire Tax, ABC Facilities Rentals, Grants, Sale of Assets, Misc., Town Promo, Copies Recycling Collections Deposited, not posted					Parks and Rec.	\$ 272,536	\$ 19,223	\$ 106,708	39.15%		
					Beach and Marina	\$ 12,000	\$ 525	\$ 5,962	49.68%		
					Golf	\$ 86,000	\$ 20,130	\$ 90,906	105.70%		
					Lake	\$ 558,143	\$ 62,616	\$ 337,462	60.46%		
					Capital Outlay	\$ 1,125,350	\$ 139,763	\$ 500,156	44.44%		
					Debt Service	\$ 299,515	\$ 4,871	\$ 184,678	61.66%		
					Non Governmental	\$ 132,500	\$ 863	\$ 184,678	139.38%		
					Transfers	\$ 336,810	\$ -	\$ -	0.00%		
					Longevity	\$ -	\$ -	\$ -	#DIV/0!		
					Contingency Reserve	\$ -	\$ -	\$ -	#DIV/0!		
					Total:	\$ 6,295,287	\$ 578,343	\$ 3,377,746	53.66%		

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	
Water & Sewer charges	\$ 1,190,000	\$ 46	\$ 623,469	52.39%	Water	\$ 180,246	\$ 16,225	\$ 96,180	53.36%	Annual To Date	\$ 202,635
Taps & Connection fees	\$ 10,000	\$ (1,000)	\$ 2,463	24.63%	Sewer	\$ 439,317	\$ 34,185	\$ 338,101	76.96%		
Interest & Transfer Fees	\$ 7,500	\$ -	\$ 5,933	78.11%	Capital Projects	\$ 57,000	\$ -	\$ -	0.00%		
Water Tank Rental	\$ 15,000	\$ 1,030	\$ 10,210	68.07%	Debt Service	\$ 130,265	\$ -	\$ 5,159	3.96%		
Transfer from Fund Balance					Transfer to Fund	\$ 415,672					
Total:	\$ -	\$ -	\$ -	#DIV/0!	Total:	\$ 1,222,500	\$ 50,410	\$ 439,440	35.95%		
	\$ 1,222,500	\$ 76	\$ 642,075	52.52%							

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	
Power Generation	\$ 405,665	\$ 108,272	\$ 550,056	135.59%	Operations	\$ 355,093	\$ 35,334	\$ 192,857	54.31%	Annual To Date	\$ 301,164
Interest	\$ 1,000	\$ -	\$ 837	83.70%	Transfer to General Fund	\$ -	\$ -	\$ -			
Transfer from Fund Balance	\$ 118,428	\$ -	\$ -	0.00%	Transfer to Silt Reserve	\$ -	\$ -	\$ -	#DIV/0!		
Total:	\$ 525,093	\$ 108,272	\$ 550,893	104.91%	Cap. Outlay/Special Proj.	\$ 170,000	\$ 525	\$ 56,872	33.45%		
					Total:	\$ 525,093	\$ 36,459	\$ 249,729	47.56%		

Town Manager STAT Report from Lake Lure Police Department

Date: 01/31/2019

358 Police Activities Logged for Month (Total) *Partial breakdown below*

2 Reported Breaking & Entering with Larceny or Larceny

21 Traffic Stops

7 Citations

10 Warning Citations

3 Verbal Warnings

4 Accidents

3 Total Arrests

0 Motorcycle Mufflers Checked

0 Roadside Checkpoints

Boys Camp Road – 0 Accidents 0 Speeding/Careless Driving Complaints (acted on) (Extra Patrol/Monitoring)

Citations- Cumulative Total of Citations = 7 (Hard Copies)

Citations Totals by Charge = 7 (1 citation may have up to 2 charges).

DWLR – 2 Expired Registration – 1 No Operators License - 1 Fictitious Registration - 3

Other – 2 Other Misdemeanors/Infractions

Arrests- Cumulative Total of Arrests = 3

1- Warrant Transport 1 – DWI 1 - DWLR

Happenings in the Department

Officer Alan Greene retired 12/31/2018 and was presented his badge and side arm. He served three years with Lake Lure Police Department and a total 26 years in law enforcement.

We are currently interviewing for the open position which was left vacant when Officer Greene left. We interviewed four and have narrowed it down to one very promising individual. We are currently in the process of processing the application and background checks.

Chief Humphries attended the annual North Carolina Chief's Association Conference which lasted one week in Cherokee North Carolina. He was able to network and visit vendor booths with equipment that the department needs and will be looked at in the future.

Dustin and Kat went to an Everbridge Training Session where they spent the day learning about our new communications application. They later met with Chief Humphries, Laura Krejci and Firefighter Brent Hoyle and went over the application and when we will do a full switch over from Code Red and NIXLE. They are scheduled to review this with Council in the February Council Meeting.

Activity Log Event Summary (Cumulative Totals)

Lake Lure Police
(01/01/2019 - 01/31/2019)

911 Hangup	1	Accident	4
Advised Civil Matter	2	Alarm activation	30
Assist EMS	1	Assist Fire Department	2
Assist Other Department	10	Assist other Lake Lure Officer	26
Assist Subject	1	Attempt to Locate	1
Attempt to Serve a Warrant	2	BOLO	1
Breaking and Entering	1	Call by Phone	13
Citation	7	Court	4
Damage to Property	1	Disturbance	3
DWI	2	Escort	2
Extra Patrol	83	Follow up Investigation	1
Foot Patrol	24	Fraud	1
In Office Work	15	Intoxilyzer Examination	1
Investigate Suspicious Vehicle	4	Involuntary/Voluntary Commitment Transport	2
Larceny Report	1	Loud Music	1
MAMA Landing Site Clear	1	Meet with Subject	3
Prisoner in Custody	3	Rutherford County Jail/Processing	2
School Patrol	7	Series of Business Checks	38
Speak With Subject	4	Stranded Motorist	3
Suspicious Person(s)	3	Traffic Control	3
Traffic Stop	21	Training	2
Transport a Subject	1	Tree Blocking Road	2
Trespassing	1	Vehicle Maintenance	1
Verbal Warning	3	Warning Citation	10
Welfare Check	3		

Total Number Of Events: 358

LAKE OPERATIONS REPORT

January 2019

Water Quality 2018/19

Fecal Count (CFU per 100ml)

Date Collected

1. Pool Creek

2. Beach Swim

3. Beach Slide

4. Broad River

5. Tryon Bay

6. Dam

7. Sunset Cove

8. Hummingbird Cove

9. Hayners Cove

10. Rumbling Bald Beach

11. Broad River - WWTP

12. Broad River + WWTP

13. Edward's Cove

14. Pier Point

15. BBR Chimney Rock Park

16. Beedy Patch Creek

17. Hickory Creek

18. Fire Fly Cove

19. I.I.VR

20. Picnic Point

21. Deerwood/Thomas Dr.

22. Backcrest Cove

23. Dam Marina

24. Grey Logs COVE

[illegible]

Lake Enforcement & Patrol

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Year
Patrol hours	144	146	133	75	41	18	2						559
Warnings	5	26	18	2	21	2	0						74
Citations	0	0	0	0	0	0	0						0
Assistance to Boaters	8	13	22	8	4	2	0						57
Camera Violations	0	0	0	0	0	0	0						0
Camera Citations	0	0	0	0	0	0	0						0

Current Projects

1. Dredging
2. Debris Boom at Dam
3. Boys Camp MRF/Camp ground
4. Morse Park event space
5. Non-Motorized communications stickers
6. Marina/Boardwalk
7. Volunteer corps
8. Classic Boat and Car Show
9. Small viewing area at beach
10. Floating dock relocation at beach
11. Golf Course lease renewal
12. Underground power on peninsula at beach
13. Commercial boat lake use study
14. Creation of new Parks, Recreation & Lake Department
15. 2019-20 CIP budget
16. Multiple meetings

MONTHLY PROGRESS REPORT

PUBLIC WORKS DEPT.

JAN. 2019

1-3-19 Met with John Wilson about little generator repair and we got a timeline for remaining repairs to be finished.

1-3-19 I met with Don Byers about Geo-Tubes being installed at WWTP.

1-4-19 We cleaned storm drain under Ridge Road today.

1-4-19 We finished water monthly reports today.

1-3-19 We took monthly Water Samples to Asheville today for testing.

1-2-19 We ordered new mini-excavator for Public Works today.

1-7-19 We had a bad waterleak today in the Highlands. A 6 inch water main split down the middle of the pipe. Myron Steepe is making repairs.

1-7-19 I purchased a new portable small generator today for the WWTP so all injection pumps for chemicals can still work if the power is out for a extended amount of time.

1-8-19 I ordered several loads of gravel to build a stone pad at WWTP for the install of the Geo-Tubes.

1-8-19 We have been reading water meters all week.

1-9-19 I did grading for the Geo-Tube pads today at WWTP. Don is in process or getting tubes and other material ordered.

1-10-19 We fixed where part of the Rd broke off on Rock Crest Cove today where a tree fell and took part of the Rd with it.

1-10-19 We cleaned ditch at new Abc location and Harris rd where water was getting out into Memorial Hwy and freezing.

1-11-19 We got a portable 100 gallon fuel tank so we will have extra fuel on hand during power outages and to fill equipment. The store closed near the shop and this was needed to fuel things up.

1-11-19 We had a lot of utility locates to do this week.

1-14-19 We removed the rest of the Christmas Lights this week.

1-15-19 Order for the mini-excavator was cancelled today. The quote we was giving was off by 10k. The salesman that gave us the quote quit his job because of what happened. We will continue to look for one.

1-16-19 We worked on and fixed a busted water line in Lure Ridge today.

1-17-19 Applicant Trevor Williams declined job offer for the Hydro Plant.

1-20-19 We fixed a water leak at a meter on Tryon Bay today.

1-23-19 I went to the Case Dealership today to look at a new Mini-excavator.

1-24-19 I met with Engineers and Dam Safety inspectors today at the Dam.

1-24-19 Employee Andie Ogle went to DMV today and got her CDL permit.

1-28-19 We met with a roofing contractor about the flat roof on Town Hall he said overall the roof was a 8 out of 10 and in pretty good condition. He did find some repairs that need to be made but no a major deal.

1-30-19 I went to Greenville today and picked up new Mini-Excavator at the Case Dealer. I want to thank each and everyone of you for the wiliness of the Board, Mayor and Manager for working with us and letting us get the equipment we need to do or jobs. Thanks again.

1-31-19 The waterline that was fixed in the highland recently has broken again less than 20 feet from last break. Repairs have been made with ductile iron instead of pvc.

1-31-19 I did 2 interviews today for 3rd shift at the Hyro Plant and Dam. I think we will be able to fill this last position next week.

V

PUBLIC HEARING

- Proposed Ordinance No. 19-02-12, Wireless Telecom Facility

**LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION
Meeting Date: February 12, 2019**

SUBJECT: Ordinance No. 19-02-12: An Ordinance amending the Town of Lake Lure Zoning Regulations, specifically § 92.042 “Special Requirements for Certain Uses.”

AGENDA INFORMATION:

Agenda Location: Public Hearing/New Business
Item Number: A/A
Department: Community Development
Contact: Brad Burton, Community Development Director
Presenter: Brad Burton, Community Development Director

BRIEF SUMMARY: The current regulations concerning Telecommunications Facilities and Antennae, also contemporarily known as Wireless Telecommunications Facilities, were initially adopted in 2003. The regulations brought to the Council for review reflect new Federal and State mandated changes to local telecommunications regulations, and also reflect contemporary advances in facility siting and technology specific to the telecommunications industry.

RECOMMENDED MOTION AND REQUESTED ACTIONS: (Councilman) recommend approval of Ordinance 19-02-12, an Ordinance amending the Town of Lake Lure Zoning Regulations, specifically § 92.042 “Special Requirements for Certain Uses.”

FUNDING SOURCE: n/a

ATTACHMENTS: Ordinance containing amended regulations for section § 92.042.

STAFF’S COMMENTS AND RECOMMENDATIONS: Staff recommends approval of Ordinance 19-02-12.

ORDINANCE NUMBER 19-02-12

AN ORDINANCE AMENDING THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE; AMENDING § 92.042, "SPECIAL REQUIREMENTS FOR CERTAIN USES."

WHEREAS, N.C.G.S. 160A-381 authorizes municipalities to adopt zoning ordinances regulating, among other things, "the location and use of buildings, structures, and land;" and,

WHEREAS, N.C.G.S. 160A-174 authorizes municipalities to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city; and,

WHEREAS, the Town's zoning regulations require certain uses to have special requirements,

WHEREAS, the Town recognizes that some uses are substantially unique and have potential impacts or other hazards, difficulties or impacts that are, in the appropriate circumstances, more efficiently considered and reviewed in a quasi-judicial format; and,

WHEREAS, "Telecommunication Tower[s]" standards and requirements, last amended in 2003, are located in § 92.062(C)(7) of the table of uses for the R-1 zoning district and require a conditional use permit with additional standards as enumerated therein; and,

WHEREAS, the Town zoning regulations when describing zoning districts R-1, R-1A, R-1B, R-1C, R-2, R-3, CG, M-1, and S-1 within their respective table of uses repeatedly list "Telecommunications Towers" as requiring a conditional use permit by directly referencing the statement "All conditional uses listed in the R-1 Residential District"; and,

WHEREAS, the Town Council feels that such standards and requirements could be accessed easier and more efficiently as a standalone section located in § 92.042 of the zoning regulations; and,

WHEREAS, as previously stated standards and regulations concerning telecommunication facilities and antennae have not been amended in 16 years; and,

WHEREAS, the Town is desirous of contemporizing these regulations concerning Telecommunications Support facilities and Antennae to comply with current Federal and State law, to reflect dynamic changes in telecommunications technology since the regulations were originally drafted, and to provide the Zoning Administrator the option of administrative or quasi-judicial review, as appropriate, of an application for Telecommunications Support facilities and Antennae; and,

WHEREAS, Town Council further finds that this Ordinance amending the Special

Requirements for Certain Uses which by adoption also would amend the Wireless Telecommunications Support Facilities and Antennae regulations is not inconsistent with any goals, objectives or policies of the 2007-2027 Town of Lake Lure Comprehensive Plan; and,

WHEREAS, the Zoning and Planning Board has recommended certain modifications to the Zoning Regulations of the Town of Lake Lure as noted in the title of this Ordinance; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the 12th day of February, 2019, upon the question of amending the Zoning Regulations in this respect.

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

SECTION ONE. *Authority; Title.* This Ordinance is enacted pursuant to the grants of authority contained in Sections 160A-174 and 160A-381 of the North Carolina General Statutes. It shall be known and may be referred to as the "Ordinance Amending Special Requirements for Certain Uses."

SECTION TWO. Section 92.042 of the Zoning Regulations of the Town of Lake Lure, is hereby amended as follows:

§92.042 Special Requirements for Certain Uses.

The special requirements contained in this section apply to the named uses whenever they are identified as conditional uses or as permitted uses subject to special requirements.

Notwithstanding any other provisions of this chapter, whenever these regulations provide that a use in a nonresidential zone or a nonconforming use in a residential zone is permissible with a zoning permit, a conditional-use permit (see § 92.046) shall nevertheless be required if the administrator finds that the proposed use would have an extraordinary impact on neighboring properties or the general public. In making this determination, the administrator shall consider, among other factors, whether the use is proposed for an undeveloped or previously developed lot, whether the proposed use constitutes a change from one principal use classification to another, whether the use is proposed for a site that poses peculiar traffic or other hazards or difficulties, and whether the proposed use is substantially unique or is likely to have impacts that differ substantially from those presented by other uses that are permissible in the zoning district in question. (Amended 10-14-14) (Amended XX-XX-XX)

- (A) Residential Vacation Rentals. Residential vacation rentals are hereby recognized as a use within the planning jurisdiction of the Town of Lake Lure. Except as provided herein, on and

after 1 January 2010, it shall be a violation of these Zoning Regulations to operate a residential vacation rental without a vacation rental operating permit from the Town. **(Adopted 10-13-09, Effective 01-01-10; Amended 02-28-12, 10-14-14) (Amended 03-13-18)**

(1) Exceptions. The following activities and / or uses shall not be deemed residential vacation rentals and the requirements of this section shall not apply to them. **(Adopted 10-13-09, Effective 01-01-10; Amended 02-28-12) (Amended 03-13-18)**

- (a) Incidental residential vacation rentals, defined to mean no more than two such rentals in any calendar year where the total annual rental period for both rentals does not exceed two weeks.
- (b) Rentals of property in any hotel, lodge, motel, bed & breakfast establishment, or boarding & rooming house, with a valid certificate of zoning compliance. For purposes of this Regulation, the term does not include multi-family dwellings nor does it apply to duplexes other than those situated within the R-1, R-1A, R-1B, R-1C, R-1D, R-2 and M-1 zoning districts. **(Amended 03-13-18)**

(2) Vacation Rental Operating Permits. Every residential vacation rental not excepted as above shall require a vacation rental operating permit issued pursuant to the regulations contained herein. The vacation rental operating permit may also function as a certificate of zoning compliance for a residential vacation rental. Any Vacation Rental Operating Permit issued prior to 28 February 2012 is recognized as having a vested status to operate under the ordinance as amended on 28 February 2012. Additionally, anyone that can establish via Tourism and Development Authority tax records or other suitable proof that they were engaged in vacation rental activity at their home prior to January 1, 2010 (the effective date of the ordinance) would also have vested status. Any future revisions and amendments to this Ordinance shall not apply to those vested residences. This status is transferable; although, a new vacation rental operating permit must be obtained in the name of the new owner. This status is forfeited if there is no vacation rental activity at the home for a period of five years. **(Adopted 10-13-09, Effective 01-01-10; Amended 02-28-12)**

- (a) Application. In order to obtain a Vacation Rental Operating Permit the owner or the operator shall submit an application for each such residential vacation rental which complies with the requirements of the Town's zoning regulations and the additional requirements as found in § 92.042(A)(3), below, and shall

pay all applicable fees in accordance with the Town's adopted fee schedule
(Amended 03-13-18)

- (b) Procedure. From and after the effective date of this Ordinance, applications for a Residential Vacation Rental use shall submit an application for a Vacation Rental Operating Permit, to be processed as a Certificate of Zoning Compliance application with all additional supporting documentation as per § 92.042(A)(3) **(Amended 03-13-18)**
- (3) Contents of Application: The application for a vacation rental operating permit shall contain the following information. **(Adopted 10-13-09, Effective 01-01-10 (Amended 02-28-12)(Amended 03-13-18)**
 - (a) The address of the property.
 - (b) Name and contact information for the owner of the property.
 - (c) Name and contact information for the operator if other than the owner.
 - (d) A site plan showing the off-street parking area(s) for the property. One (1) parking space for every two rental bedrooms shall be required. Parking areas shall not encroach into any road right-of-ways or neighboring private properties. **(Amended 03-13-18)**
 - (e) The number of bedrooms on the property intended to be used for occupancy.
 - (f) A copy of the Rutherford County Revenue Department "Property Information Card" for the subject property. **(Amended 03-13-18)**
 - (g) If the property is served by the Town's sewer system, a certificate from a qualified licensed professional that the connection to the Town's system is operational and free of detectable leaks.
 - (h) If the residential vacation rental includes the use of a boat on Lake Lure, proof of a valid Town commercial boat license.
 - (i) Proof that the property is registered with the Rutherford County Tourism Development Authority.
 - (j) A copy of the standard rental agreement used for the residential vacation rental which contains information required by this section.

- (k) An acknowledgment that the applicant is aware of the occupancy restrictions on the use of the property as a residential vacation rental and the applicant's agreement to abide thereby.
- (l) A statement by the operator, under oath, that the information in the application is correct. **(Amended 2-28-12)**
- (4) Inspections: In conjunction with an application for a vacation rental operating permit, the Town shall conduct an initial inspection to confirm compliance with the requirements of this section. **(Adopted 10-13-09, Effective 01-01-10)**
- (5) Operational Requirements: The following operational requirements shall apply to all residential vacation rentals. **(Adopted 10-13-09, Effective 01-01-10)(Amended 03-13-18)**
 - (a) Occupancy Limits. On those occasions when the property is being utilized for vacation rental activity, the overnight occupancy shall not exceed two persons per bedroom plus four additional persons. For any permits issued subsequent to 28 February 2012, occupancy shall be the lesser of the total determined by the foregoing formula or twelve persons. Bedrooms used in calculating occupancy limits shall be taken from the application as affirmed by the owner/manager and shall be the same as the number of bedrooms as listed on the Rutherford County Revenue Department's Property Information Card to also assure the sufficiency of the wastewater system on site. **(Amended 2-28-12)(Amended 03-13-18)**
 - (b) Signs. In the R-1, R-1A, R-1B, R-1C, R-1D and M-1 zoning districts, residential vacation rental properties shall not have any signs visible from the exterior of the premises which advertise the use of the property as a residential vacation rental, other than as required by this section. In the remaining zoning districts, residential vacation rental properties may have signage as authorized by Article 10 of these regulations.
 - (c) Display of Contact Information. Residential vacation rental operators shall prominently display on the exterior of the residential vacation rental property the name and 24-hour per day, 365 days-per-year telephone number for the residential vacation rental operator who will take and resolve complaints regarding operation of the residential vacation rental property and its occupants and guests. The Town will prescribe the form of this display which shall also include a telephone number to report violations of this section to the Zoning Administrator.

- (d) Parking. Occupants or guests of any residential vacation rental property shall not park vehicles on the property other than within parking area(s) designated on the application for the residential vacation rental. Vehicles parked in undesignated areas, or in the street so as to violate the town's street ordinances, shall be subject to towing at the vehicle owner's expense. **(Amended 2-28-12)**
- (e) Trash Disposal. Household trash must be bagged and disposed of in trash receptacles. Trash receptacles shall be the size and number authorized by existing refuse contracts and shall be animal resistant. **(Amended 2-28-12)**
- (6) Contract Addendum: Every residential vacation rental contract shall contain an addendum, in a form prepared by the Town, setting forth the requirements of this section and other applicable provisions of law. The operator shall obtain a signed acknowledgment from the renter(s) that they have received such addendum prior to delivering possession of the residential vacation rental property. This requirement shall be deemed satisfied if the provisions of the addendum are included as part of the rental contract. **(Adopted 10-13-09, Effective 01-01-10; Amended 2-28-12)**
- (7) Duties of the Operator to Respond to Complaints: To assure prompt response to complaints and issues concerning a residential vacation rental, the operator shall comply with the following: **(Adopted 10-13-09, Effective 01-01-10)**
 - (a) Maintain a call center that is staffed by a live person and fully responsive at any time that the property is used as a Residential Vacation Rental. **(Amended 2-28-12)**
 - (c) Continuously maintain on file with the Town the operator's current address, telephone number, and facsimile number and/or email address.
- (8) Non-Compliance with Vacation Rental Operating Permit/Residential Vacation Rental Regulations **(Amended 03-13-18)**
 - (a) Failure to comply with the standards and regulations as found in this section shall be enforced by the remedies and penalties as provided in Chapter 10 of the Code of Ordinances of the Town of Lake Lure and Chapters 5 and 13 of the Town of Lake Lure Zoning Regulations, as applicable. **(Amended 03-13-18)**

- (9) Notification to Contiguous Property Owners of the issuance of a Vacation Rental Operating Permit **(Amended 03-13-2018)**
- (a) Upon issuance of the permit, the zoning official shall, by First Class US Mail, notify all contiguous property owners of the decision to allow the use of the property as a Residential Vacation Rental. **(Amended 03-13-18)**
- (B) Breweries, Distilleries and Wineries. An applicant seeking authorization to develop and/or operate a brewery, brewpub, distillery, micro-brewery, micro-distillery, micro-winery, nano-brewery or winery shall obtain a sewer use permit for the facility prior to issuance of such authorization, whether it be a certificate of zoning compliance or a conditional use permit. **(Adopted 10-14-14)**
- (C) Campgrounds shall comply with the general standards and procedures for conditional uses contained in Section 92.045, below, as well as the specific standards and procedures contained herein. **(Adopted 7-14-15)**
- (1) **Campground standards for all campgrounds**. The following standards shall apply to all campgrounds containing two or more campsites or camp lots, including sites for tents, accommodations for backpackers and recreational vehicles (RVs).
- (a) *Size*. All proposed campgrounds shall be a minimum of three acres in size.
- (b) Certificate of compliance required. Any proposed campground shall not be allowed to open until such campground has met all planning and building requirements of this ordinance for the Town of Lake Lure and the State of North Carolina.
- (c) Fire prevention and protection. The application for a conditional use permit shall include a plan for fire prevention and protection to be reviewed by the fire marshal. The applicant shall be provided with a copy of the fire marshal's comments and recommendations and shall address those at the hearing on the conditional use permit application.
- (d) Other permanent structures. Permanent structures other than camp platforms and recreational support and sanitary facilities shall be prohibited unless the developer or owner can demonstrate the necessity or desirability for such a structure. Structures commonly deemed necessary or desirable include a gatehouse, office, laundry area, video/amusement area, common area shelters, picnic table shelters for campsites, and camping cabins.

- (e) Storage of RVs. Storage of all types of recreational vehicles within campgrounds shall be limited to no more than one stored RV per ten RV sites. Such storage area shall be buffered and screened, preferably by vegetation, from the campground or outside areas.
- (g) Number of days permitted to camp. With the exception of campers who work for the campground, camping shall be restricted to a period of no more than 90 consecutive days within any one-year period. Tent camping shall be limited to a period of 30 consecutive days within a 60-day period.
- (h) Access to water for all campsites/RV utility islands. Each campground shall have reasonable access to a source of potable water approved by the applicable health authority and building codes.
- (i) Road circulation pattern. The road circulation pattern should be a one-way paved or gravel reinforced system attached to a main two-way circular thoroughfare. If a loop system is used, it shall contain a pull-through site arrangement or back-in site ranging from a 45- to a 90-degree angle. Parking on all access roads to the entire campground area shall be prohibited. A turning radius for all emergency vehicles shall be required as approved by the fire department. The turning radius in loops and turns shall not be less than those required by the fire department, including those for parking spurs at individual RV sites.
 - (i) Road width/slope in campground—Road widths on the one-way loop shall be at least 15 feet wide. Double lane roads shall have a minimum width of 20 feet. The circulation system shall parallel existing contours as closely as possible, and shall not exceed a 16-percent slope.
 - (ii) Land disturbance—A soil and erosion sedimentation plan shall be filed and approved by the Town prior to any construction.
- (j) Campfires shall be contained and controlled. Campfires are permitted only within fire rings, which shall not be placed within ten feet of a bottled gas container or other combustible source of fuel. The campground management shall require that no open fire is left unattended.
- (k) Refuse disposal. All campgrounds shall provide fly-proof, watertight, containers for the disposal of refuse. These containers shall also be constructed and located such that they are not subject to rodent infestation or dog and bear invasion. Containers shall be provided in sufficient number and

capacity to properly store all refuse. Refuse for camping areas shall be collected at least once a day.

- (l) Overflow parking area. All campsites shall be limited to a total of one non-RV parking space. An additional area for parking of such vehicles shall be provided equal to one parking place for every ten campsites. Such parking area can be surfaced with gravel. At no time shall parking be permitted on access roads to the campground.
 - (m) Insect control. Owners of such parks shall be responsible for adequate insect control in the camping area such as the periodic spraying for mosquitoes.
 - (n) Lighting. Cut-off, overnight lighting for all bathhouses and centralized water sources shall be required. Reflectors denoting paths to above mentioned structures are recommended. Other minimal lighting should be installed as needed for the safety and comfort of campground residents.
 - (o) Flood plains. Campgrounds proposed to be developed in whole or in part in flood plains shall demonstrate compliance with the Flood Damage Prevention Regulations contained in Section 95.001, et seq., of the Town Code.
 - (p) Emergency Evacuation. The application for a conditional use permit shall contain an emergency evacuation plan which is adequate to protect the safety of those utilizing the campground.
- (2) Campsites for accommodation of independent RVs.
- (a) RVs shall not be permitted to hook up to electricity or water for occupation on individual camp lots unless as part of an approved campground.
 - (b) Density of sites. To prevent intensive site use, and to maintain an aesthetic camping atmosphere, density shall not exceed 15 sites per acre.
 - (c) RV parking sites material/slope. Each recreational vehicle site with individual parking shall contain at least five inches of crushed gravel leveled to not more than three percent slope.
 - (d) RV utility islands. Each RV site shall contain, within the utility island, hookups to water, sewer, and electrical service.
 - (e) RV utility islands water/sewer plumbing requirements. Campgrounds with access to a sewage system shall provide that each campsite contain a sewer connection with suitable fittings to permit a watertight junction with the RV

outlet. Each sewer connection shall be constructed so that it can be closed, and when not in use shall be capped to prevent escape of odors. All water taps or outlets serving RV campsites shall be of a type compatible with garden hose connections. Sewer and water piping and installation shall be constructed as specified in the North Carolina Building Code.

- (f) Electrical outlets. Each RV site shall have access to electrical power. All electrical outlets shall be located in a properly constructed utility island.
 - (g) Parking dimensions RV sites. A parking plan shall be submitted which is adequate to accommodate the campground's expected clientele. Parking spurs shall be located so that trailer doors face away from interior roads and into the site. Parking for all recreational vehicles and any additional vehicle shall be of a minimum five-inch gravel base.
 - (h) RV campsite spacing. RV parking sites shall be at least 20 feet apart (this 20-foot area will include any yard, cooking areas, dining areas, and utility island for next RV site), edge-to-edge, and the center of all camping units should be at least ten feet from the edge of the campground road.
 - (i) RV dump station. A sanitary dump station built to the requirements of the local health department shall be provided at the entrance to the campground or other location convenient to all campsites. The dump station shall be located so that the left rear of vehicles will slope slightly toward the dump station when connected for emptying.
- (3) Sanitary facilities for accommodation of dependent RVs and tent campsites.
- (a) All campgrounds for the accommodation of dependent RVs and tents shall provide sanitary facilities connected to a sewerage system. Whenever possible, these facilities shall be connected to a public sewerage system.
 - (b) Toilets, lavatories, and bathing facilities shall be as provided under North Carolina State Building Code Volumes 1C and 2.
 - (c) Toilet facilities shall be plainly marked, separate for each sex, lighted at night, and shall be located no farther than 200 feet from any camp pad.
 - (d) Toilet facilities may be located in a central building or in two or more buildings according to the size of the campground and location of the campsites in relation to the facilities.

- (e) Adequate provisions shall be made for the disposal of dishwater according to the size of the campground. A suggested ratio is one disposal unit per ten campsites.
- (4) Campsites for tents. Construction of tent pads is not required for pup tents or other small shelters used by backpackers. Provisions for walk-in campgrounds are contained below.
 - (a) Each tent site should contain a minimum space of 30 x 30 feet. Density shall not exceed 15 sites per acre. Tent sites with individual parking arrangements shall contain one automobile parking space at least 18 feet x 9 feet.
 - (b) Each site should contain a reinforced, fairly level tent pad. The pads shall be approximately 16 x 16 feet to provide maximum flexibility of use, but shall not contain less than an area of 12 x 12 feet. The tent pad shall be a minimum of six inches high and constructed of gravel, crushed aggregate, or equivalent material that will allow run-off from precipitation to flow through the pad. Pads constructed of tamped earth, asphalt or other impervious materials are prohibited. Tent pads in excess of ten percent slope should be leveled. A three-percent slope is preferable.
 - (c) Provisions for sanitary facilities are the same as for dependent RVs set out hereinabove.
- (5) Walk-in campgrounds.
 - (a) Camping is prohibited in areas where a source of potable water and access to sanitary facilities is not provided.
 - (b) Walk-in campgrounds shall have access to potable water within 75 feet of all sleeping areas. In locations where a water supply system is not possible, potable water may be supplied by an approved well with a hand pump or by water from pickup stations.
 - (c) All walk-in campgrounds shall have access to the use of a toilet facility to be located within 300 feet of each camping space.
- (6) Campsites for mixed uses. Campgrounds may be developed to provide more than one type of camping site in the same area. When uses are mixed, the highest, or most strict, standards shall apply to development of the entire campground with the exception of walk-in camping areas in a campground designed for mixed uses. In such a development, walk-in camping shall be separated from other types of

campsites so that campfire smoke or noise will not constitute a nuisance to other campers.

- (7) Campground design. The campground shall be designed in a manner which is compatible with the natural features and topography of the tract undergoing development, and in a manner which provides safe, healthful and convenient camping facilities for campground users consistent with minimum land disturbance.
- (a) A complete master plan of any new, expanded or altered park shall be submitted to the Town of Lake Lure for approval before construction in accordance with the checklist for campgrounds found in the appendices.
 - (b) All campgrounds containing two or more campsites or camp lots, including sites for tents, accommodations for backpackers and RVs require a conditional use permit.
 - (c) Density shall not exceed 15 sites per acre.
 - (d) Campgrounds shall be developed to minimize noise, campfire smoke, or trespassing so as not to create a nuisance to abutting properties.
 - (e) Sanitary and bathing facilities shall be provided per the state building code. Sanitary dump stations built to the requirements of the local health department shall be provided at the entrance to the campground or other location convenient to all campsites. The dump station shall be located so that the left rear of vehicles will slope slightly toward the dump station when connected for emptying.
 - (f) All campsites shall be limited to a total of one non-RV parking space per site or RV parking space. An additional area for parking of such vehicles shall be provided equal to one parking place for every ten campsites in a common location or spread throughout the campground.

§ 92.042(D) Telecommunication Support Facilities and Antennae

Section 1. Purpose and Intent

The Town of Lake Lure desires to encourage the orderly development of wireless communication technologies for the benefit of the Town and its citizens. The Town also recognizes the need to protect the character and appearance of its community. As a matter of public policy, the Town desires to encourage the delivery of new wireless technologies

throughout the Town while controlling the proliferation of communication towers. Such development activities will promote and protect the health, safety, prosperity and general welfare of persons living in Lake Lure. Unless superseded by Session Law 2013-185, the Cell Tower Deployment Act, or Session Law 2017-159, Wireless Communication Infrastructure Siting, both of which shall control, the following provisions shall apply to the erection or replacement or modification of a wireless facility. (Amended XX-XX-XX)

Section 2. Severability

1. If any word, phrase, sentence, part, section, subsection, or other portion of this Section or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Section, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.
2. Any Zoning Permit issued pursuant to this Section shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect, by a competent authority, or is overturned by a competent authority, the permit shall be void in total, upon determination by the Town.

Section 3. Definitions

For purposes of this Section, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word "shall" is always mandatory, and not merely directory.

1. "Accessory Facility or Structure" means an accessory facility or structure serving or being used in conjunction with Wireless Telecommunications Facilities or Complexes, including but not limited to utility or transmission equipment storage sheds or cabinets.
2. "Amend", "Amendment" and "Amended" mean and shall relate to any change, addition, correction, deletion, replacement or substitution, other than typographical changes of no effect.

3. “Applicant” means any Wireless service provider submitting an Application for a Zoning Permit for Wireless Telecommunications Facilities.
4. “Application” means all necessary and required documentation that an Applicant submits in order to receive a Zoning permit and building permit if applicable for Wireless Telecommunications Facilities.
5. “Antenna” means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.
6. “Council” means the Town Council of the Town of Lake Lure.
7. “Certificate of Completion” or “COC” means a required document issued by the Town that confirms that all work represented in the application i) was properly permitted; ii) was done in compliance with and fulfilled all conditions of all permits, including any final completion deadline; iii) was fully constructed as approved and permitted; and iv) a final inspection was requested, conducted and the Facility or Complex passed the final inspection.
8. “Town” means the Town of Lake Lure, North Carolina
9. “Co-location” means the use of an approved telecommunications structure to support Antenna for the provision of wireless services.
10. “Commercial Impracticability” or “Commercially Impracticable” means the inability to perform an act on terms that are reasonable in commerce, the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone and for a single site, shall not deem a situation to be “commercially impracticable” and shall not render an act or the terms of an agreement “commercially impracticable”.
11. “Completed Application” means an Application that contains all necessary and required information and/or data as set forth in this Ordinance and that is necessary to enable an informed decision to be made with respect to an Application and action on the Application.

12. “Complex” means the entire site or Facility, including all structures and equipment located at the site.
13. “DAS” or “Distributive Access System” means a technology using antenna combining technology allowing for multiple carriers or Wireless Service Providers to use the same set of antennas, cabling or fiber optics.
14. “Eligible Facility” means an existing wireless tower or base station that involves collocation of new transmission equipment or the replacement of transmission equipment that does not constitute a Substantial modification. An Eligible Facility Application shall be acted upon administratively and shall not require a Special Use Permit, but shall require Staff Administrative Approval.
15. “Expert Assistance Fee” means a set fee intended to prevent taxpayer subsidization for the Town’s review of an application for Telecommunication Support Facilities, WTF’s, DAS systems, or Antennae.
16. “FAA” means the Federal Aviation Administration, or its duly designated and authorized successor agency.
17. “Facility” means a set of wireless transmitting and/or receiving equipment, including any associated electronics and electronics shelter or cabinet and generator.
18. “FCC” means the Federal Communications Commission, or its duly designated and authorized successor agency.
19. “Height” means, the distance measured from the pre-existing grade level to the highest point on the Tower or support structure, even if said highest point is an Antenna or lightening protection device. As regards increasing the height of an existing structure, Height means the height above the top of the structure prior to any work related to a wireless Facility.
20. “In-Kind Replacement” means replacing a component(s) that is malfunctioning with a properly functioning component of the same weight and dimensions and that does not enable an increase in revenue for the service provider or increase the compensation paid to the owner or manager of the support structure.

21. "Maintenance" means plumbing, electrical, carpentry or mechanical work that may or may not require a Zoning permit and building permit if applicable, but that does not constitute a Modification of the WTF.
22. "Modification" or "Modify" means, the addition, removal or change of any of the physical and visually discernable components or aspects of a wireless Facility or Complex with identical components, including but not limited to antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, parking and/or an upgrade or change-out of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to an existing support structure or Tower as a co-location is a Modification, unless the height, profile or size of the compound is increased, in which case it is not a Modification.
23. "Necessary" or "Necessity" or "Need" means what is technologically required for the equipment to function as designed by the manufacturer and that anything less will result in the effect of prohibiting the provision of service as intended and described in the narrative of the Application. Necessary, Necessity or Need does not mean what may be desired, preferred or the most cost-efficient approach and is not related to an Applicant's specific chosen design standards.
24. "NIER" means Non-Ionizing Electromagnetic Radiation.
25. "Person" means any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.
26. "Personal Wireless Facility" See definition for 'Wireless Telecommunications Facilities'.
27. "Personal Wireless Services" or "PWS" or "Personal Telecommunications Service" or "PTS" shall have the same meaning as defined and used in the 1996 Telecommunications Act.
28. "Repairs and Maintenance" means the replacement or repair of any components of a wireless Facility or Complex where the replacement is identical to the component being replaced, or for any matters that involve the normal repair and maintenance of a wireless Facility or Complex without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless Facility or Complex that will impose new

visible burdens of the Facility or Complex as originally permitted. Any work that changes the services provided to or from the Facility, or the equipment, is not Repairs or Maintenance.

29. “Stealth” or “Stealth Siting Technique” means a design or treatment that minimizes adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean building the least visually and physically intrusive facility and Complex that is not technologically or commercially impracticable under the facts and circumstances. Stealth technique includes such techniques as i) DAS or its functional equivalent; or ii) camouflage where the Tower is disguised to make it less visually obtrusive and not recognizable to the average person as a Wireless Facility or Complex.
30. “State” means the State of North Carolina.
31. “Structural Capability” or “Structural Capacity” or “Structural Integrity” means, notwithstanding anything to the contrary in any other standard, code, regulation or law, up to and not exceeding a literal 100% of the designed loading and stress capability of the support structure.
32. “Substantial Modification” means a change or Modification that
 - a. increases the existing vertical height of the structure by the greater of (a) more than ten percent (10%) or (b) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet; or
 - b. except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance; or increases the square footage of the existing equipment compound by more than 2,500 square feet.
33. “Telecommunications” means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.
34. “Telecommunications Site” See definition for Wireless Telecommunications Facilities.

35. "Telecommunications Structure" means a structure used primarily to support equipment used to provide wireless communications or was originally constructed primarily for such purpose.
36. "Temporary" means not permanent in relation to all aspects and components of this Section and that will exist for fewer than ninety (90) calendar days.
37. "Tower" means any structure designed primarily to support an antenna and/or other equipment for receiving and/or transmitting a wireless signal and is the lesser of i) more than ten feet (10') taller than the adjacent buildings or trees; or ii) taller than forty feet (40').
38. "Wireless Telecommunications Facility or Facilities (WTF or WTFs)", "Facility", "Site", "Complex", "Telecommunications Site" and "Personal Wireless Facility Site" all mean a specific location at which a structure that is designed or intended to be used to house, support or accommodate antennas or other transmitting or receiving equipment is located. This includes without limit, Towers and support structures of all types and kinds, including but not limited to buildings, church steeples, silos, water Towers, signs or other any other structure that is used or is proposed to be used as a support structure for Antennas or the functional equivalent of such. It expressly includes all related facilities and equipment such as cabling, radios and other electronic equipment, equipment shelters and enclosures, cabinets and other structures associated with the Complex used to provide, though not limited to, radio, television, cellular, SMR, paging, 911, Personal Communications Services (PCS), commercial satellite services, microwave services, Internet access service and any commercial wireless telecommunication service whether or not licensed by the FCC.
39. "Zoning Permit" means a permit denoting compliance with this ordinance and other applicable zoning requirements and standards that must be granted as a prerequisite to applying for and being granted any other required permit. AMENDED XX-XX-XXX

Section 4. General Policies and Procedures for Applications under this Section

- (1) It shall be unlawful for any person, corporation, partnership or other entity to erect any wireless facility without first obtaining a zoning permit from the Administrator. A permit shall also be required for the erection of a replacement wireless support structure or the modification of an existing wireless support structure.

- a. Existing wireless support structures owned by government agencies and designed for non-commercial emergency communications may be replaced with a wireless support structure equal in height to the existing wireless support structure; however, all other ordinance provisions are applicable.
 - b. The placement or collocation of wireless facilities on existing structures, including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities requires a zoning permit in compliance with requirements of this ordinance.
 - c. Wireless support structures are allowed, with standards as in this article, in all zoning districts.
- (2) The Administrator or Board of Adjustment, shall approve or disapprove the zoning permit based upon the receipt of a completed site plan as required above and the following provisions:
- (a) The wireless facility design plan was prepared by a professional engineer registered in the state of North Carolina, including engineer's signature, seal and address.
 - (b) The site plan shall illustrate, with details, the foundation and base of the wireless support structure, the foundation for all the guy line anchors and support structures, all proposed buildings, and any other proposed improvements including access roads and utility connections within and to the proposed site.
 - (c) In addition to any other materials required for a standard permit under this section or any other ordinance of the Town of Lake Lure, all applicants for permits to construct a telecommunications support facility or antenna shall submit visual impact demonstrations using

photo or similar graphic simulations of the proposed facility as it would be seen from residential areas, public rights of way, and public parks and other sites.

(d) Location requirements:

- i. The applicant shall identify all possible alternatives considered within the service area for the proposed wireless facility location and explain why the proposed wireless facility is necessary and why existing wireless facilities or other structures cannot accommodate the proposed antenna(s).

(3) Wireless support structure height, operational limitations/requirements, and access infrastructure (for traditional wireless support facilities).

- (a) A wireless support structure shall not exceed an overall height (OAH) of 200 feet including the height of all antennae and lightning rods.
- (b) A wireless support structure located on any major mountain ridge shall be monopole and no taller than 30 feet higher than the vegetative canopies immediately surrounding the base of the tower.
- (c) The proposed wireless support structure shall be designed and constructed for collocation of at least three additional telecommunication antenna systems. The wireless facility area shall be of sufficient size to accommodate the accessory equipment for at least three additional telecommunication providers.
- (d) Contingent upon space available, the wireless facility operator shall also be equitable to allowing government emergency service communications to collocate on their facility at a reduced industry standard price.
- (e) The wireless facility access road must be a minimum of 12 feet in width accommodating, to the satisfaction of the Town Fire Marshal, all emergency equipment and vehicles; and, if gated, shall employ a Siren Operated Sensor access system.

(4) The applicant shall be required to provide written documentation certifying

compliance or when appropriate, exemption from all applicable federal and state regulations.

- (5) The applicant shall present to the Administrator or Board of Adjustment, if applicable, proof of either fee simple ownership, an option to purchase or lease, a recorded leasehold interest, or an easement, from the record owner of all property involved and any necessary rights-of-way to the wireless facility site.
- (6) Signage shall be limited to a sign identifying the owner(s) and operator(s) of the tower, an emergency telephone number and any other signage as required by any government agency. Signage shall be placed in a clearly visible location on the premises of the tower.
- (7) Setback requirements (traditional facilities).
 - (a) A tower shall be separated from other on-site and off-site towers and supporting structures such that one tower will not strike another tower or its support structure if it falls. Towers shall be set back from property lines in accordance with the twice the setback requirements for the district or 110 percent of the tower height, whichever is greater. Additionally, telecommunications towers must set back from any residential districts or uses a distance equivalent to the fall radius of the tower being erected times ten percent.
 - (b) Wireless facilities located within transmission line easements are not required to meet (a) above.
 - (c) There shall be no setback requirement from structures located on the same parcel as the proposed wireless facility as long as a professional engineer, registered in the State of North Carolina, certifies that the fall zone of the wireless support structure is designed to avoid said structures and the owner of the structures in question records a legally valid Hold Harmless agreement, indemnifying the Town of Lake Lure from all liability and claims for damages arising from the performance of the telecommunications facility designer,

contractor and installer; including any subcontractors or consultants associated with the project.

- (8) The wireless support facility shall be constructed to the Electronics Industries Association/Telecommunications Industries Association 222 Revision F Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Support Structures," as the same may be amended from time to time. Any tower shall also comply with the requirements of the North Carolina Building Code, National Electrical Code, Uniform Plumbing Code, and Uniform Mechanical Code. The wireless support structure shall be designed to meet the ANSI/EIA/TIA-222-G (as minimum) one-half inch of solid radial ice standard.
- (9) The wireless facility and any guy wires shall be surrounded by a commercial grade chain link secure fence at least eight feet in height, which may include no more than two feet of barbed or razor wire.
- (10) Lighting on wireless support structures shall not be permitted except as required by federal and state regulations.
- (11) Wireless support structures shall be light gray except when specific colors and color patterns are required by federal or state regulations or a different natural color, as approved by the administrator, which would make the tower blend into its natural surroundings more readily.
- (12) All wireless facilities shall be landscaped by semi-opaque vegetative screening on all sides. All plants and trees shall be indigenous to western North Carolina and shall be drought resistant.
- (13) Stealth wireless facility.
 - a) Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer.
 - b) The structure utilized to support the antennas must be allowed within the underlying zoning district. Structures may include, but are not limited to flagpoles, bell towers, clock towers, crosses, monuments, parapets, and steeples.

- (14) A DAS system that is owned or operated by a commercial carrier and is part of a commercial wireless system, or are used for commercial purposes, is expressly included in the context of this Section, regardless of the location or whether the Facility or any of its components is located inside or outside a structure or building.
- (14) Wireless facilities shall comply with all other applicable regulations of this ordinance, and, where applicable, shall meet the requirements for a conditional use permit.
- (15) The applicant shall provide the Administrator with a certificate of general liability insurance in the minimum amount of \$1,000,000. The certificate shall contain a requirement that the insurance company notify the Town 30 days prior to cancellation, modification or failure to renew the insurance coverage required.
- (16) The co-location of facilities and/or stealth technology shall be considered a mitigating factor to a variance request and may be justification for the request.
- (17) Any tower constructed under a permit pursuant to this ordinance shall be removed within 180 days of the date which it ceases to be in active use, or upon notice from the ordinance Administrator, whichever is more favorable to the owner.
- (18) Collocation of Small Wireless Facilities
- a) Pursuant to guidance as provided by North Carolina General Statute 160A-400.54, the town shall allow collocation of small wireless facilities on eligible facilities pursuant to the following guidelines:
 - i. A zoning compliance permit is required
 - ii. All ground support equipment shall require semi-opaque

vegetative landscape screening on any sides visible to the motoring public such as can be accomplished without compromising underground utilities, and while maintaining a 12' x 25' sight triangle from intersections, and 15' of clear area along perpendicular streets culminating at a corner lot.

- iii. Each new facility in the right-of-way shall not extend more than 10 feet above the utility pole, city utility pole, or wireless support structure on which it is collocated. Extensions proposed higher than 10 feet shall require a variance from the Board of Adjustment.
- iv. Each new utility pole and each modified or replacement utility pole or city utility pole installed in the right-of-way shall not exceed 50 feet above ground level. In residentially zoned areas, the height limit for new pole installation shall be forty feet unless granted a variance by the Board of Adjustment.
- v. Wireless providers are responsible for damages due to their activities to Town rights-of-way while occupying, installing, repairing or maintaining wireless facilities, wireless support structures, city-owned or other utility poles.
- vi. Collocations on private support structures shall require a letter of consent from the owner of the structure (Adopted XX-XX-XX)

Section 6. Fees

Subject to the provisions of North Carolina General Statutes 160A-400.54(e), 160A-54(f), 160A-296(a)(6) and 160A-206(b) all fees and charges, including but not limited to Application fees, Inspection fees and Permit fees, shall be as set forth in the Town's Schedule of Fees and Charges. For new towers, support structures, or substantial modifications, an Expert Assistance Fee shall be established in advance to prevent taxpayer subsidization of the Applicant. This fee shall be \$5000.00, and shall be tendered in cash or a certified cashier's check upon submittal of the Telecommunications Support Facility application. It shall be held

by the Town's Finance Officer in an escrow account, whereby it may be drawn upon as necessary for payment of professional services related to the Town's review of the application. (Adopted XX-XX-XX)

SECTION THREE. In administering this Ordinance, the Town shall have all the remedies and enforcement powers contained in Chapter 10 of the Town Code of Ordinances and Chapters 5 and 13 of the Zoning Regulations, as supplemented herein, and as provided by the General Statutes.

SECTION FOUR. All Ordinances or parts of Ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION FIVE. If any Section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION SIX. The enactment of this Ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

SECTION SEVEN. This Ordinance shall be in full force and effect from and after the date of enactment.

Adopted this _____ day of _____, 2019

Kevin Cooley, Mayor

ATTEST:

Michelle Jolley, Town Clerk

Approved as to content & form:

William C. Morgan, Jr.
Town Attorney

Ordinance No. 19-02-12

VI PRESENTATIONS

- Blue Ridge Health Services
- 2017-2018 Audit – Martin Starnes & Associates
CPA, LLC

IX

CONSENT AGENDA



MINUTES OF THE SPECIAL JOINT WORKSHOP MEETING OF THE LAKE LURE TOWN COUNCIL AND THE PARKS AND RECREATION BOARD HELD THURSDAY, JANUARY 3, 2019, 1:30 P.M. AT THE LAKE LURE MUNICIPAL CENTER

PRESENT: Mayor Kevin Cooley
Mayor Pro Tem John W. Moore
Commissioner Bob Cameron
Commissioner John Kilby
Commissioner Stephen M. Webber
Shannon Baldwin, Town Manager

Parks and Recreation Board Members Present:

Jim Walters, Chairman
Ed Dittmer
Larry Czajkoski
Maureen Bay
Bill Massey
Dale Minick
Jessica Hough, Seated Alternate

ABSENT: Martyn Watts

I. CALL TO ORDER

Mayor Kevin Cooley called the meeting to order at 1:30 p.m. and gave the invocation. Council members led the pledge of allegiance.

II. APPROVE THE AGENDA

Commissioner Bob Cameron made a motion to approve the Town Council Special Joint Workshop Meeting Agenda as presented. Mayor Pro Tem John Moore seconded and the motion carried 4-0.

IV. NEW PARKS AND RECREATION DIRECTOR POSITION DISCUSSION

The Board held a special joint workshop meeting with the Parks and Recreation Board (PRB) in regards to the new Parks and Recreation Director position.

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a) Review Comprehensive Plan Vision Statement

Mayor Cooley read the Town's Vision Statement. Mr. Czajkoski stated that he feels that PRB does a good job fulfilling this mission.

b) Review Short List of Town Facilities

The Town Council and PRB reviewed the list of Town Facilities. Mr. Czajkoski pointed out that Buffalo Creek Park and Weed Patch Mountain Trail are not primarily used for tourists but are also used by tax payers and voters.

c) Review List of Recreation Facilities

The Town Council and PRB reviewed the list of Recreation Facilities. Commissioner Webber pointed out that the Lake Lure Flowering Bridge and Luremont Properties should also be listed with Recreation Facilities.

d) Discuss Management of Recreation Facilities

Mayor Cooley pointed out that the recreation facilities are operated and maintained by town staff, volunteers, or private entities with oversight by the Town. Mr. Czajkoski stated that parks and recreation assets are complex and deserve a dedicated resource, which is why the PRB applauded the idea of a new Parks and Recreation Director position. He stated that in terms of leadership and management he sees the need for someone who understands the operation and management of the parks, trails, and land based recreational facilities and felt it would be best served as a separate position from one also overseeing lake events.

e) Coordinator Versus Director: Why One or the Other?

Mr. Czajkoski conducted a presentation on the TOLL Parks & Recreation Director Position and its importance to the Town to benefit the citizenry and the TOLL. (Presentation attached) He stated that the PRB feels strongly that tangible skills are needed for the Parks & Recreation Director position in order to maintain the existing parks and recreation assets, develop and grow additional parks and recreation assets, develop and grow outdoor recreation opportunities and economic impact opportunities by maximizing town parks and recreation assets, cultivate partnerships and collaborate with external organizations. Mr. Czajkoski noted that the PRB is not asking for more money than what was already approved by Council. He submitted that the parks and recreation assets are as essential as any other town assets and should be treated as such, noting that they will provide opportunities for the Town year-round.

Mayor Cooley stated that the Town needs leadership, management and a full-time focus beyond the volunteer leadership that the PRB provides the Town. Commissioner Webber mentioned that

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there is a lot of press going around for the Town parks which will help to bring in visitors each year. Mr. Czajkoski added that if the Town could get someone to reach out to those groups, such as Conserving Carolina, it would help to create economic impact, noting that town parks enhance property values. Mr. Dittmer pointed out that a lot of the visitors to the Town do not come to use the lake, but come to use the hiking trails, adding that the PRB feels a Parks and Recreation Director position is necessary. Mayor Cooley explained that the Town Manager recommended adding a full-time coordinator position to help with both parks and recreation and lake operations and to put this position under the Lake Operations Director. This position would also co-work with the PRB to combine the functionality of the lake and land based assets. He noted that Lake Lure is a small town with extraordinary assets and facilities with limitations on what can legitimately be done well, stating that the Town must manage the critical infrastructure needs first. Town Council and the PRB ensued in further discussion on this matter.

Commissioner Webber felt that the position description was sufficient enough for what is needed for parks and recreation and felt that the biggest issue the PRB has is that the position is only 75% Parks and Recreation. Mr. Czajkoski pointed out that the Parks and Recreation Coordinator position description did not entail everything that the original description for the Parks and Recreation Director position did and stated he was not in favor of the coordinator job description as presented as he did not see it as an active leadership role, noting that the business aspect was not incorporated into the coordinator position. Mr. Baldwin mentioned that the presented position description was not a derivative of the previous director position description. He noted that the 75% Parks and Recreation, 25% Lake Operations, was just an expression of what he expects the person in this position to give in order to assist in both departments.

Mayor Pro Tem John Moore stated that the coordinator position helps to accomplish having a backup for the Lake Operations Director as there is currently no backup for that position. He pointed out that this position would be an addition to help manage parks and recreation that is currently not in place now. Mayor Cooley explained that linking the two positions together would help them learn off of one another, stating that the focus will be mainly towards parks and recreation.

Mr. Czajkoski felt that there are things in the position description that needs revised and the Mr. Baldwin agreed. He requested that the PRB be involved with updating the position description. Mr. Baldwin asked that all board members review the position description and provide him with any suggestions in order to help him revise the position description. Commissioner Cameron suggested that the Town Council, Mayor, and Town Manager get together every couple of months to review the person in this position to oversee that things are being done as expected. Mr. Baldwin suggested that this meeting be to discuss progress and goals. Commissioner Cameron suggested the PRB create a list milestones, priorities, and dates for this position and provide it to the Town Manager and Town Council. Commissioner Webber suggested that either the Lake Operations Director or the Parks and Recreation Coordinator attend the Lake Advisory Board and PRB meetings each month. Mr. Czajkoski stated that the PRB will need to hold a workshop to discuss

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milestones. Mr. Baldwin mentioned that the PRB may want to wait until this position is filled until a work plan is discussed. Mr. Massey felt that we are moving in the right direction and this would be a great step forward in our Town. Mr. Minick pointed out that Communications Specialist Laura Krejci would be helping with the management and coordination of events which would help the person in this new position.

ADJOURN THE MEETING

With no further business, Commissioner Bob Cameron made a motion to adjourn the joint meeting at 3:30 p.m. Commissioner Stephen Webber seconded and the motion carried 4-0.

ATTEST:

Michelle Jolley,
Town Clerk

Kevin Cooley
Mayor

(meeting packet material attached)



TOLL Parks & Recreation Director

The Face of Lake Lure Recreation
For
The Future of Lake Lure Recreation



P&R DIR Position
Approved by Town
Council

Town Council

Town
Mgr

Lake Ops
Director

Parks &
Rec
Director

P&R
Supervisor
& Team

L&P
Staff

TOLL PARKS & RECREATION DIRECTOR

- P&R DIRECTOR REQUIREMENTS
- Performs complex professional and managerial work to:
- Maintain existing P&R Assets at a high level
- Develop and Grow additional P&R Assets
- Develop and Grow Outdoor Recreation Opportunities AND Economic Impact Opportunities by maximizing Town P&R Assets
- Cultivate Partnerships and collaborate with external organizations...
- And Much, Much More...



Parks & Recreation Assets

ESSENTIAL to Lake Lure's Success

- BCP (BCP Loop & WPM Trails -13 miles)
 - Hiking & Trail Running
 - Mt Biking
 - Rock Climbing & Bouldering
- Dittmer-Watts Trails (3.25 miles)
 - Hiking & Trail Running
- Morse Park
 - Trails (1+ miles)
 - Tennis, Pickleball, Recreation, Competitions
 - Festival, Concerts, Events venue
 - Picnicking, Groups/Associations
- Pool Creek Park
 - Picnicking, Recreation
- Flowering Bridge
- Golf Course
 - Golf, Footgolf
- Luremont Trails (1.25 miles)
 - Trails
- BCR Property
 - Camping, River Access
- Related Assets
 - CRSP...Hiking, Climbing
 - Rumbling Bald...Climbing
 - Broad River...Paddling
 - WildCat Rock...Hiking, Climbing
 - Shumont...Climbing



Real Economic Development

- Outdoor Recreation Federal
 - 7.6M Jobs Nationally
 - \$887B Consumer Spending
 - \$65.3B in Fed Tax Revenue
 - \$59.2B in State/Local Tax Revenue
- Outdoor Recreation North Carolina
 - 260,000 Direct Related Jobs
 - \$28B Consumer Spending
 - \$8.3B Wages, Salaries
 - \$1.3B in State/Local Tax Revenue
- Nantahala & Pisgah Forests Studies
 - Towns Impacted: Asheville, Hendersonville, Brevard, Morganton, Old Fort, Marion, Black Mt,...and more...
 - Climber visits 200,000 per year (60% by WNC Residents)
 - Climbers spend \$13.9M per year in around area
 - Climbing supports presence of 170 full-time jobs and \$4M in job income
 - WNC Residents spend additional \$12.9M per year...
 - Mt Biker visits 435,000 per year (60% by WNC Residents)
 - Mt Bikers spend \$30.2M per year in around area
 - Mt Biking supports presence of 366 full-time jobs and \$9M in job income
 - WNC Residents spend additional \$18M per year...
 - Paddlers spend \$3.2M per year in around area
 - Paddling supports presence of 35 full-time jobs and \$827,000 in job income



Real Economic Development

- Chattanooga, TN climbing areas
 - Climbing brought 16,565 non-resident visits in 2015-2016 (Winter) climbing season
 - Climbing generated \$16.5M economic impact to City
 - Climbing generated \$484,000 in S&L tax revenue annually
- Red River Gorge, KY climbing areas
 - Climbing brought 7,500 visitors annually
 - Climbing generated \$2.9M economic impact
- 2018 NRPA Study:
 - ***“P&R is an engine of substantial economic activity in communities...”***
 - Case Study siting Asheville’s Outdoor Recreation related to its Economic Development
- Rutherford Co TDA 2013 Study - Economic Impact Analysis of Outdoor Recreation
 - ***“Communities that have invested in outdoor recreation facilities, events and marketing get that money back and more!”***
 - ***“WNC and Asheville are hubs of outdoor activity and Rutherford Co is perfectly positioned to become a destination unto itself.”***
- **Local Use Case: HNG Climbing**
 - HNG climbing potential equal in scale to Chattanooga, TN
 - Winter is predominant climbing season in HNG
 - Bouldering is NET PLUS to rock climbing...Lake Lure area has BOTH...!
 - Rumbling Bald parking lot required expansion
 - CCC hosts “The Rumble” yearly at Rumbling Bald...in 2018 event pulled 300 people to Lake Lure...IN FEBRUARY...!!!
 - IMAGINE other such Recreation events...!!!



Toll Parks & Recreation Assets

THE Town's Future Cash Crop and

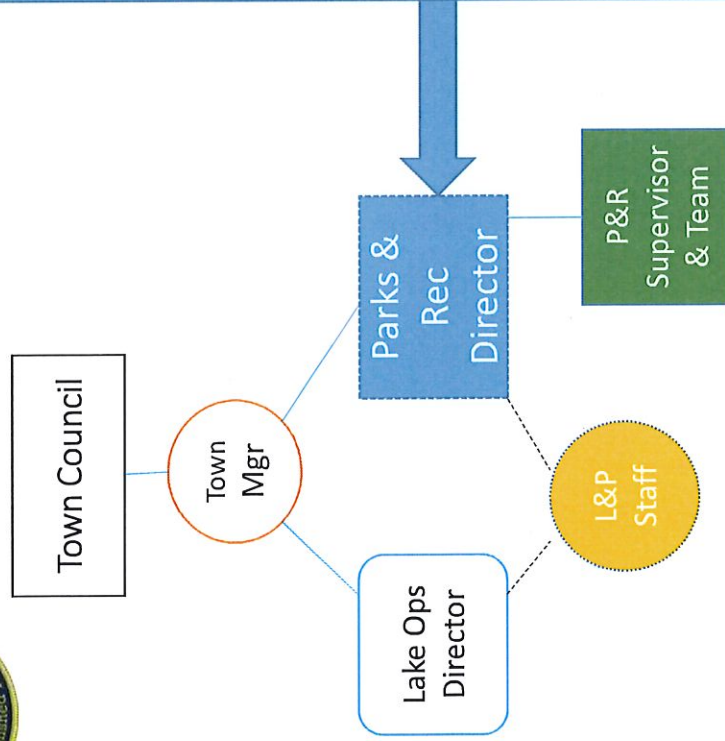
POSITIONED TO PROVIDE YEAR ROUND OPPORTUNITIES!

- BCP (BCP Loop & WPM Trails -13 miles)
 - Hiking & Trail Running
 - Mt Biking
 - Climbing & Bouldering
- Dittmer-Watts Trails (3.25 miles)
 - Hiking & Trail Running
- Morse Park
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 - Tennis, Pickleball, Recreation, Competitions
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 - WildCat Rock...Hiking, Climbing
 - Shumont...Climbing



TOLL PARKS & RECREATION DIRECTOR REQUIREMENTS

- VISION for GROWTH of Outdoor Recreation Objectives and Opportunities
- ACTIVE LEADERSHIP Skills to DRIVE Economic Development via Outdoor Recreation... THINK ROI...!
- DEVELOPS, PLANS, IMPLEMENTS Programs, Activities, Partnerships...and More
- Applied Business Knowledge
- P&R Experience, Certs, Credentials/Education
- PASSION & DRIVE to Fulfill the Potential that is Lake Lure Recreation...
- WE NEED A FACE OF LAKE LURE RECREATION...FOR THE FUTURE OF LAKE LURE RECREATION...!



Town of Lake Lure Vision Statement

Lake Lure, the gem of the Carolinas, is a mountain lake community that has a harmonious balance of interests of our citizens, businesses and visitors, achieved through open communication and managed growth that emphasizes fiscal responsibility and stewardship of our natural beauty and environment.

Small towns require staff to wear multiple hats. As you know, position specialization occurs as organizations grow. The staff members in Lake Lure sport multiple hats. They are expected to do so as we cannot afford to have a large degree of specialization. One of the main reasons I have proposed that the Town have a Coordinator (75-80% Park & Recreation and 25-20% Lake Operations) is so that the person can assist in both departments. Dean Givens, the Lake Operations Director, is doing that now. He is currently preparing to build a campground on Boys Camp Road, assuming we secure all approvals and secure additional funds. Our new communications specialist now organizes town events. Knowing our recreation facilities have evolved over time, I believe we should evolve staff in a similar manner. In all that we do, we must keep in mind keeping in mind public health, safety, costs (people, supplies, equipment, etc.) and benefits (when, where, how and for whom).

As we discuss the new Parks & Recreation position at our workshop, here are categories we may want to consider for context and structure:

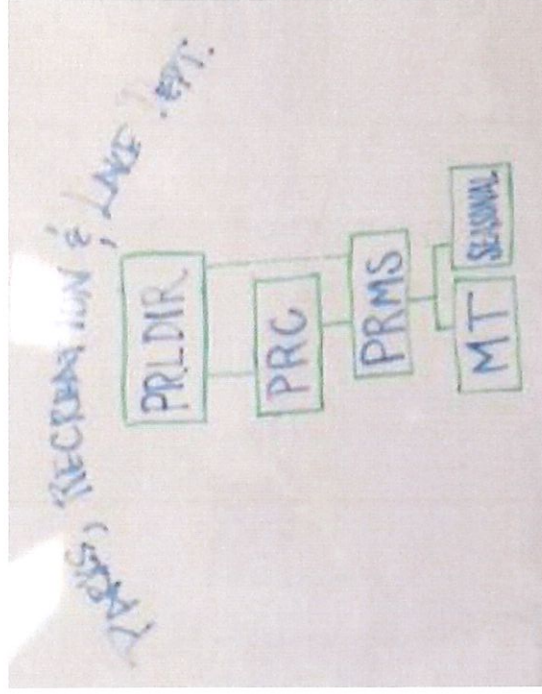
- Location
- Primary Users
- Control
- Benefits
- Critical Infrastructure (Yes/No)
- Monetized (Yes/No)
- Yearly Revenue
- Yearly Costs
- Profit/Loss

In keeping with the request from Jim Walters, I also sent the position description of the Lake Operations Director for your review. I also sent a position description to everyone for the Parks and Recreation Coordinator position. As you know, I am proposing we consolidate the Lake Operations Department and the Parks and Recreation Department into the "Parks, Recreation and Lake Department." In no way do I believe the Lake Operations Department should be dissolved or subordinated into a Parks and Recreation Department.

When the PRB met on 11/15/18, Commissioner Weber and I discussed the subject with the PRB. In short, this is what the PRB generally supports:

- Merge Lake Operations Department and Parks and Recreation Department into one Department ("Parks, Recreation and Lake Department" as possible new title)
- Retain Dean Givens as the Parks, Recreation & Lake Director (PRL Director)
- PRL Director would work directly with Lake Advisory Board and report directly to Town Manager
- Add a new Parks and Recreation position: Parks and Recreation Coordinator (PRC) with duties & responsibilities at 75% Parks and Recreation and 25% Lake Operations

- PRC would report to PRL Director and work directly with the Parks and Recreation Board in all things
- Assign Maintenance Staff (Melodie Potter, Carl Landrum and Seasonal Position) to Department
- Change Melodie Potter's title to Parks and Recreation Maintenance Supervisor
- Potter would supervise Carl Landrum and reoccurring seasonal position
- Potter would report to PRC and continue to work with PRB
- After extreme weather events, all hands on deck (all department personnel) for lake clean-up
- PRC would be trained on the lake and prepared to take place of PRL Director upon retirement
- Laura Krejci (Communications Specialist) would coordinate community events working closely with the PRB as she is already doing



I've committed to having a person in the PRC position at the very beginning of 2019. Also, I assigned Kat Canant as the new clerk for the Lake Advisory Board and Parks and Recreation Board. This will ensure that the Police Department will closely coordinate all public safety activities/services with Parks and Recreation and Lake Operations. This decision was made in coordination with Chief Humphries and PRL Director Dean Givens. Sha'Linda Pruitt would no longer clerk the PRB. All of this will be implemented after we hire the PRC. Below are charts for our consideration as we discuss matters.

[illegible]

Recreation Facilities					
	Location I (Minutes from Town Center)			Location IV Primary Users (Voters, TP-Tourists) (Minutes from Boys Camp Road)	Control (TOLL-Town, L-LIT, CC-Conserving Carolina, P-PARTF, LLGM-Lake Lure Solb Management)
Facility		Location II (Minutes from ACB)	Location III (Minutes from BBR)		
Lake	0	1	1	1 V,TP,J	TOLL
Marina (Town Slips)	1	11	22	1 TP,V,T	TOLL
Marina (LIT)	1	11	22	1 T,TP,V	TOLL,LIT
Beach	0	10	22	1 T,TP,V	TOLL,LIT
Morse Park	1	11	22	1 V,TP,J	TOLL,LIT
Pool Creek Park	0	10	22	2 T,V,TP	TOLL
Boys Camp Road Property	2	12	23	0 T,TP,V	TOLL,PARTF
Dittmer-Watts Trail Park	10	1	15	11 V,TP,J	TOLL
Municipal Golf Course	10	2	12	12 T,TP,V	TOLL,LLGM
Buffalo Creek Park	25	17	5	25 T	TOLL,PARTF
Weed Patch Mountain Trail	25	17	5	25 T	TOLL,CC,PARTF
* Generates hydro revenue					

Parks and Recreation Coordinator

Primary Reason Why Classification Exists

To manage, direct, supervise, and coordinate various recreation programs for the Community including the maintenance of parks and related facilities.

Distinguishing Features of the Class

An employee in this class plans, directs, and supervises the work of full and part-time staff; provides staff support to Parks and Recreation Board and Lake Advisory Board; facilitates use of all Town resources to community and visitors; coordinates assigned activities with other Town Departments, outside organizations, and the general public; provides highly-responsible and complex administrative support to the Parks, Recreation and Lake Director. Work is performed under the general direction of the Parks, Recreation and Lake Director. This position also coordinates plans, projects, and activities with the Park and Recreation Board, while exercising supervision directly over the Parks and Recreation Maintenance Supervisor.

Illustrative Examples of Work

- Assumes management responsibility for all services and activities of the Parks and Recreation facilities and programs.
- Responsible for the maintenance of all parks and related facilities.
- Participates in the negotiation, development, planning, design and implementation of related Town Capital Improvement Projects, as well as improvements to existing facilities.
- Continuously monitors and evaluates the efficiency and effectiveness of Parks and Recreation methods, procedures and programs; assesses and monitors workloads; identifies and implements opportunities for improvement; reviews with Director where appropriate.
- Facilitates use of all Town athletic resources for community and visitors sports; supervises operations of all Town recreation facilities.
- Promotes recreational activities such as, but not limited to: hiking, mountain biking, walking, hiking, camping, fishing, water skiing, paddle sports, golfing, and sightseeing.
- Provides staff support and works closely with the Parks and Recreation Board.
- Provides support to the Lake Advisory Board in the absence of the Director.
- Oversees and administers the parks and recreation grant programs.
- Provides assistance to the Director relative to the Lake and associated activities.
- Prepares a variety of complex analytical and statistical reports and presentations.
- Coordinates Departmental activities with Town recreation organizations, associations, clubs and other Town departments.
- Responds to and resolves sensitive and difficult public inquiries and complaints.
- Develops, negotiates, and supervises Town's recreation facilities under contractual uses; monitors contracts for compliance.
- Works closely with the Communication Specialist to coordinate, promote, implement, and evaluate various recreational programs for children and adults including but limited to the annual 4th of July Fireworks Display, Bike Races, Olympiad, and specialized one-day sports events and programs.

- Develops, prepares, and administers Department budget, including preparing cost estimates and justifications for budget recommendations, researching and recommending Capital Improvement Projects, and monitoring and controlling expenditures.
- Develops and implements Department policies, procedures, and fee schedules; evaluates equity and adequacy of policy and fee schedules on an on-going basis; makes revision recommendations as needed.
- Maintains close contact with school officials and community groups regarding program offerings and coordination of services.
- Promotes and publicizes recreation programs and activities; prepares and coordinates the development of programs and event publicity, including flyers, brochures, news releases, etc. related to the same; works closely with the town Communication Specialist regarding these events.
- Reviews and approves manuals, reports, flyers, press releases, etc., produced the Communications Specialist relative to recreation related events and activities.
- Prepares and maintains records and evaluation reports on new and on-going program offerings.
- Recruits, selects, trains, motivates, schedules, supervises, and evaluates full-time, part-time, and volunteer staff; provide staff training; works with employees to correct deficiencies; implements discipline and termination procedures.
- Works closely with partners such as ROC (Rutherford Outdoor Coalition), the AmeriCorps, and Conserving Carolina regarding management and maintenance programs in place for town trail systems.
- Performs related duties as assigned.

Knowledge, Skills, and Abilities

- Knowledge of modern principles of park, recreation and lake planning and design.
- Knowledge of modern principles and methods for developing and implementing a wide variety of recreation, social, and leisure activities for children and adults.
- Knowledge of Federal, State, County, and Town laws, codes, regulations, and guidelines affecting parks, recreation programs and activities.
- Knowledge of principles of human resource management, supervision, training, and performance evaluation.
- Knowledge of recreational, social, and cultural needs of the community.
- Knowledge principles of facility supervision, facilitation, and maintenance.
- Knowledge of GIS concepts to analyze and identify different features on maps.
- Ability to manage, direct and coordinate the work of maintenance staff.
- Ability to select, supervise, train and evaluate staff.
- Ability to provide administrative support and professional leadership and direction of the Parks, Recreation and Lake Recreation Department.
- Ability to perform responsible and difficult work involving the use of independent judgment and personal initiative.
- Ability to interpret and apply Federal, State, County, and Town laws, codes, regulations, and guidelines affecting recreation programs and activities.

- Ability to analyze problems; identify feasible solutions; project consequences of proposed actions and implement recommendations in support of goals.
- Ability to establish and maintain effective working relationships with staff, volunteers, Town Council, Parks and Recreation Board, Lake Advisory Board, community organizations, individual citizens, governmental agencies, contractors, and vendors.
- Ability to plan, develop, direct, and evaluate comprehensive recreation programs and services for the Community.
- Ability to assess and monitor community needs; identify opportunities for improving service delivery methods and procedures for development and implementation of new program areas.
- Ability to maintain administrative systems for facility and program scheduling, calendaring, and other functions.
- Ability to deal with the resources and impact of the surrounding property, user conflict, trail head, parking related to trails in the course of trail related duties and responsibilities.
- Has or is able to develop useful knowledge of trails relative to trail tread, sustainable trail design, erosion remediation, fallen trees, and trail structures/bridges.
- Ability to develop, analyze, interpret, and explain Department policies and procedures.
- Ability to participate in long-range and strategic planning.
- Ability to work effectively under pressure and deadlines with consistent interruptions.
- Ability to communicate clearly, concisely, and effectively, both orally and in writing.

Physical Requirements

The physical demands described here represent those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodation may be made to enable individuals with disabilities to perform the essential functions. While performing the duties of this job, the employee is frequently required to walk, sit, talk, and hear. The employee is occasionally required to use hands to finger, handle, feel or operate objects, tools, or controls and reach with hands and arms. The employee is occasionally required to climb, balance, stoop, kneel, crouch, or crawl. The employee must occasionally lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision, color vision, and the ability to adjust focus.

Working Conditions

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. Work is subject to inside and outside environmental conditions including extreme heat and extreme cold. The employee is occasionally exposed to wet and/or humid conditions. The noise level in the work environment is usually quiet while in the office and moderately loud when in the field. Employee is required to wear personal protective equipment when necessary and required.

Education

Graduation from high school or GED equivalency supplemented by four years post-secondary college with an emphasis in Parks and Recreation, Natural Resource Management, Environmental Science, or related field.

Experience

Three (3) to five (5) years' experience working with a public agency related to recreation, fish and wildlife, park ranger activities or an equivalent combination of education and experience.

Special Requirements

- Valid North Carolina driver license
- Willingness to obtain relevant certificates and licenses related to the position.

FLSA Status: Nonexempt

Disclaimer

This classification specification has been designed to indicate the general nature and level of work performed by employees within this classification. It is not designed to contain or be interpreted as a comprehensive inventory of all duties, responsibilities, and qualifications required of employees to perform the job. The Town of Lake Lure reserves the right to assign or otherwise modify the duties assigned to this classification.

Salary Grade: 22

Salary Range: \$39,836-\$59,754

November 28, 2018

Lake Operations Director

Primary Reason Why Classification Exists

To perform complex work in managing the town-owned 728 acre recreation lake including enforcement, permitting, lake inspection and controls, water sampling and testing programs, annual and emergency dredging operations, fisheries and lake activities.

Distinguishing Features of the Class

An employee in this class must be a sworn law enforcement officer that supervises and provides public safety for all lake operations. This employee plans, organizes and directs the work of employees engaged in varied lake operations and services. Work involves extensive project management for the varied services including lake enforcement, dredging, permitting, coordination of lake activities and fisheries management. The employee provides lake advice and assistance to the town manager and provides staff support to the police department, fire department, marine commission, lake advisory committee and lake structures appeals board. Work also includes coordination of lake activities during emergencies, use and management of town owned boat fleet, and launch ramp management program; personnel management functions as needed; maintenance of records, maps and logs. This employee maintains the budget and personnel administration of the department and serves as supervisor to environmental management and reserve lake patrol officers. The employee represents the town with citizens and coordinates with the marine commission, lake advisory board, and the lake structures appeals board. Sound judgment, initiative and courtesy is required in performance of duties. Work is performed independently and in coordination with the Town Manager. The employee is subject to working in inside and outside environmental conditions, severe storms, floods, noise, vibration, hazards associated with lake work, fumes, odors, dusts, mists, gases, and oils. Work is performed under the general direction of the Town Manager as to matters of policy, budget, long range plans, and personnel matters. Work is reviewed through reports, conferences, acceptance of the community, and compliance with required laws and regulations.

Illustrative Examples of Work

- Plans, organizes and directs the activities of various service units in the department including organization structure and delegation of responsibilities; ensures coordination of activities between units and other Town departments; supervises and coordinates work operations including enforcement of lake regulations, administering boat permits and commercial licenses; maintaining schedule of lake inspections and controls; supervision of water sampling and testing programs, annual and emergency dredging operations, and fisheries management; coordination of lake activities during emergencies, use and management of town owned boat fleet, and launch ramp management program, personnel management functions as needed; maintenance of records, maps and logs; staff support to the marine commission, lake advisory committee and lake structures appeals board.
- Performs official duties of Sworn Law Enforcement Officer, Emergency Medical Technician and Firefighter on the lake and land.
- Operates and manages town boat fleet for maintenance, repairs and replacement.
- Operates police and fire boats for routine, emergency and non-emergency use.
- Serves as supervisor to environmental management and lake patrol officers.
- Reports to and advises the Town Manager and officials with respect to short and long-range

lake projects, and work programs; updates Town Manager on department activities to keep manager abreast of work and activities and advises on needed policy issues and project priorities.

- Researches and develops recommendations for lake operational changes, improvements and expansion in conjunction with division supervisors and presents to the manager.
- Develops and recommends goals, policies and procedures for various lake services.
- Oversees day-to-day operations and personnel functions; ensures department operates efficiently, that directed projects and work is completed, that public complaints are addressed, and that qualified personnel are hired, retained and evaluated.
- Performs selection, promotion, training, coaching and disciplining of department personnel according to town policies, keeping the manager informed; confers with manager on classification and pay increases; meets with subordinates to solve more complex problems; sets priorities and deadlines; provides guidance and direction; and ensures proper training including all safety required training; takes appropriate disciplinary and dismissal actions.
- Ensures the department stresses and implements active safety program to lessen the chance for accidents.
- Confers with other municipal departments relative to mutual service planning and provision, problems and concerns.
- Makes field inspections of lake projects to review progress and ensure completion and/or compliance with the town's standards and specifications; performs subdivision review.
- Engages in considerable personal contact with citizens concerning service requests and complaints; investigates and decides or recommends actions; coordinates projects with other departments; attends council meetings to represent the department.
- Prepares and reviews departmental long range capital improvement and expansion and annual operating budgets; monitors and approves expenditures; prepares and maintains reports and other required records.
- Plans, organizes, and monitors a variety of contracted work involving lake and dredging maintenance; coordinates with engineers, contractors, etc.
- Works with the Lake Advisory Board to provide information and coordinate and oversee lake dredging projects; coordinates activities with FEMA on natural disasters.
- Serves as liaison with the Lake Advisory Board to coordinate work on recommended projects for lake development and upkeep.
- Prepares and maintains department files and reports so a clear record of departmental activities exists and meets local, state and federal requirements.
- Performs varied lake tasks in varied service functions on a daily basis.
- Performs other related duties as required.

Knowledge, Skills, and Abilities

- Thorough knowledge of the principles and practices for lake development projects.
- Thorough knowledge of related Town policies, state and federal laws and regulations regulating public services functions.
- Thorough knowledge of OSHA regulations and requirements.
- Thorough knowledge of the equipment and materials used in the lake maintenance.

- Considerable knowledge of Town/governmental budgeting, personnel, bidding and purchasing and procurement laws and practices.
- Considerable knowledge of the principles and practices, laws and regulations relating to supervised functions.
- Considerable knowledge of public personnel administration principles and practices.
- Considerable knowledge of modern and effective supervisory and management theories, principles and practices and skill to utilize effectively in managing a department through subordinate supervisors.
- Demonstrated skills in leadership and management of staff.
- Demonstrated skills in effective communications, motivation and coaching.
- Ability to prepare complex and detailed contracts, records and reports.
- Ability to maintain effective working relationships with Town officials, other public officials, employees, contractors and the general public.
- Ability to perform detailed cost computations and to make recommendation to solve problems.
- Ability to present ideas effectively in oral and written form and to deliver clear and concise written and oral presentations.
- Ability to exercise sound judgment in solving problems and during emergency situations.
- Ability to deal tactfully and courteously with the public and government officials.

Physical Requirements

Work in this class is defined as very heavy work requiring physical exertion in excess of 100 pounds of force occasionally, and/or in excess of 50 pounds of frequently, and/or up to 20 pounds of force constantly to move objects. Employee has to perform physical activities such as climbing, balancing, stooping, kneeling, crouching, reaching, walking, standing, pushing, pulling, lifting, grasping, feeling talking, and hearing. Employee must have the visual acuity to visually inspect small defects or parts, operation or inspection of machines and earth moving equipment, use measurement devices, and to determine the neatness and accuracy of work assigned. Employee must be able to speak and hear at normal spoken levels and to speak or understand communication from others when using mechanical equipment. Appropriate personal protective equipment must be worn and utilized while working on water and performing law enforcement, EMT and firefighter duties. Employee must have the stamina to work for extended periods some of which in emergency situations.

Working Conditions

Work is performed both inside and in outside environmental conditions including extreme heat and cold with exposure to lightning, storms, snow and ice. Employee is subject to noise which may cause the employee to shout in order to be heard above the ambient noise level. Employee is subject to vibration, such as exposure to oscillating movements of the extremities or whole body and is also subject to workplace hazards including proximity to moving mechanical parts or exposure to chemicals, oils and fuels. Employee is subject to atmospheric conditions due to exposure to fumes, odors, and dusts.

Education

Graduation from four-year college or university with a bachelor's degree in Business

Administration, Management or related field desired; or a minimum of graduation from High School and ten or more years of progressively responsible experience in lake management with five or more years of supervisory or management experience.

Experience

Five or more years of progressively responsible experience in lake management with two or more years of supervisory or management experience.

Special Requirements

- Valid North Carolina Driver's License (CDL-A)
- Possession of North Carolina Basic Law Enforcement Certification
- Lake Management Certification

FLSA Status: Exempt

Disclaimer

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July 2016



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, JANUARY 8, 2019, 5:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

PRESENT: Mayor Kevin Cooley
Mayor Pro Tem John W. Moore
Commissioner Bob Cameron
Commissioner John Kilby
Commissioner Stephen M. Webber

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

ABSENT: N/A

CALL TO ORDER

Mayor Kevin Cooley called the meeting to order at 5:01 p.m. and gave the invocation. Council members led the pledge of allegiance.

APPROVE THE AGENDA

Mayor Cooley proposed amending the Agenda to include approval of the Town Manager's contract on the "Consent Agenda." He stated that a representative from Carolina Climbers Coalition requested the campgrounds ordinance be suspended for the Carolina Climbers Coalition event on February 15th-17th in the Town Meadows and proposed adding this to "New Business" noting that this request has been approved in past years. Attorney William Morgan also proposed adding approval of Closed Session Minutes from the last Town Council Meeting and Mayor Cooley suggested to be placed on the "Consent Agenda."

Mayor Pro Tem John Moore made a motion to approve the Agenda, as amended. Commissioner Bob Cameron seconded and the motion carried 4-0.

MAYOR'S COMMUNICATIONS

A. RESOLUTION NO. 19-01-08 DECLARING THE BADGE AND SERVICE WEAPON CARRIED BY ALAN GREENE SURPLUS AND AWARDING THEM TO HIM UPON HIS RETIREMENT

Chief Sean Humphries recognized Officer Alan Greene and thanked him for his service.

Mayor Kevin Cooley read Resolution 19-01-08 and presenting a copy of the Resolution to Officer Greene.

Commissioner Stephen Webber made a motion to adopt Resolution 19-01-08 declaring the badge and service weapon carried by Alan Greene surplus and awarding them to him upon his retirement. Commissioner Bob Cameron seconded and the motion carried 4-0. Council thanked Officer Greene for his service and wished him well in his retirement.

**RESOLUTION NO. 19-01-08
DECLARING THE BADGE AND SERVICE WEAPON
CARRIED BY ALAN GREENE SURPLUS AND
AWARDING THEM TO HIM UPON HIS RETIREMENT**

WHEREAS, G.S. 20-187.2 provides that retiring members of municipal law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service with the municipality; and

WHEREAS, G.S. 20-187.2 further provides that the governing body of the municipal law enforcement agency may, in its discretion, award to a retiring member the service sidearm of such retiring member; and

WHEREAS, Officer Alan Greene is retiring on December 31, 2018, after thirty years of public safety service, including three years with the Town of Lake Lure; and

WHEREAS, Officer Alan Greene has not only served the Town of Lake Lure, but proudly served our Country in the United States Navy and as a sheriff deputy in Rutherford County; and

WHEREAS, the Lake Lure Community has benefited from his integrity, courtesy, friendly personality and professionalism and due to his dedication to the Community was awarded The Distinguished Service Award at Night of Honors annual banquet.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Lake Lure, North Carolina that in accordance with the provisions of G.S. 20-187.2 the badge and service weapon, a Glock 19, 9 millimeter caliber, serial number SAP992, carried by Alan Greene

during his service with the Lake Lure Police Department be declared surplus and awarded to him upon the occasion of his retirement.

BE IT FURTHER RESOLVED that appreciation be expressed to Alan Greene for the service rendered by him during his employment with the Town of Lake Lure.

This Resolution adopted this 8th day of January, 2019.

TOWN MANAGER COMMUNICATIONS

- Jeffrey Brown, Brown Consultants, presented the revised Engineering Report. Mr. Brown provided an update on the sewer system replacement stating that a workshop will be held on January 16th to include a representative from the State and from NCDEQ, noting that one discussion will be on sewer plant flow numbers. Mr. Baldwin added that the workshop on January 16th will be held at 10:00 a.m. and would include representatives from Chimney Rock in regards to the sewer system replacement that extends into Chimney Rock Village. Mayor Cooley explained that the Town's sewer collection system services the Town as well as some areas outside the Town's jurisdiction. Commissioner Webber noted that the meeting is open to the public.
- Mr. Baldwin reported that he is proposing a workshop meeting to discuss the Commercial Center on January 16th. Commissioner Bob Cameron pointed out that he would out of town until the 18th and Mr. Baldwin stated that he would consider other dates and send to Council for approval of a meeting date.
- Public Works Director David Arrowood stated that work is still proceeding with the small generator. He reported that John Wilson, Wilson Mechanical, estimated that the small generator would be completed and put together in about six weeks.
- Mr. Arrowood explained that the Town Manager approved the purchase of a mini trackhoe excavator with the surplus money left over from the purchase of a bucket truck. He stated that he found and purchased a new Yanmar excavator with a four year/4,000 hour warranty for \$29,222 that includes a hydraulic thumb, 18" and 24" bucket, and a tilt blade. He stated this excavator will be a great help with lake debris cleanup from the boom.
- Mr. Arrowood reported that applications were received for the two vacant Dam Operator positions and mentioned that he has two applicants in mind to fill both positions.
- Mr. Arrowood provided an update on the geo-tube installation at the Waste Water Treatment Plant noting that the best option is the geo-tubes only pad, which would save the Town money. He stated that he would start grading the pad in the morning.
- Mr. Arrowood then updated the Board on the paving schedule. He stated that Labella Associates was contracted by the Town to conduct an assessment of town streets. Labella Associates assessed the streets and recommended that more money be dedicated towards street repairs every year and the Town agreed and budgeted additional money for street repairs this year. He stated that Justice Drive was the worst rated street in the Town and needs a full replacement, mentioning that the first half of the street will be replaced this year. He stated that he would

like to also maintain the streets that are in decent shape now in order to keep them from needing full replacements. Commissioner Cameron asked that the ditches and culverts stay maintained as well.

- Lake Operations Director Dean Givens provided an update on dredging. He reported that the contractor, Tim Edwards, has removed around 15,000 cubic yards and is doing a phenomenal job. Mr. Givens stated that he has created maps on all the areas that were requested to be dredged and will provide that next month. Mayor Cooley noted that Tim Edwards' contract for the year ends at 30,000 cubic yards; however, he stated that Tim Edwards has agreed to continue dredging even after the 30,000 cubic yards has been dredged with no additional expense to the Town. Commissioner Webber mentioned that in the past the Town discussed using dredging reserve money to dredge areas towards Firefly Cove, an area outside of the contract. Mr. Baldwin stated this matter would be looked into further, noting that a possible addendum to the contract may be needed.
- Mr. Givens provided an update on the Boys Camp Road property, stating that Brown Engineering is almost complete with the permit process. A meeting with Chimney Rock Village will take place on January 17th in order to start the permitting process with them. He stated that once that meeting has taken place the PARTF grant can be signed and the materials recovery facility can be engineered.
- Mr. Givens provided an update on the event space in Morse Park. He stated that the spoils pit in Morse Parks will be removed and the material will be used to fill in the event space at Morse Park, consistent with the Comprehensive Plan. He explained that additional drains will be added to help with areas prone to flooding.
- Mr. Givens provided an update on the boardwalk replacement mentioning that he is in the process of getting cost estimates to replace the current boardwalk with a floating boardwalk. He explained that the project has had to be scaled back due to a higher cost than was expected. He stated he hopes to have cost estimates from the contractors ready to present to Council in February.
- Mr. Givens reported that Bill Ashman, along with Lake Lure Tours, is working with a boat club in NC, with over 200 members, who are wanting to hold a classic boat and car show on Mother's Day weekend. He mentioned that the main event will include them bringing in a boat called Miss America IX, which he explained may need a waiver of the boat length limit restriction and a waiver of the noise ordinance. He pointed out that this event will also include a boat parade, but stated this event is still in the planning stages and details are being worked out in order to bring a request back to Council at an upcoming meeting. Mayor Cooley noted that the Blue Ridge Chapter of the National Association of Classic and Antique Boats will be holding this event. He stated that this group has discussed holding this event annually and also holding another event in the fall.

PUBLIC HEARING:

A. PROPOSED AMENDMENT TO THE ZONING MAP OF THE TOWN OF LAKE LURE BY REZONING ONE PARCEL FROM R-2, TO GU, AS REQUESTED BY REZONING PETITION RZ-2019001

Mayor Kevin Cooley opened the public hearing concerning proposed Ordinance No. 19-01-08, an Amendment to the Zoning Map of the Town of Lake Lure by Rezoning One Parcel from R-2, to GU, as Requested by Rezoning Petition RZ-2019001, and invited the audience to speak.

Commissioner Bob Cameron made a motion to enter into a Public Hearing concerning proposed Ordinance No. 19-01-08, an Amendment to the Zoning Map of the Town of Lake Lure by Rezoning One Parcel from R-2, to GU, as Requested by Rezoning Petition RZ-2019001. Commissioner Stephen Webber seconded and the motion carried 4-0.

Commissioner Stephen Webber clarified that the property is Happy Hollow Lane, which is the spoils pit across the river, not Sleepy Hollow Road as noted on the application. Development and Environmental Review Specialist Garrett Murphy presented the request. Mr. Murphy stated that due to many decades of ongoing continued use of this area to address the maintenance and upkeep of the Town's biggest asset, it is reasonable and in the best public interest to rezone this parcel to Government Use (GU), which would allow any lawful governmental activity to be permitted in these districts. He noted that this rezoning request is a change that is consistent with the 2007-2027 Comprehensive Plan and consistent with current and future planned public land use for this parcel. Commissioner Stephen Webber pointed out that this change will not affect any property owners facing Boys Camp Road; it will only affect Town property.

Mayor Cooley noted that no members of the public requested to speak on this matter.

Commissioner Bob Cameron made a motion to close the Public Hearing. Commissioner Stephen Webber seconded and the motion carried 4-0.

COUNCIL LIAISON REPORTS & COMMENTS

Commissioner Bob Cameron reported the activities of the Utilities Advisory Board. He noted that the UAB requested also inviting representatives from the Lake Lure Village Resort to attend the January 16th Special Town Council Meeting.

Commissioner John Kilby reported the activities of the ABC Board and the Lake Advisory Board.

Mayor Pro Tem John Moore reported the activities of the Zoning and Planning Board.

Commissioner Stephen Webber reported the activities of the Board of Adjustment and

the Parks and Recreation Board, and mentioned that the Lake Structures Appeals Board did not meet.

PUBLIC FORUM

Mayor Kevin Cooley invited the audience to speak at this time.

Pat Buede, 2153 Memorial Hwy, commended the Town on their performance during the recent winter storm event but suggested improvements to better cell and electric services during storm events. She stated that trees lying on power lines are not being trimmed, causing numerous power outages, noting that she submitted a request to Duke Energy to trim trees throughout the entire Gorge. She asked that someone with the Town speak with a Duke Representative and request a public meeting to come and speak with town citizens. Ms. Buede also questioned the tax increase and if the TDA is working with the Town to help with infrastructure costs. She asked what a significant tax increase is considered and Mayor Cooley pointed out that the tax increase has already been incurred. He explained that the TDA can now use 30% of their total income from room tax revenue to help fund tourism infrastructure projects in Rutherford County. He stated that the Town would like to use the funds for the renovation of the Marina, Boardwalk and Beach areas, noting that \$50,000 is available from the TDA for help in funding this infrastructure project. Commissioner Cameron mentioned that the Town has looked into a tourist tax in the past, noting that it must be approved by the County and State first and stated that it could be looked into further. Mr. Baldwin stated that he would speak with someone from Duke Energy.

Nancy Nelson, Fisher Court, stated that she liked the idea of a tourist tax and questioned if the Town could start this process. Mr. Baldwin noted that there are only two possible options that the Town could possibly secure legislation to enact; an accommodation sales tax and a food and beverage tax. Commissioner Kilby felt a food and beverage tax is a good idea, noting that the Town faces the dilemma of being a tourist based economy and the Town's only income is through property taxes. Commissioner Bob Cameron stated that this could be looked into again. Commissioner Webber recalled that the State has a limit on tax rates noting that the Town could apply and start the process with the State.

CONSENT AGENDA

Mayor Kevin Cooley presented the Consent Agenda and asked if any other items should be removed before calling for action.

Commissioner Stephen Webber made a motion to approve the Consent Agenda as amended. Commissioner Bob Cameron seconded. Therefore, the Consent Agenda incorporating the following items was unanimously approved and adopted:

- A. Adopt the December 5, 2018 Special Town Council Workshop Minutes and the December 11, 2018 Special Meeting Minutes

- B. Budget Amendment 237 – Fire Truck
- C. Budget Amendment 238 – Police Separation Allowance for George Alan Greene
- D. Approval of the Addendum to the Town Manager's Contract
- E. Approval of the December 18, 2018 Closed Session Minutes

UNFINISHED BUSINESS:

A. LAKE LURE TOURS' CONCESSION AGREEMENT ADDENDUM

Lake Operations Director Dean Givens presented the Addendum and the changes that were proposed to the Lake Lure Tours' Concession Agreement. He stated that the changes include amendments to the terms, adding a viewing area, the addition of a floating dock, and reducing the monthly concession fee percentage of fuel sales from 15% to 5%. Commissioner Webber pointed out that there is no mention of the percentage of revenues to the Town generated from the floating dock. Mr. George Wittmer stated that 15% of any revenue generated from the floating docks would be paid to the Town. Commissioner Webber also proposed deleting the third paragraph on the second page regarding terms for the operation of the Beach, until it is discussed further. Mayor Cooley noted that he did not foresee any revenue being gained from the floating dock but felt it could be added.

Commissioner Stephen Webber made a motion to approve the Addendum, as amended, deleting the third paragraph on the second page and with the change to royalties paid to the Town for revenues generated from the floating docks. Commissioner Bob Cameron seconded and the motion carried 4-0.

NEW BUSINESS:

A. ORDINANCE NO. 19-01-08 – AMENDING THE ZONING MAP OF THE TOWN OF LAKE LURE

Commissioner John Kilby made a motion to adopt Ordinance No. 19-01-08, amending the Zoning map of the Town of Lake Lure to rezone parcel # 1647424 from the R-2 General Residential zoning district to the GU Government Use zoning district, such act being consistent with the adopted Policy LU-1-1.2 and Figure 8, the Future Land Use Map, as included and also adopted in the Town of Lake Lure 2007-2027 Comprehensive Plan. Commissioner Stephen Webber seconded and the motion carried 4-0.

ORDINANCE NUMBER 19-01-08

**AN ORDINANCE AMENDING THE ZONING MAP OF
THE TOWN OF LAKE LURE BY REZONING ONE
PARCEL FROM R-2, TO GU, AS REQUESTED BY
REZONING PETITION RZ-2019001.**

WHEREAS, The Town of Lake Lure is the owner of the parcel identified by tax Parcel Identification Numbers (PIN) 1647424, Map 100/Block 1/Lot 100A on the Rutherford County Tax Map; and,

WHEREAS, the current zoning of the above referenced parcel is R-2 General Residential District; and,

WHEREAS, The Town of Lake Lure has petitioned to have this parcel rezoned to GU Government Use, as described with petition numbers RZ-2019001; and,

WHEREAS, the Lake Lure Zoning and Planning Board, after due consideration on the 20th of November, 2018 found the request to be consistent with the Lake Lure 2007-2027 Comprehensive Plan and recommended approval of this petition; and,

WHEREAS, the Lake Lure Town Council, after due public notice, conducted a public hearing on the 8th day of January, 2019, on the question of amending the zoning map in this respect and, after further consideration, determined that the rezoning is in the best interests of the Town of Lake Lure;

NOW THEREFORE, be it ordained by the town council of the Town of Lake Lure, North Carolina, meeting in regular session and with a majority of councilmen voting in the affirmative:

SECTION ONE: The zoning map referenced in Chapter 92 of the Lake Lure Code of Ordinances is hereby amended to change the lot having County tax PIN 1647424, from R-2 General Residential District to GU, Government Use District.

SECTION TWO: The Zoning Administrator shall make all the necessary corrections to the zoning map so as to implement the provisions of this ordinance and shall henceforth enforce the zoning regulations as hereby amended.

SECTION THREE: This ordinance shall be effective upon its adoption.

Adopted this 8th day of January, 2019.

NEW BUSINESS:

**B. REQUEST TO WAIVE THE 21' MAXIMUM BOAT LENGTH REGULATION
FOR A COMMERCIAL BOAT PERMIT**

Lake Operations Director Dean Givens explained that Greg Spinella with All Aspects Design & Construction Inc. is requesting to waive the 21' maximum boat length regulation to allow the purchase of a commercial boat permit. Mr. Greg Spinella owns a barge that is over 21' in length that he intends to use to complete pile driving work on a boathouse at 2037 Buffalo Shoals Road that he was contracted by the owner to do. The work will take approximately 30-90 days to complete. Mr. Givens explained that after the LAB reviewed the request, it was found that Mr. Spinella may not need a waiver for the barge being over 21' since it is non-motorized; only the push boat used to move the barge is motorized. Mr. Givens noted that there should be little to no impact on the lake, noting that no other contractor on the lake uses this method to pile drive posts into the lake. He pointed out that there is no language in the Lake Use Regulations regarding a commercial boat permit for a barge/boat used temporarily for commercial use or a classification for a push boat. He added that he would look into language that could be added into the Regulations, ask the LAB to review, and bring a recommendation back for approval. Mr. Givens also mentioned that the LAB also referred to Council to decide how to charge for this type of permit. He suggested a prorated boat permit rate for the 90 days that the permit will be valid, since it will not be used for recreational use and will not affect the commercial boat permit model.

Mayor Pro Tem John Moore made a motion to approve Mr. Spinella's request to allow the purchase of a commercial boat permit for a period of no longer than 90 consecutive days with a prorated fee of \$125 for the boat permit and \$45 for the commercial license fee. Commissioner Bob Cameron seconded and the motion carried 4-0.

NEW BUSINESS:

C. SUSPENSION OF THE TOWN'S CAMPING ORDINANCE

Will Goodson, Treasurer of the Carolina Climbers Coalition, presented the request to utilize the Community Hall for a participant registration area and the Meadows area for an awards ceremony, meals, and vendor space at no cost. He noted that the Carolina Climbers Coalition owns a portion of the west side boulders at the Rumbling Bald access. He mentioned that this will be the fourth year that this event has taken place, noting that the bouldering competition takes place in the Chimney Rock State Park, Rumbling Bald access. Mr. Goodson also requested that Town Council waive the camping ordinance to allow overnight camping in the Meadows from 3:00 p.m. on Friday, February 15, 2019 through Sunday, February 17, 2019. He noted that last year the event brought in around 300 outside visitors to the Town and mentioned that this year a rope climbing portion will be added in addition to bouldering. Mr.

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Goodson also requested a suspension of the Town's alcohol ordinance for the Meadows during this time. Chief Humphries noted that there have been no problems in the past in regards to alcohol use. He stated that in exchange for the Town waiving the fees for use of the facilities, Carolina Climbers Coalition will list the Town as a gold sponsor of the event, which costs \$600 for overhead and \$750 for retail/swag. He stated that they may sell raffle tickets and Commissioner Cameron noted that the Board would need to suspend the peddling ordinance to allow this. Commissioner Webber noted he had no problem with waiving the fees except for the dumpster fee of \$200, which the Town must pay to an outside company if a dumpster is used. Mayor Pro Tem John Moore suggested Mr. Goodson discuss trash removal with the Town Manager. Mr. Goodson stated that he would be willing to pay the security deposits and discuss trash removal with the Town Manager.

Commissioner Stephen Webber made a motion to approve the application as submitted with a waiver of the rental fees, a waiver of the peddling ordinance, the camping ordinance and the alcohol ordinance, and to work out the details of trash removal with the Town Manager. Commissioner Bob Cameron seconded and the motion carried 4-0.

ADJOURN THE MEETING

With no further business, Commissioner Bob Cameron made a motion to adjourn the meeting at 7:21 p.m. Commissioner John Kilby seconded and the motion carried 4-0.

ATTEST:

Michelle Jolley,
Town Clerk

Mayor Kevin Cooley



MINUTES OF THE SPECIAL WORKSHOP MEETING OF THE LAKE LURE TOWN COUNCIL HELD WEDNESDAY, JANUARY 16, 2019, 10:00 A.M. AT THE LAKE LURE MUNICIPAL CENTER

PRESENT:

Mayor Kevin Cooley
Mayor Pro Tem John W. Moore
Commissioner John Kilby
Commissioner Stephen M. Webber

William Morgan, Jr., Town Attorney
Shannon Baldwin, Town Manager
Michelle Jolley, Town Clerk
Laura Krejci, Communications Specialist

ALSO PRESENT:

Peter O'Leary, Chimney Rock Village Mayor
Steve Duncan, Chimney Rock Village
Jay Meliski, Chimney Rock Village
Keith Webb, McGill Associates
Jeffrey Brown, Brown Consultants
Corey Knox, Brown Consultants
Robert Smith, Brown Consultants
Steve Garrison, Rutherford County Manager
Danny Searcy, Rutherford County
Tim Heim, NCDEQ
Anita Robinson, NCDEQ, via phone
Ken Poligh, NCDEQ, via phone
Trupti Desai, NCDEQ, via phone
Kim Colson, NCDEQ, via phone
Nathan Bare, Lake Lure Village Resort
Joyce Bare, Lake Lure Village Resort
Wayne Hyatt, Utility Advisory Board
Dave Diorio, Zoning & Planning Board
David Keenan, Zoning & Planning Board

ABSENT:

Commissioner Bob Cameron

I. CALL TO ORDER

Mayor Kevin Cooley called the meeting to order at 10:06 a.m. and gave the invocation. Council members led the pledge of allegiance.

II. APPROVE THE AGENDA

Commissioner Stephen Webber made a motion to approve the Agenda as presented. Mayor Pro Tem John Moore seconded and the motion carried 3-0.

IV. LOW PRESSURE SEWER SYSTEM DISCUSSION

Mayor Cooley explained that the Town is in the midst of moving forward with a very critical infrastructure to replace the current sewer system and aging sewage treatment plant with a new low-pressure sewer collection system and a new sewage treatment plant, possibly at a new location. He mentioned that we are currently in the planning stage and have submitted the new set of engineering reports to NCDEQ for their review and comment. He noted that a number of issues have come to light that the Town needs to deal with; one being areas currently outside the Town's boundaries that collect and convey into the Town's sewage collection and treatment system. He stated that such a sewer system in Chimney Rock Village (CRV) serves both residential and commercial customers, noting that they are connected to the Town's system by a gravity collections systems which runs either along or in the Rocky Broad River. He noted that the Town's future sewage collections system will be a low-pressure sewer system will be a pressurized system, stating that we need to figure out how the connection of the CRV portion to the Town's new low-pressure system will be made. Mayor Cooley stated another issue is that there is a severe infiltration problem which originates from the system being submerged under the lake creating a tremendous amount of pressure. The line is a 92 year old line that leaks causing excess lake water into the Town's sewage. He explained that the Town's system has been deemed to be in violation with state standards and the Town must get that system out of the lake to resolve the infiltration problem and also to make sewer service available to more customers. He stated that the Town, CRV and the County can work together to see how the CRV portion of the system will connect to the Town's collection system. He mentioned that the County has taken responsibility for the section of sewer that serves CRV. Mayor Cooley provided a brief background stating that as CRV became incorporated, the customers who were in the incorporated area of the County became CRV customers of the Lake Lure system but continued to join the system via the gravity line that the County continued to maintain. He reported that there are some issues in the engineering design for the Town's system that can hopefully be discussed later in the meeting with NCDEQ in regards to estimating the volume of sewage that the Town will eventually have to collect and treat when the new pressurized system is put in and also reported that we need to find a way to realistically predict flows. He explained that we do have good existing customer records which will show how much

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sewage is getting billed for based on water meter data; however, he added that there are quite a number of customers for whom we do not have water meter data.

Mr. Peter O'Leary clarified that there are no sewer lines in the river; they are either in the bank or up on piers. He noted that the lines were put in to serve County residents and businesses in the CRV area. He stated that property owners privately hooked up and the main line has been maintained by the County, noting that any line that runs off the main line is maintained by the customers.

Mr. Tim Heim questioned if smoke testing had ever been done in CRV. Mr. Jeffrey Brown stated that Brown Consultants has not done any smoke testing in CRV. Mr. Peter O'Leary reported that a previous Lake Lure Public Works Director, Tony Hennessee, conducted smoke testing in the 90's. Mr. Brown noted that Lake Lure does not own the line leading into CRV. He stated that manhole number 34 on the provided map (attached) is as far as Lake Lure lines go. Mayor Cooley expressed that it is the Town's intention to continue to serve the existing and new customers in CRV. Mr. Brown agreed that the plan is to serve CRV but mentioned that it is not certain who has oversight over that portion of the system. He mentioned that we also need to know the impact of the Infiltrations and Inflow (I&I) coming down that line as it will ultimately have impact on the new low-pressures sewer system. He stated that the new pump system will accept this new flow and will be metered. Commissioner Kilby pointed out that there are the Lake Lure Village Resort (LLVR), Rumbling Bald Resort (RBR), and Hummingbird Cove will be on the new system as well. Mr. Brown noted that CRV and RBR are the bigger entities that we are dealing with. Mr. Baldwin asked if the pump station would be metered so that the Town would know how much was flowing into the Town's sewer system. Mr. Brown stated "yes."

Mr. Steve Garrison stated that the County wants to gain understanding as to what the challenges are and would like to see a level of transparency as the challenges are worked through together, mentioning that the County wants to make sure that the businesses and homes have access to sewer to better serve them. He stated that the County has continued to provide maintenance of the line in CRV. Mr. Jeffrey Brown reported that currently the lines are not metered to show how much flow comes out of the CRV pipe into the Lake Lure system. Mayor Cooley provided a list of the CRV customers that are currently being billed by the Town, pointing out that there are twice as many commercial customers as there are residential customers. Mr. Keith Webb stated that guidance is needed on how the owner of the CRV sewer system will fund and build the changes to the infrastructure to tie into the new low-pressure system that Lake Lure is building and how the CRV section gets sized from the flows that are coming from CRV and the current and potential service area of the river. Mayor Cooley explained that customers who do not have metered water service are billed a flat rate for sewer service by the Town in comparison to a business similar in size, although there is no knowledge of how much flow data actually comes from these businesses.

Mr. Keith Webb felt it would be helpful if the Town could include the monies to make the improvements to the lines in the funding done by the Division of Water Infrastructure (DWI).

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Mayor Cooley clarified that the Town obtained State Revolving Fund (SRF) funding of around \$13 million for the original plan, the Greenline Project with a zero percent interest for a 30 year payback period and a \$0.5 million principal forgiveness to implement the project as planned. He explained that when the Greenline Project was decided to not be the right option the Town offered their new solution to NCDEQ, which would take care of the underlying problems with the treatment facility, and were approved for the same funding mechanism for the new system. He noted that the issue is that the funding entity will only fund assets that the Town owns and will not allow the Town to use the money for assets outside of the system. Ms. Anita Robinson, NCDEQ, stated that they are willing to work with the Town on how to come up with an accurate flow number and are willing to allow the Town to design the system to handle the flow from CRV as well as RBR. She noted that CRV can apply for funding with the NCDEQ as well, noting that the owner of the infrastructure must be the one to apply. Mr. Keith Webb mentioned that once clarification is made on the ownership they could put together an application for funding. Mr. Keith Webb stated he worked for the County on the sewer repair in CRV after the '96 flood. Mayor Cooley questioned how sewer services in CRV would be paid noting that currently the customers on the system pay the Town since it is being treated by the Town. He mentioned that the County does not currently have an income source that supports the operation and maintenance of the system and stated that there has to be an income stream to pay for it.

Mayor Cooley mentioned that the majority of town properties are not currently on the sewer system noting that the Town would like to expand the customer base to have a lot less septic systems in areas particularly around the lake, which would be an economical and environmental benefit. Mr. Jeffrey Brown added that we have about a year to do this. Mayor Cooley reported that the proposed date for the revised engineering report approval letter agreed upon is May 1, 2019, submittal of the bid and design package is set for November 1, 2019, and the approval of the bid will be in March, 2020. The advertisement for bids is set for July 1, 2020 and execution of the construction contract is on August 3, 2020. Mr. Jeffrey Brown clarified that the November 1st date was moved to December.

Ms. Anita Robinson questioned if the Town has plans to apply for additional money from the NCDEQ or from other entities but added that the NCDEQ is okay with the pump stations being included in the loan for this project. She also pointed out that since the project has changed from the Greenline to a low-pressure sewer system, it may only qualify for a 20 year loan as opposed to the 30 year loan originally approved for the Greenline Project. Mr. Jeffrey Brown stated that he has never been told this and understood that the loan would still be the same 30 year loan term. He stated that he would need to follow up with this conversation at a later time. Mayor Cooley added that we should make a call to the Local Government Commission (LGC) and inquire about the Town's options with the funding term for the new system.

Mayor Cooley stated that upstream evaluations of the existing collection system needs to be done. Mr. Baldwin mentioned that CRV, the County, and McGill Associates should meet now to establish flows and discuss designing something for future flows. Mayor Cooley stated that a

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similar workshop will need to be held with Carolina Water Services, the private utility that services RBR, as well as NCDEQ.

Mr. Steve Duncan mentioned that smoke testing was done in '89 and there was a mechanism in place to measure flow at that time. He suggested someone try and make contact with Tony Hennessee regarding when the last time smoke testing was done and how the flow was measured below the Geneva Hotel. Commissioner Webber pointed out that Mark Pobanz, Water Supervisor, was also here during that time mentioning that he may have those records. Mayor Cooley reemphasized that the Town wants this to be a collaborative effort to get to the same result for a better sewer system for the Gorge.

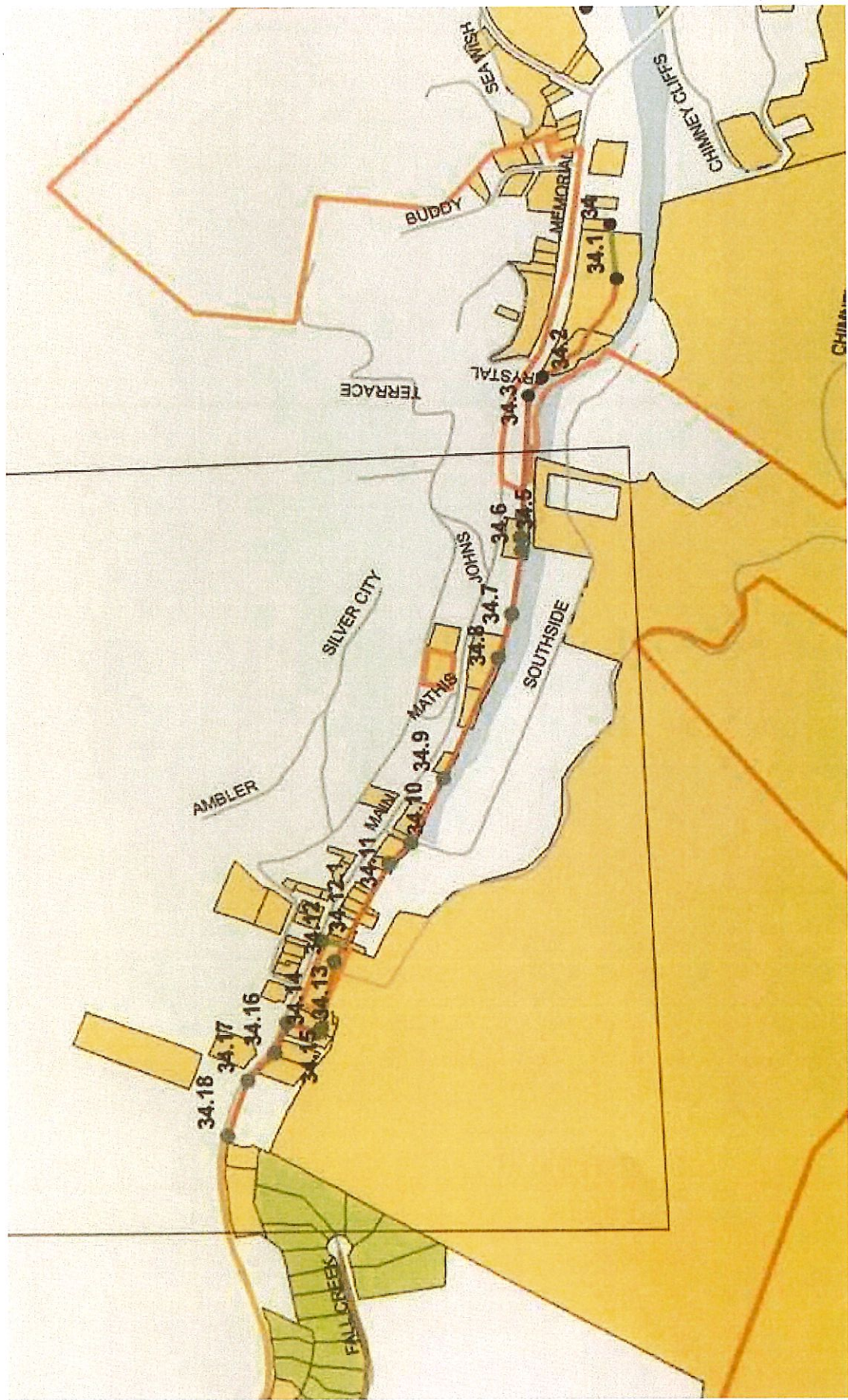
ADJOURN THE MEETING

With no further business, Commissioner Stephen Webber made a motion to adjourn the meeting at 11:34 a.m. Commissioner John Kilby seconded and the motion carried 3-0.

ATTEST:

Michelle Jolley,
Town Clerk

Kevin Cooley
Mayor



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

Meeting Date: February 12, 2019

SUBJECT: Resolution No. 19-02-12 Amending Resolution No. 15-11-10B – Creating a Utility Advisory Board

AGENDA INFORMATION:

Agenda Location: Consent
Item Number: B
Department: Administration
Contact: Shannon Baldwin, Town Manager
Presenter: Shannon Baldwin, Town Manager

BRIEF SUMMARY: The Proposed Amendment to the Original Resolution Creating a Utility Advisory Board would remove the requirement that board members elect a secretary each year.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To Adopt Resolution 19-02-12, Amending Resolution 15-11-10B – Creating a Utility Advisory Board.

FUNDING SOURCE: Not Applicable

ATTACHMENTS: Resolution No. 19-02-12

STAFF'S COMMENTS AND RECOMMENDATIONS: The Utility Advisory Board discussed and recommended that the requirement to elect a secretary each year be removed from the establishing resolution.

RESOLUTION NO. 19-02-12

**RESOLUTION TO AMEND RESOLUTION NO. 15-11-10B
CREATING A UTILITY ADVISORY BOARD
AMENDING SECTION 6**

WHEREAS, Resolution No. 15-11-10B was duly adopted by the Town Council of Lake Lure, North Carolina on November 10, 2015 in order to create a Utility Advisory Board; and

WHEREAS, in following with the current procedures, regulations and policies, changes have been recommended.

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

(ADDITIONS TO TEXT ARE UNDERLINES; DELETIONS ARE ~~STRUCK-THROUGH~~)

SECTION 1. That Section 6 is hereby amended as follows:

SECTION 6.

That members of the Utility board annually shall elect from their membership a Chairman, and Vice-Chairman, ~~and Secretary~~ to fulfill the normal responsibilities of such offices.

This Resolution shall be effective upon its adoption.

Adopted this 12th date of February, 2019

Kevin Cooley
Mayor

I hereby certify this is a true and correct copy of this Resolution, duly adopted by the Town of Lake Lure on the 12th day of February, 2019 as it appears of record in the official minutes.

ATTEST:

Michelle Jolley
Town Clerk

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

Meeting Date: February 12, 2019

SUBJECT: Resolution No. 19-02-12 Amending Resolution No. 92-03-24 – Creating a Lake Advisory Board

AGENDA INFORMATION:

Agenda Location: Consent
Item Number: C
Department: Administration
Contact: Shannon Baldwin, Town Manager
Presenter: Shannon Baldwin, Town Manager

BRIEF SUMMARY: The Proposed Amendment to the Establishing Resolution Creating a Lake Advisory Board would remove the requirement that board members elect a secretary each year.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To Adopt Resolution 18-09-11, Amending Resolution 92-03-24 – Creating a Lake Advisory Board.

FUNDING SOURCE: Not Applicable

ATTACHMENTS: Resolution No. 19-02-12, Resolution No. 92-03-24

STAFF'S COMMENTS AND RECOMMENDATIONS: The Lake Advisory Board discussed and recommended that the requirement to elect a secretary each year be removed from the establishing resolution.

RESOLUTION NO. 19-02-12

**RESOLUTION TO AMEND RESOLUTION NO. 92-03-24
CREATING A LAKE ADVISORY BOARD
AMENDING SECTION 6**

WHEREAS, Resolution No. 92-03-24 was duly adopted by the Town Council of Lake Lure, North Carolina on March 24, 1992 in order to create a Lake Advisory Board and has been amended on several occasions since the date of its adoption; and

WHEREAS, in following with the current procedures, regulations and policies, changes have been recommended.

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

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

SECTION 1. That Section 6 is hereby amended as follows:

SECTION 6.

That members of the Lake Committee annually shall elect from their membership a Chairman, and Vice-Chairman, ~~and Secretary~~ to fulfill the normal responsibilities of such offices.

This Resolution shall be effective upon its adoption.

Adopted this 12th date of February, 2019

Kevin Cooley
Mayor

I hereby certify this is a true and correct copy of this Resolution, duly adopted by the Town of Lake Lure on the 12th day of February, 2019 as it appears of record in the official minutes.

ATTEST:

Michelle Jolley
Town Clerk

**LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION
Meeting Date: February 12, 2019**

SUBJECT: Suspension of Chapter 61: "Peddlers" of the Code of Ordinances for Hickory Nut Gorge Chamber of Commerce

AGENDA INFORMATION:

Agenda Location: Consent
Item Number: D
Department: Administration
Contact: Shannon Baldwin, Town Manager
Presenter: Shannon Baldwin, Town Manager

BRIEF SUMMARY: In the past, Town Council has suspended Chapter 61: "Peddlers" of the Lake Lure Code of Ordinances for the Hickory Nut Gorge (HNG) Chamber of Commerce events being held on Town property. The Chamber of Commerce is requesting suspension of this Chapter of the Ordinance for the 2019 Sale on the Trail. It will be held in Morse Park.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To Suspend Chapter 61 of the Lake Lure Code of Ordinances for the Hickory Nut Gorge 2019 Sale on the Trail to be held on Saturday, April 20, 2019.

FUNDING SOURCE: Not Applicable

ATTACHMENTS: None

STAFF'S COMMENTS AND RECOMMENDATIONS: Chapter 61 of the Code of Ordinances prohibits the sale of merchandise or other items within the corporate limits of the Town. The suspension of the Ordinance for is specific date allows the Hickory Nut Gorge Chamber of Commerce to promote sales at their event.

**LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION
Meeting Date: February 12, 2019**

SUBJECT: Budget Amendment 239 – Emergency Shut Off Valve in Main Sewer Trunk Line
Below Dam

AGENDA INFORMATION:

Agenda Location: Consent
Item Number: E
Department: Finance
Contact: Sam Karr, Finance Director
Presenter: Sam Karr, Finance Director

BRIEF SUMMARY: To transfer monies to cover an emergency shut off valve in the main sewer trunk line below the Dam.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

Approve Budget Amendment 239 to transfer monies to cover an emergency shut off valve in the main sewer trunk line below the Dam.

FUNDING SOURCE: Transfer from General Fund Balance

ATTACHMENTS: Budget Amendment Form BA#239

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff recommends approval of Budget Amendment 239.

**TOWN OF LAKE LURE
BUDGET AMENDMENT**

Be it ordained by the Board of Commissioners of the Town of Lake Lure that the following amendment be made to the budget ordinance for the fiscal year ending June 30, 2019:

Department: Sewer-Wastewater

Purpose: To transfer monies to install 18" actuator valve at dam on existing 18" sewer line under dam. We had budgeted \$15,000, but will take \$76,000 to complete the project.

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

Line Item	Account Number	Amount Decrease	Amount Increase	Amended Budget
520	53-8000000		\$61,000	\$76,000

To provide the additional revenue for the above, the following revenues will be increased by \$61,000.

Account Name: **Transfer from Water/Sewer Fund (Fund Equity)**

Account Number: **53-398602**

Amount: **\$61,000**

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

Finance Officer

Date

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

Adopted this _____ day of _____, 2019.

**LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION
Meeting Date: February 12, 2019**

SUBJECT: Request from the Mountains Branch Library for Two Additional Community Banners

AGENDA INFORMATION:

Agenda Location: Consent
Item Number: F
Department: Community Development
Contact: Brad Burton, Community Development Director
Presenter: Brad Burton, Community Development Director

BRIEF SUMMARY: Joy Sharp, Manager of the Mountains Branch Library, is requesting permission to hang two additional community banners for the “Friends” final two events of the year from October 14 through October 27, 2019.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To approve the request from the Mountains Branch Library for two additional community banners for the “Friends” final two events of the year: October 9 through October 15, 2019 and October 21 through October 29, 2019

FUNDING SOURCE: None

ATTACHMENTS: Letter from Joy Sharp with the Mountains Branch Library and Temporary Sign Permit Application.

STAFF’S COMMENTS AND RECOMMENDATIONS:

As stated in the letter from Ms. Sharp, this request is coming from another governmental body and is within the purview of Town Council:

§ 92.154(B) Signs of a governmental body, including traffic warning or regulatory signs and devices. These signs shall also include other governmental signs including building identification, directional, information, and welcome signs. Signs of a governmental body other than the Town of Lake Lure require Town Council approval, regardless of the type of sign, unless otherwise exempted by federal or state law. Although exempt from sign regulations, specific governmental signs like building identification, directional, information, and welcome signs must be reviewed by the Planning Board and approved by Town Council. However, traffic control signs, traffic warning signs, public notices, or signs of a similar nature need only Town Manager approval. **(Amended 5-13-14, 9-13-16)**

The “Community Banner Program,” while arguably temporary signage, is not addressed in the Town’s sign regulations. The frequency and duration for allowing banners to occupy the four locations in Town has apparently always been an administrative decision with regulatory guidance provided only on the Town’s website at : <http://www.townoflakelure.com/banner-program-faqs.php> as follows:

How long can my banner(s) remain posted?

Eligible organizations are allowed to post their banners up to two times in a calendar year, for a period of 15 days. Some event organizers choose to utilize those two times back to back. In that instance the banners could be displayed up to 30 days.

Town Council has full latitude and authority, especially in the case of approving signage from another governmental body, to amend the above administrative guidelines for the Community Banner Program.

The Community Banner Calendar is free for the dates requested.

RUTHERFORD COUNTY



LIBRARY SYSTEM

READ



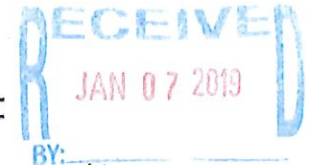
CONNECT



EXPLORE



SHARE



Mr. Shannon Baldwin
Manager, Town of Lake Lure

January 3, 2019

Dear Mr. Baldwin,

My name is Joy Sharp and I am the Manager of the Mountains Branch Library.

With very limited county funding, the Mountains Branch Library is greatly supported by The Friends of the Mountains Branch Library [hereafter, 'Friends'] which is a non-profit, 501 c agency whose sole mission is to support the Mountains Branch Library. They assist us by hosting six fundraising events throughout the year. All proceeds from these events go to support the Mountains Branch Library.

The "Friends" have submitted Temporary Sign Permit Applications to the Town for four of their events to hang community banners for a total of 30 days.

It is my understanding that that would be the extent of their allowed opportunities with the Town's Community Banner Program. As previously stated, the "Friends" has six fundraising events.

Mountains Branch Library is a component of the Rutherford County Library system, a department of Rutherford County government. As the manager of the Mountains Branch Library, on behalf of the "Friends", I would like to formally request permission of Town Council to allow the hanging of two additional community banners for the "Friends" final two events of the year. I make this request pursuant to § 92.154(B) of the Town Sign regulations.

A Books and Bites Author event is scheduled for October 15, and our Chili Cook-Off will also be held in late October. We are requesting an exemption to hang banners for one week for each of these events.

The Rutherford County Library system and the "Friends" greatly appreciate your consideration of this request.

Regards,



Joy Sharp
Manager, Mountains Branch Library
joy.sharp@rutherfordcountync.gov
(828) 287-6417

LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION
Meeting Date: February 12, 2019

SUBJECT: Lake Lure Spring Classic Boat and Auto Show Request for Waivers

AGENDA INFORMATION:

Agenda Location: Consent
Item Number: G
Department: Lake Operations
Contact: Dean Givens, Lake Operations Director
Presenter: Dean Givens, Lake Operations Director

BRIEF SUMMARY: Lake Lure Tours, Inc. will be hosting a Spring Classic Boat and Auto Show May 10-11, 2019 with the support of the Blue Ridge Chapter of the Antique and Classic Boat Society and the Greater Smoky Mountains Region of the Antique Automobile Club of America. The events are sponsored by Larkin's on the Lake, Lake Lure Inn and Spa, and the Town of Lake Lure. The Hickory Nut Gorge Chamber and the Hickory Nut Gorge Outreach are also supporting the event. This event will begin with the launch of a boat parade featuring the Miss America IX boat, the first boat ever to exceed 100 MPH. The boat exceeds the 21' maximum boat length regulation and will be in violation of the Town's Noise Ordinance.

- 1) *A request is being made to waive the Noise Ordinance*
- 2) *A request is being made to waive the 21' maximum boat length regulation*
- 3) *A request is being made to waive the requirement for a daily boat permit. (Note that registration will require proof of insurance and valid registration.)*

A beach party will follow the boat parade and will be open to the public on May 10, 2019.

- 4) *A request is being made to waive the Alcohol ordinance.*

A Classic Boat and Auto show are scheduled for May 11, 2019. To support these events, vendors will be set up in Town Center and arrangements must be made to accommodate the cars in the auto show and visitor parking. A request is made for the following:

- 5) *Close public parking along beach from Pool Creek to the Waterpark, which will be open for event show cars only)*
- 6) *Allow vehicles & boat trailers on the beach.*
- 7) *Allow temporary signage on the street in the event site for auto show not to exceed 8 square foot per side and not located in any intersection site triangle.*
- 8) *Waive the Peddling Ordinance in support of the event.*

RECOMMENDED MOTION AND REQUESTED ACTIONS: To waive the following:

- 1) Noise Ordinance
- 2) 21' maximum boat length restriction
- 3) Requirement for daily boat permits
- 4) Alcohol Ordinance
- 5) Peddling Ordinance

And to....

- 6) Close public parking along the Beach from Pool Creek to the Waterpark
- 7) Allow vehicles & boat trailers on the Beach
- 8) Allow temporary signage on the street at the event site for the auto show not to exceed 8 square foot per side and not located in any intersection site triangle.

STAFF'S COMMENTS AND RECOMMENDATIONS: The LAB discussed and reviewed this request at their meeting on February 4th and recommended that Council approve these requests for this event.

**LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION
Meeting Date: February 12, 2019**

SUBJECT: Parks and Recreation Work Plan Proposal

AGENDA INFORMATION:

Agenda Location: Consent
Item Number: H
Department: Administration
Contact: Shannon Baldwin, Town Manager
Presenter: Shannon Baldwin, Town Manager

BRIEF SUMMARY: Vital Clarity has provided the Scope of Work for consulting and facilitation services for the Parks and Recreation Work Plan. The services include an onsite facilitation of a session that produces a realistic, agreed-upon three-year Work Plan. The fees for the services described is \$4,000, which represents more than two full days of service.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To approve the Vital Clarity Work Plan Proposal.

FUNDING SOURCE: Parks and Recreation Budget. We will be taking the \$4,000 from the \$13,990 remaining in line item 10613000 – 215 Supplies / Materials

ATTACHMENTS: Parks and Recreation Work Plan Proposal by Vital Clarity

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff recommends approval of the Work Plan Proposal.



January 29, 2019

Shannon Baldwin, Town Manager
Town of Lake Lure
2948 Memorial Highway
Lake Lure, NC 28731

Dear Shannon,

Thank you for requesting this Scope of Work of Vital Clarity's consulting and facilitation services. I welcome the opportunity to help you all develop a practical, action-oriented Parks & Recreation Work Plan.

I am committed to tap the experience and good intentions of all meeting participants to design a plan that is in the long-term, best interests of the whole Lake Lure (LL) community, as requested. The outline below describes services that respond to your desired outcomes as I understand them.

1. Discovery & Pre-Work with LL Parks & Recreation Contacts

- a. Meet with Parks, Recreation, and Lake Director and the Parks and Recreation Coordinator to discuss and finalize:
 - Parks & Recreation Work Plan meeting objectives
 - Draft example: Develop a three-year Parks & Recreation Action Plan that aligns with and takes into account relevant existing plans and documents to ensure an integrated effort
 - Participant list, tentative meeting dates, and other meeting logistics
 - Documents to be provided by LL Staff and pre-meeting assignments, e.g.,
 - Morse Park Plan 2017
 - Comprehensive Plan Update Project Calendar
 - ToLL Shared Vision for 2020
 - Recreation Budgets (last 3 years)
 - Recreation Section of 2027 Comprehensive Plan
 - Inventory of Existing Park Properties & current status
 - Others to be determined as necessary
- b. Outline email communication target dates from Parks & Recreation leadership, e.g., "save the date," actual meeting notice with review assignments, agenda, and others as needed
- c. Preliminary guiding criteria to ensure alignment with existing Town priorities

2. Work Plan Meeting Preparation

- a. Design a 3-4 Hour Work Plan Meeting agenda based on meeting objectives
- b. Prepare materials, e.g., postings, flip charts, handouts
- c. Orient LL Scribe to session documentation format

3. Facilitation Services, Logistics, & Documentation

- a. Onsite facilitation of Work Plan session that produces a realistic, agreed-upon three-year Work Plan
- b. Meeting room set up and tear down, with LL staff support
- c. Final draft document for LL leadership's review before distribution to participants.

Investment & Terms

Fee for services described: \$4,000. This amount represents more than 2 full days of service.

I will issue a preliminary invoice for \$1000, net 10 days, with 1 subsequent invoice for \$3000 to be issued 5 days before the Work Plan Meeting, net 10 days. If requested, these terms may be adjusted to accommodate the Town's payables schedule.

I look forward to working with the Parks and Recreation folks to articulate a focused plan that will benefit the whole community.

Respectfully,

Kathleen Osta, President

X
UNFINISHED
BUSINESS

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

Meeting Date: February 12, 2019

SUBJECT: Lake Lure Tours Concession Agreement Addendum

AGENDA INFORMATION:

Agenda Location: Unfinished Business
Item Number: A
Department: Lake Operations
Contact: Dean Givens, Lake Operations Director
Presenter: Dean Givens, Lake Operations Director

BRIEF SUMMARY: Last month Council approved the attached Addendum, except for the provision related to the Beach. Lake Lure Tours is requesting that provision be approved this month regarding the Lake Lure Tours' Beach operation renewal terms.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To adopt the Lake Lure Tours Concession Agreement Addendum, as amended.

FUNDING SOURCE: N/A

ATTACHMENTS: Lake Lure Tours Concession Agreement Addendum

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff recommends approval to mirror the terms of the Lake Lure Tours Concession Agreement based on present and past performance.

NORTH CAROLINA
RUTHERFORD COUNTY

ADDENDUM TO CONCESSION AGREEMENT

This Addendum to the Concession Agreement entered this the 8th day of January 2019 by and between the Town of Lake Lure (hereinafter "the Town") and Lake Lure Tours, Inc. (hereinafter "LLT"):

WHEREAS, the Town and LLT entered into a "Concession Agreement for the Town of Lake Lure Beach, Marina and Tour Boats" (hereinafter the "concession agreement") dated February 15, 2018, which agreement is incorporated herein by reference; and,

WHEREAS, the Concession Agreement, in section thirty-three, provides in part:

LLT shall pay the Town fifteen percent (15%) of monthly gross receipts of Marina, Beach and Tour Boat Operations. Excepting, that (1) the Town shall receive 95% of all non-commercial boat permits sold to third parties at the Marina, and (2) the Town shall receive the full \$50 hourly rate for the rental fee charged at the beach. The Town shall receive no discount on fuel purchased by the Town at the Marina; and,

WHEREAS, the Town and LLT have agreed to reduce the concession fee for monthly gross receipts of retail marine fuel sales at the Marina; and,

WHEREAS, the Town has agreed to dedicate a section of the Town's floating dock and ramp; and,

WHEREAS, the Town and LLT have agreed to a pedestrian viewing area at Lake Lure Beach; and,

WHEREAS, the Concession Agreement, in section thirty-two, provides in part:

Agreement to operate Beach. The term of this Agreement shall be for an initial five (5) year term beginning February 15, 2018 through February 14, 2023. Upon successful completion of the fourth year of the initial five-year term, the Town and LLT shall timely and fully, during the fourth year of the five-year term, cooperatively discuss the Town's options regarding any extension, modification, or termination of this Agreement. Any extension, modification or termination of this Agreement will be at the sole discretion of the Town.

NOW, THEREFORE BE IT RESOLVED, in consideration of the Concession Agreement, and other good and valuable consideration, the sufficiency of which is hereby acknowledged by the parties, the Town and LLT agree as follows:

The Concession Agreement is amended to provide that LLT shall pay the Town five percent (5%) of monthly gross receipts of retail marine fuel sales at the Marina; and,

The Concession Agreement is amended to provide that the Town shall allow a 200' section of floating dock and a 21' section of 4'-wide aluminum, hand-railed ramp owned by the Town to be re-situated East-to-West from the Northerly point of the Pool Creek peninsula, running approximately where the current Beach swimming area demarcation line resides, at LLT's sole expense; and,

The Concession Agreement is amended to provide that LLT shall pay the Town fifteen percent (15%) of monthly revenue of the Viewfinder™ and shall provide that LLT will design, supply materials for, and construct a year-round, free-access, pedestrian Viewing Area at the Town Beach at Lake Lure central crosswalk of Memorial Highway, at LLT's sole expense. The Viewing Area will be located at one of the most popular "photograph" areas of the Beach; although the Viewing Area will not facilitate access to the Beach, it will provide seating and rotatable Viewfinder™ amenities for Town visitors. Securing any applicable permits for the construction of the Viewing Area shall be the responsibility of LLT, with such permitting not being unreasonably withheld by the Town. The Viewing Area structure, once completed, will become an asset of the Town; although the housekeeping of and minor repairs to the structure, along with ownership of and the servicing and "robbing" of the coin-operated Viewfinder™ shall remain the responsibility of LLT.

The Concession Agreement is amended to provide that the term of the Agreement to operate the Beach shall be for an initial five (5) year term beginning February 15, 2018 through February 14, 2023, at which date, upon successful completion of the five-year term, the Town shall renew the Beach Concession Agreement for an additional five year period, commencing February 15, 2023 through and ending February 14, 2028.

Except as expressly amended herein, the Concession Agreement dated February 15, 2018, shall remain in full force and effect.

This the 12th day of February, 2019.

TOWN OF LAKE LURE

Kevin Cooley, Mayor

ATTEST: _____ (SEAL)
Michelle Jolley, Town Clerk

LAKE LURE TOURS, INC.

George Wittmer, President

ATTEST: _____
Secretary

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

Meeting Date: February 12, 2019

SUBJECT: Final Report from the Asset Management Board, Acceptance of the Board's Final Set of Minutes, and Disbandment of the AMAB Board.

AGENDA INFORMATION:

Agenda Location: Unfinished Business
Item Number: B
Department: Administration
Contact: Shannon Baldwin, Town Manager
Presenter: Shannon Baldwin, Town Manager

BRIEF SUMMARY: Council asked that the AMAB present a final report of their recommendations of all town owned assets. Council is also asked to review and "accept" their final set of minutes.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To accept the January 30, 2019 Asset Management Advisory Board Minutes as presented, adopt the final report from the Asset Management Board, and disband the Asset Management Board effective immediately.

FUNDING SOURCE: n/a

ATTACHMENTS: Final report from AMAB, AMAB minutes from January 30, 2019, Example of a TOLL property abstract, and an excerpt from the January 26, 1993 Town Council Minutes regarding off-premise signs

STAFF'S COMMENTS AND RECOMMENDATIONS: The AMAB met on January 30rd to discuss a final report to Town Council regarding town owned assets. Charlie Ellis, AMAB Chairman, will be attending the Council meeting to present this report. The AMAB feels that their board has accomplished what it was tasked to do and may no longer be needed.



Minutes of the Special Meeting of the
Asset Management Advisory Board
January 30, 2019
Lake Lure Municipal Center

Present: Charlie Ellis
Andy Bell
Bob Wald
Mike Holden
Linda Turner
Tom McKay
John Moore, Town Council Liaison

Also Present: Michelle Jolley, Town Clerk

Absent: n/a

CALL TO ORDER

Mr. Ellis called the meeting to order at 2:03 p.m. and welcomed those present.

APPROVAL OF THE AGENDA

Mr. Wald made a motion to approve the Agenda as presented. Mr. McKay seconded and the motion carried 5-0.

APPROVAL OF THE MINUTES

Mr. Holden made a motion to approve the November 27, 2018 Minutes. Mr. Wald seconded and the motion carried 5-0.

DISCLOSURE OF POTENTIAL CONFLICTS

There were no potential conflicts with the items on the Agenda.

ELECTION OF OFFICERS

Mr. Ellis stated that since it will be the recommendation to Council that this board dissolves, no election of officers is needed.

STATUS REPORTS

- a) Potential Acquisitions – There have been no new property acquisitions.
- b) Properties Identified for Disposition – No properties have been identified for disposition.
- c) Property Development Activity – No property development activity discussed.

UNFINISHED BUSINESS

- a) Discussion and Recommendation to Council of Town Owned Assets – Chairman Ellis presented a draft report of recommendations from the AMAB to Town Council asking that the Board review these recommendations to create a final report that he can present to Town Council for adoption at their February 12th meeting. He mentioned that the report includes the Board's work over the last four years, recommendations for town owned properties, and a recommendation that the Board be dissolved as a result of completion of the work that the Board was tasked to do. Mr. Ellis also suggested that the adopted report be included on the Town's website.

The Board extensively reviewed the draft report provided by Mr. Ellis and discussed recommendations to be added. Mr. Bell inquired about town property located across the highway from the Ingles grocery store mentioning that it is a prime piece of property and suggested the idea of a dog park there. Mr. Ellis noted that he included an option for a dog park under the "Golf Course Area." He stated that the NC 9 area was omitted from his report and the Board agreed to rename "Golf Course Area" to "NC 9/Golf Course Area." The Board discussed ideas for the golf course property and efficient utilization of that land and suggested recommending that Town Council task the Parks and Recreation Board to look into the golf course area to determine the highest and best use of that property. Ms. Turner suggested changing the language from "Golf course unprofitable as currently configured and managed" to "Golf course historically unprofitable as currently conceived and configured."

Mr. Wald suggested the Town publicize and promote that the Beach is accessible after hours and in the off-season. Mr. Bell made a suggestion to add a new bullet point under "Town Center" to include coordination with NCDOT or State Parks for the new entrance to the Chimney Rock State Park. Council Liaison John Moore provided an update on the ABC Store relocation. The Board ensued in discussion regarding the old Lakeview Store property. Mr. Wald suggested encouraging Council to develop the current spoils pit into an event space.

Mr. Holden made a motion to accept this draft report with the recommendations made during discussion. Ms. Turner seconded and the motion carried 5-0.

The Board felt it would be a good idea to recommend that the Zoning and Planning Board review this report from time to time and recommend updates to Council as needed.

NEW BUSINESS

None

ADJOURNMENT

There being no further business, Mr. Holden made a motion to adjourn the meeting. Mr. Ellis seconded and the motion passed 5-0. The meeting was adjourned at 3:47 p.m.

Note: This being the final set of minutes, the Board did not meet again to approve. Town Council voted at their regular meeting on February 12, 2019 to accept these minutes.

ATTEST

Michelle Jolley, Town Clerk

Asset Management Advisory Board

Presentation and Recommendations to Town Council

February 12, 2019

Background

Property Asset Management Task Force created June 10, 2014

First meeting held October 21, 2014, chaired by former Town Manager Chris Braund

- Objective: **Complete an inventory and assessment of Town properties and make recommendations to the Town Council for managing them as a portfolio of assets**
- Reviewed preliminary map of Town assets
- Discussed criteria for identification of public values

Over next several months, the task force:

- Worked with Town staff to create detailed map, comprehensive inventory & individual abstracts for each property
 - Initial inventory totals
 - 46 assets
 - 1,335 acres
 - \$18.8 million in aggregate assessed tax value
- Reviewed strategically important opportunities for acquisition, especially those in support of 2007-2027 Comprehensive Plan and several key area plans subsequently adopted:
 - Town Center Master Plan
 - Gateway Master Plan
 - Morse Park & Pedestrian Bridge Plan
 - Rocky Broad Gateway Plan
 - Dam Overlook Plan
 - NC 9 Small Area Plan
- Adopted a quadrant analysis (attached) to identify properties for Town action

Initial task force recommendations

- Sale of old EMS boathouse (ID # 44) – on hold, pending decision on NCDOT bridge design

- Acceptance/development of Spruce Hill lots (#47 – 56) – partial road paving completed, no further development underway
- Acquisition of former American Legion building – purchase efforts unsuccessful
- Acquisition/redevelopment of retail building for ABC store (#57) – purchase completed
- Solicit RFP for existing ABC store/lakefront site (#13 – 14) – no progress
- Acquisition of former campground on Boys Camp Road (#58 – 59) – purchase completed

Summary of Completed Work

- Finalized map of Town-Owned Assets - October 2018
- Finalized detailed listing of Property Holdings - October 8, 2018
 - Updated inventory totals
 - 62 assets
 - 2,736 acres
 - \$21.9 million in aggregate assessed tax value

Specific AMAB Recommendations

1. Finalize, date, officially adopt, publish on ToLL website (ideally as a single PDF document) the following documents:
 - a. Map of Town-Owned Assets
 - b. Inventory List of Property Holdings
 - c. Individual Abstracts of each ToLL property
2. Lake Area
 - 3 lots on Buffalo Shoals Road – list for sale (#30, 31, 32)
 - Secure year-round deep-water access, especially critical during lake drawdowns
 - After NCDOT bridge replacement plans finalized, list old EMS boathouse for sale (#44)
 - Proceeds towards floating docks to be constructed at Lake Operations office (#36)
 - Relocate all ToLL and police boats to Lake Operations (#36)
3. Waterfront/Beach Area
 - Permanently remove all construction-related activity, materials storage, dumpsters, etc. from area adjacent police boathouse on Marina Bay (#13)
 - After relocation of ABC store, repurpose building and adjacent property for recreation, dining, nature education, etc. (#13, 14)
 - Promote and publicize afterhours and evening availability and access to beach (#12)
 - Consider removal of peninsula to enhance movement of clean water to beach (#12)
4. Town Center
 - Relocate public works facility to other ToLL-owned property along Hwy 9 (#20, 22) or golf course area (#6)

- Create additional permanent parking areas, plus overflow parking for special events
 - Public works (#6)
 - Reconfigure all paved surface parking, ingress/egress @ Arcade/Lake Lure Inn for more efficient use (#45, 46)
 - Coordinate redesign with NC Parks Department, especially for new park entrance
 - Improve through traffic flow during peak periods
 - Reconfigure parking @ beach with NCDOT-approved 'slip' design (#12)
 - Complete redevelopment of Memorial Highway shops building (# 57)
 - Execute lease with ABC board & relocate store
 - Secure tenant lease(s) for remaining shop space
 - Hold vs. sell decision needed
5. NC 9/Golf Course Area
- Commission study for optimum utilization of land (#18, 19, 20)
 - Golf course historically unprofitable as currently conceived and configured
 - Interest in golf waning
 - Current annual subsidy ~ \$80,000
 - Explore additional recreational opportunities, especially on property adjacent to Lake Lure Classical Academy (#19)
 - Par 3 short course, driving range/teaching facility, lighted for afterhours play
 - Relocate tennis courts from Morse Park, pickle ball
 - Development on upper portion of property (holes #8, 9 and range) – (#18)
 - Relocation of Public Works Department
 - Multi-family residential
 - Dog park
 - Lease (or sell) .50 acre lot to Lodge on Lake Lure (#40)
 - Properly permit or remove illegal off-premises sign
 - See ToLL council minutes from 1/26/93
 - If leased, suggest annual rent = 8 – 10% x assessed value
6. Gateway/riverfront Area
- Commence/study redevelopment of acquired properties
 - Boys Camp Road campground, river access trail, parking, bathrooms (#58)
 - Dewatering materials recovery facility and walking trail (#59)
 - Conversion of spoil retention areas in Morse Park to event space (#4)
 - Former El Sureno restaurant property, adjacent to Flowering Bridge (#43)
 - Potential future property acquisitions
 - Riverfront & parking behind Riverside Pavilion Event Center (Moneto, 1.76 acres, parcel # 222634)
 - Former American Legion building (McIntosh, parcel # 16140130)
 - Moore riverfront property (.56 acre, parcel # 1647810)
 - Beio riverfront property (2.6 acres, parcel # 1647811)
7. Consider adoption of policies to appropriately monetize ToLL assets
- a. Lease of excess commercial property

- i. Current ABC store/police boathouse (when available)
 - ii. Vacant Memorial Highway shop space(s) - (~3,000 square feet)
 - iii. Former EMS boathouse
 - b. Sale of excess property to generate cash for community priorities
 - i. Vacant lots on Buffalo Shoals Road
 - ii. Vacant lots on Spruce Hill Road
 - iii. Vacant lots in Luremont
 - iv. Former EMS boathouse
 - v. Redeveloped strip center on Memorial Highway
 - vi. Current ABC store/police boathouse
 - c. Branding/Naming opportunities, for example
 - i. Amphitheatre at Morse Park
 - ii. Dam overlook park
- 8. Dissolution of Asset Management Advisory Board

After four + years of study and analysis, it is the unanimous recommendation of the AMAB to dissolve board, effective upon presentation of final report to Town Council. It is our further recommendation that the final AMAB work product will be maintained and updated as needed by Town staff, with assistance and input from the Zoning and Planning Board.

Respectfully submitted on behalf of the Town of Lake Lure, this 12th day of February 2019.

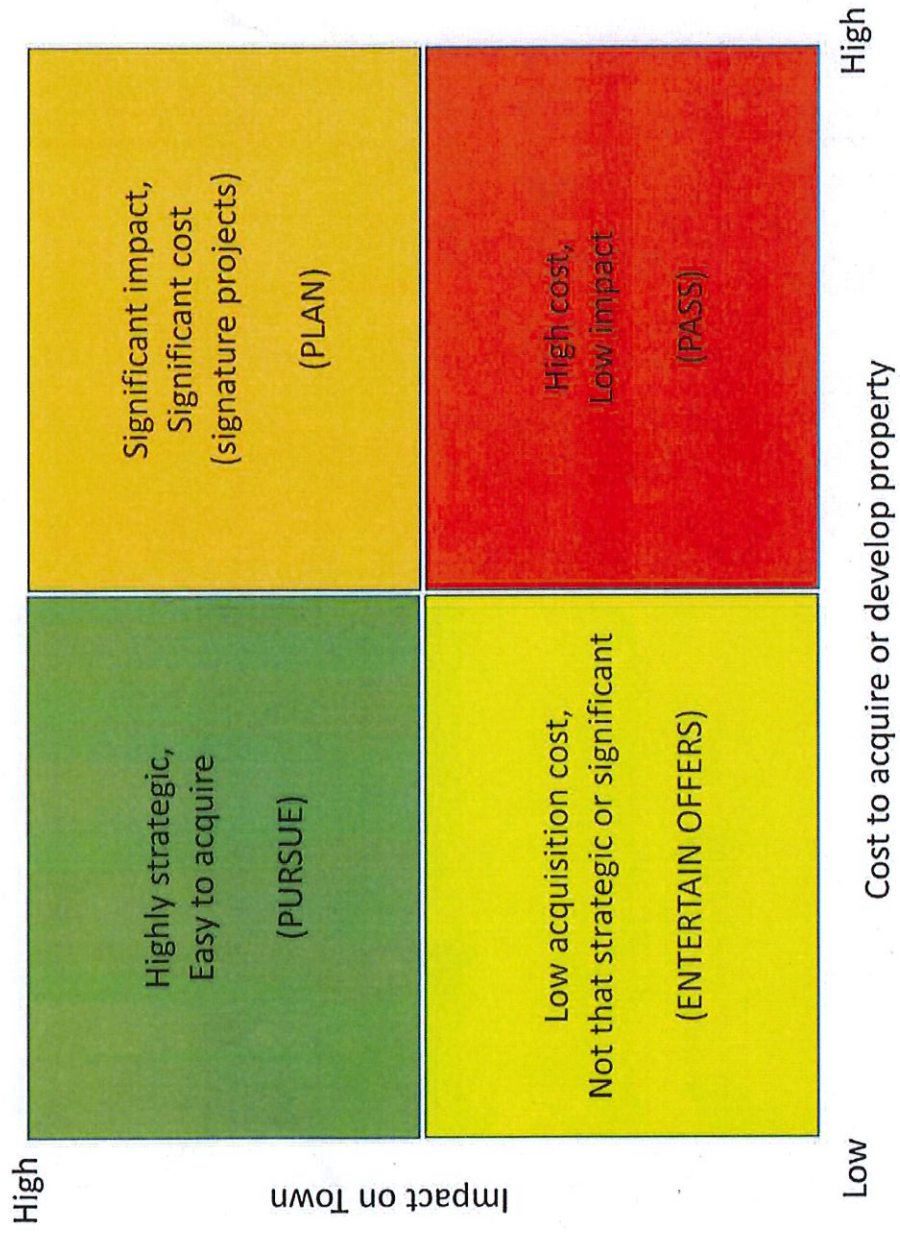
ASSET MANAGEMENT ADVISORY BOARD

By: _____

Charles E. Ellis, Jr.

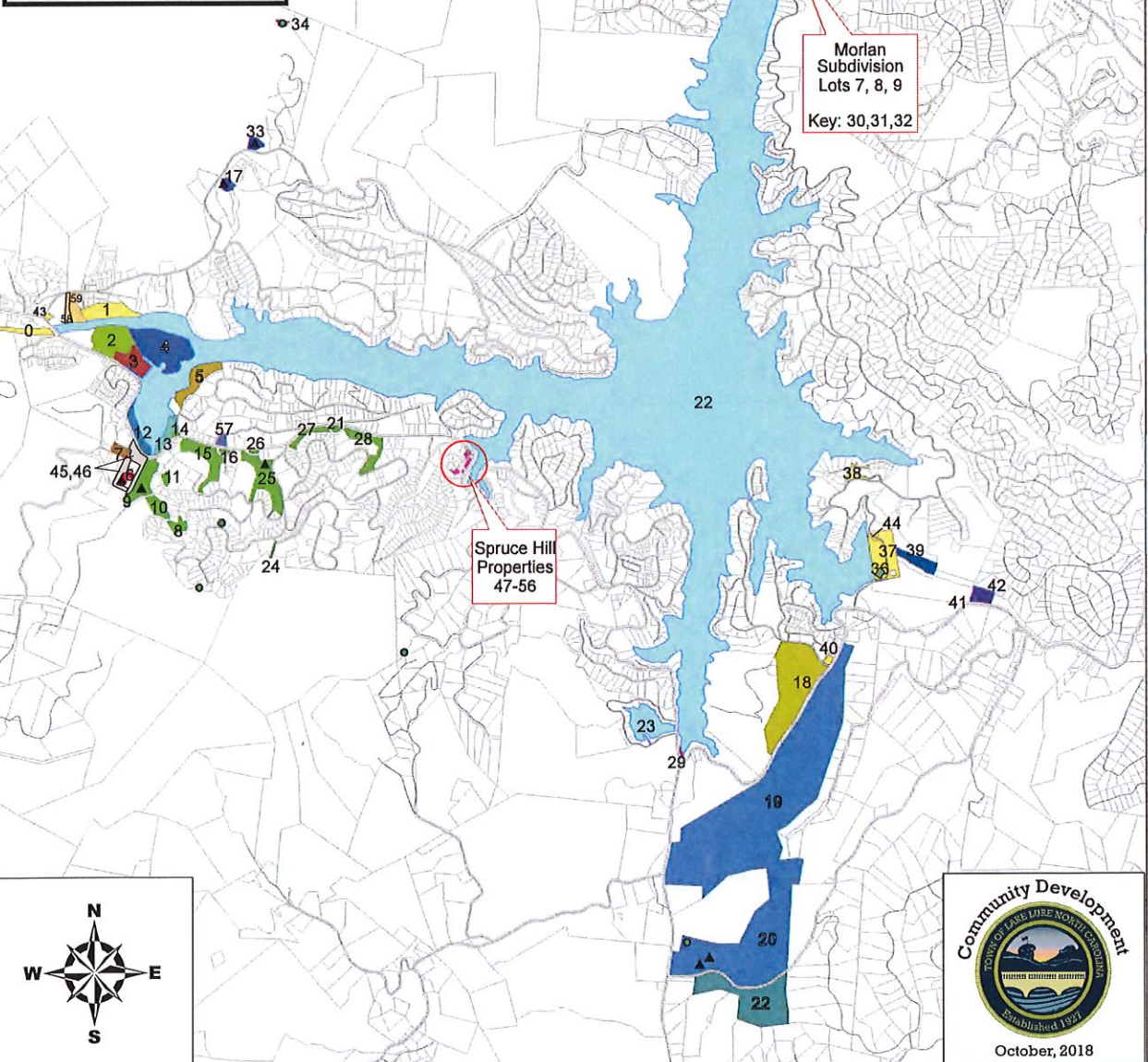
Its: Board Chair

EVALUATING POTENTIAL PROPERTY ACQUISITIONS



TOWN-OWNED ASSETS - OCTOBER 2018

Toll, property west of Flowering Bridge	0
Accretion Island/Drainage Canal	1
Town Hall/Community Bldg/Police	2
Washburn Marina/Parking Area	3
Morse Park	4
Point of Rocks Park	5
Public Works Facilities/Records Storage	6
Traffic Island between Lk Inn & Keeter	7
Collier Cobb Dr. Rec. Trail Area	8
Luremont Rec. Area/Wellhouse/Pool Crk.	9
Off Washburn Road/Luremont Rec. Area	10
Asa Gray Dr/Luremont Rec. Trail Area	11
Beach/Beach Houses/Covered Pavilion	12
Police Boat House	13
ABC Store	14
Hwy. 74 area including Silt Retention Pond	15
Hwy. 74, Luremont Rec. Trail Area	16
Firefly Cove Reservoir & Tank Site	17
Golf Course Area/Firing Ranges	18-20
Hwy. 74/Luremont Rec. Trail Area	21
Waters of Lake Lure/Tryon Bay	22-23
Washburn Dr. Street ROW Area	24
Memorial Hwy./Town of Lake Lure Well	25
Washburn Road/Luremont Rec. Trail Area	26
Hwy 74 & Washburn Dr./Luremont Rec. Trail	27
Hwy. 74/Luremont Rec. Trail Area	28
Welcome Sign Property @ Larkin's	29
Lots 7, 8, 9 Morlan Subdivision	30,31,32
Firefly Well Lot	33
Water Storage Tank Site	34
Buffalo Creek Park	35
Lake Lure Dam/Lake Ops./Powertehouse	36,37
Sunset Cove Road (Upper Portion)	38
North Side of River Below Dam	39
Lot Across from Fire Station	40
Wastewater Treatment Plant Parcel	41
Wastewater Treatment Plant	42
Hwy 74/Gateway to Flowering Bridge	43
Old EMS Boathouse and Parking Area	44
Roads/Parking/Islands-Arcade Area	45
West Side/Arcade Bldg./PW Yard Area	46
Spruce Hill Parcels	47-56
Multi-Tenant Commercial Shell Bldg.	57
Boys Camp Rd. Past Campground Areas	58,59
Weed Patch Mountain Recreation Area	60



Town of Lake Lure - Property Holdings

ID	TAXPIN	PROPERTY DESCRIPTION	ACRES	TAX VALUE	ADDRESS	USE	Public Infrastructure	Road ROW / Drainage	Park / Recreation	Green Space / Viewshed	Lake or River Access	Town Gateways / Entrances	Appreciating Real Estate Investment	Possible Future Public Infrastructure	Historic	Vehicle Parking
0	1645762	ROCKY BROAD RIVER	2.74	\$100	US 647 74A	Rocky Broad River West of Flowering Bridge										
1	1647424	ACCRETION ISLAND & DRAINAGE CANAL	5.50	\$308,000	US 647 74A	Boys Camp road Dredging Spills Pit	X				X			X		
2	1648652	TOWN OF LAKE LURE PB207/133	7.77	\$3,967,000	28322248 MEMORIAL HWY	Town Hall Community Bldg Morse Park	X									
3	1648621	TOWN OF LAKE LURE PB 32/133 BOAT DOCKS	4.50	\$1,701,600	MEMORIAL HWY	Marina					X					X
4	1604697		12.90	\$3,325,100	2830 MEMORIAL HWY	Morse Park					X					
5	1617245	JACK LONDON RD	5.23	\$1,931,200	JACK LONDON RD	Point of Rocks Park					X			X		X
6	1612898	BLDG 2ND STREET	0.55	\$184,000	138 BOTTOMLESS POOLS DR	Public Works	X							X		X
7	1601458	UNDEY PARK AREA	1.37	\$184,000	138 BOTTOMLESS POOLS DR	Traffic Island and Parking between LL Inn and Keeler										
8	1611244	COLLIER COBE DR	1.37	\$184,000	138 BOTTOMLESS POOLS DR	Public Works										
9	1611244	COLLIER COBE DR	1.37	\$184,000	138 BOTTOMLESS POOLS DR	Public Works										
10	1616392	OFF WASHBURN RD	4.46	\$336,300	138 BOTTOMLESS POOLS DR	Luremont Recreation/ Trails, wellhouse										
11	1635841	ASA GRAY	2.00	\$8,100	138 BOTTOMLESS POOLS DR	Luremont Recreation/ Trails										
12	1698739	BLDG HWY 74	0.62	\$3,400	ASA GRAY DR	Luremont Recreation/ Trails										
13	1616398	POLICE BOAT HOUSE	1.70	\$824,700	2724 MEMORIAL HWY	Beach					X				X	
14	1616397	ABC STORE	0.21	\$448,600	2862 MEMORIAL HWY	East side of Beach					X				X	
15	1616929	HWY 74	0.84	\$214,400	2854 MEMORIAL HWY	ABC Store					X					
16	1616927	HWY 74	5.84	\$168,700	MEMORIAL HWY	Luremont Recreation/ Trails					X					
17	1841558	FIREFLY COVE REV WELL & TANK SITE PB 28 PG 265	0.34	\$14,000	MEMORIAL HWY	Luremont Recreation/ Trails					X					
18	1841654	BLDGS MEMORIAL HWY GOLF COURSE TRACT PB 2-28	1.06	\$1,000	BOYS CAMP RD	Well Site	X									
19	1841654	BLDGS MEMORIAL HWY GOLF COURSE TRACT PB 2-28	2.98	\$1,209,000	622658 MEMORIAL HWY	Golf Course	X							X		
20	1841654	BLDGS MEMORIAL HWY GOLF COURSE TRACT PB 2-28			622658 MEMORIAL HWY	Golf Course / Donald Ross Trails / Regional Center	X							X		
21	1616915	HWY 74	0.50	\$4,000	MEMORIAL HWY	South of Island Creek road								X		
22	1647423	WATERS OF LAKE LURE	806.63	\$1,186,600	US 647/74 HWY	Luremont Recreation/ Trails										
23	1647423	WATERS OF LAKE LURE			US 647/74 HWY	Luremont Recreation/ Trails										
24	1626655	RAW FOR PUBLIC STREET	0.25	\$100	WASHBURN RD	Luremont Recreation/ Trails					X					
25	1641480	MEMORIAL HWY TOWN OF LL WELL	7.24	\$9,100	2482 MEMORIAL HWY	Luremont Recreation/ Trails	X									
26	1616931	HWY 74	0.20	\$28,100	WASHBURN RD	Luremont Recreation/ Trails					X					
27	1616931	HWY 74 & WASHBURN DR	3.60	\$23,000	MEMORIAL HWY	Luremont Recreation/ Trails					X					
28	1616931	HWY 74	0.28	\$65,000	MEMORIAL HWY	Luremont Recreation/ Trails					X					
29	1617501	LT 8 MORLAN SUBD	0.24	\$320,000	BUFFALO SHOALS RD	Welcome Sign Property at Larkins						X				
30	1617501	LT 8 MORLAN SUBD	0.24	\$320,000	BUFFALO SHOALS RD	Recreation/ Green Space (Restricted Use)					X					
31	1617501	LT 7 MORLAN SUBD	0.23	\$320,000	BUFFALO SHOALS RD	Recreation/ Green Space (Restricted Use)					X					
32	1617501	LT 7 MORLAN SUBD	0.23	\$320,000	BUFFALO SHOALS RD	Recreation/ Green Space (Restricted Use)					X					
33	1645478	RIDGE @ FIREFLY WELL LOT PB28 PG20	1.23	\$200	BOYS CAMP RD	Well Site										
34	1646241	WATER STORAGE TANK SITE	0.43	\$100	BOULDER RUN DR	Firefly Cove Water Tank	X									
35	1647694	PB 31/130	200.00	\$510,000	2161 BUFFALO CREEK RD	Buffalo CreekPark					X					
36	1649749	LAKE LURE DAM LOT B PB34 PG108	8.46	\$619,500	197 BUFFALO SHOALS RD	Dam and Lake Operations					X				X	
37	1649749	LAKE LURE DAM LOT B PB34 PG108			197 BUFFALO SHOALS RD	Dam and Lake Operations					X				X	
38	219448	BUFFALO SHOALS ROAD	0.74	\$5,000	BUFFALO SHOALS RD	Sunset Cove Road Upper Portion		X								
39	227254	NEAR DAM SITE	2.00	\$7,200	BUFFALO SHOALS RD	North side of river downstream of dam	X									
40	1616609	CHARLOTTE RD	0.50	\$50,000	MEMORIAL HWY	Corner across from Fire Station										
41	1616604	HWY 74	0.08	\$1,000	MEMORIAL HWY	WWTP	X									
42	1616659	BLDG HWY 74	3.00	\$80,200	1827164 MEMORIAL HWY	WWTP	X									
43	231863	RES HWY 74	0.28	\$227,400	1047 106 BOYS CAMP ROAD	Western Gateway to Flowering Bridge					X		X			X
44	1647500	LOT B PB34 PG108	0.48	\$175,100	273 BUFFALO SHOALS RD	Old EMS boothhouse and parking area					X		X			X
45	No parcel	Roads, parking and islands between arcade and highway			301 Arcade Street	Roads, parking and islands between arcade and highway										
46	No parcel	Western side of arcade Bldg and public works yard			301 Keeler Lane	Western side of arcade Bldg and public works yard										
47	224427	Sprouce Hill Parcel	0.06	\$3,000	827 1234 421 W 35 25 46 769 N	Vacant Parcel on Sprouce Hill Dr										
48	224427	Sprouce Hill Parcel	0.07	\$8,000	827 1234 421 W 35 25 46 769 N	Vacant Parcel on Sprouce Hill Dr										
49	224427	Sprouce Hill Parcel	0.07	\$8,000	827 1234 421 W 35 25 46 769 N	Vacant Parcel on Sprouce Hill Dr										
50	224427	Sprouce Hill Parcel	0.07	\$8,000	827 1234 421 W 35 25 46 769 N	Vacant Parcel on Sprouce Hill Dr										
51	224427	Sprouce Hill Parcel	0.06	\$8,000	827 1234 421 W 35 25 46 769 N	Vacant Parcel on Sprouce Hill Dr										
52	224427	Sprouce Hill Parcel	0.05	\$8,000	827 1234 421 W 35 25 46 769 N	Vacant Parcel on Sprouce Hill Dr										
53	224427	Sprouce Hill Parcel	0.09	\$3,300	827 1234 421 W 35 25 46 769 N	Vacant Parcel on Sprouce Hill Dr										
54	224427	Sprouce Hill Parcel	0.14	\$3,300	827 1234 421 W 35 25 46 769 N	Vacant Parcel on Sprouce Hill Dr										
55	224427	Sprouce Hill Parcel	0.08	\$3,100	827 1234 421 W 35 25 46 769 N	Vacant Parcel on Sprouce Hill Dr										
56	224427	Sprouce Hill Parcel	0.11	\$2,900	827 1234 421 W 35 25 46 769 N	Vacant Parcel on Sprouce Hill Dr										
57	1604850	Commercial Shell building	0.78	\$396,400	2854 Memorial Highway	Multi-tenant Shell building; gutted	X					X				
58	1648077	Boys Camp Road Parcel	1.00	\$100	827 1472 444 W 35 26 15 758 N	Vacant Parcel on Boys Camp Rd										
59	1648078	Boys Camp Road Parcel	2.31	"under review"	827 1472 444 W 35 26 15 758 N	Vacant Parcel on Boys Camp Rd										
60	1647963	Wood Patch Mountain Recreation Area	1388.00	\$2,638,400	827 1322 247 W 35 29 59 882 N	Vacant Parcel on Recreation Area										

2735, 91 21905700, 00

Town of Lake Lure - Land Assets

PROPERTY ABSTRACT

Lake Lure Property ID

40

GIS DATA

Tax PIN

1616909

Property Description
(From GIS)

CHARLOTTE RD

Acres

0.50

Address

MEMORIAL HWY

Zoning District

R-1

PROPERTY USAGE

Current Use

Corner across from Fire Station

History

Future Use

Property Restrictions

Town Services /
Maintenance
Requirements

Impact / Relationship
with Surrounding
Properties

FINANCIAL

Acquisition Date

1993

Acquisition Cost

Improvements since
Acquisition

Assessed Property
Value (land and
buildings)

\$50,000

Annual Income

Town of Lake Lure - Land Assets

PROPERTY ABSTRACT

Lake Lure Property ID

40

Income Potential

Annual Costs (est.)

STRATEGIC VALUE / ATTRIBUTES

	Public Infrastructure
	Road ROW / Drainage
	Park / Recreation
	Green Space / Viewshed
	Lake or River Access
	Town Gateways / Entrances
	Appreciating Real Estate / Future Private Investment
	Possible Future Public Infrastructure
	Historic
	Vehicle Parking

Pictures





TOWN OF LAKE LURE • P. O. BOX 255 • LAKE LURE, N.C. 28746
704/625-9983 • 704/625-9396 • FAX 704/625-8371

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN
COUNCIL HELD TUESDAY, JANUARY 26, 1993 AT 7:30 P.M. AT THE
COMMUNITY CENTER.**

PRESENT: Mayor Priscilla Doyle
Commissioner Bill Bush
Commissioner Jack Donovan
Commissioner Alex Karr
Commissioner Max Lehner

J. Christopher Callahan, Attorney
Thomas M. Hord, Town Manager

ABSENT: N/A

CALL TO ORDER

Mayor Doyle called the meeting to order at approximately 7:30 p.m.

INVOCATION

Tom Hord, Town Manager, gave the invocation.

APPROVAL OF MINUTES

Commissioner Lehner moved, seconded by Commissioner Bush, to approve the minutes, as presented, of the Tuesday, December 15, 1992 Regular Council meeting and the minutes of the Tuesday, January 5, 1993 Recessed

PAGE 2 - MINUTES OF THE JANUARY 26, 1993 REGULAR COUNCIL MEETING

Council meeting. The vote of approval was unanimous.

AUDIENCE OF CITIZENS

John Kilby, resident of 13 Neighborly Drive, requested that the level of the lake be lowered to approximately 4 to 4-1/2 feet. Mr. Hord assured Mr. Kilby that the intentions are to lower the lake to the level requested. However, the weather has delayed the process.

Michael Banks, owner of Necro Designs Tattoo Parlor, discussed with Council his concern of the proposed commercial regulations which were to be formally presented to Council. Council informed Mr. Banks that if they adopted the proposed commercial regulations in its present format, as an existing use this business would be allowed to continue by grandfathering.

**REQUEST FOR POSSIBLE CHANGES
OR AMENDMENTS TO SIGN ORDINANCE
CONCERNING OFF PREMISE ADVERTISING**

Mr. Jack Stanier came before Council and requested that Section 1310 Signs Prohibited - (5) Off-Premise signs along public thoroughfares of the Sign Ordinance be amended by stating off-premise signs are allowed if in accordance and/or compliance with state and/or federal regulations.

Mr. Stanier stated that if his request is approved, the Lodge on Lake Lure would like to pursue leasing land from the Town on the Northwest corner of Highway 74 and Charlotte Drive to erect a sign.

Mr. Stanier emphasized that, if approved, they would work with the proper Town officials as far as size, appearance, construction, etc.

Council pointed out that Section 1403 of the Lake Lure Sign Ordinance reads that **before taking any action on a proposed amendment to the**

PAGE 3 - MINUTES OF THE JANUARY 26, 1993 REGULAR COUNCIL MEETING

ordinance, the Town Council shall consider the Zoning and Planning Board's recommendations on each proposed amendment. The Zoning and Planning Board shall have thirty-five (35) days after the first consideration of the application within which to submit its recommendations to the Town Council. Failure of the Zoning and Planning Board to submit recommendations within the thirty-five (35) day period shall constitute a favorable recommendation.

Therefore, it was the consensus of Council that Mr. Stanier should go before the Zoning and Planning Board with his request.

REQUEST FOR BOATHOUSE VARIANCE
--

Mrs. Donna Sams came before Council requesting a variance to continue the construction of her boathouse.

Mrs. Sams was granted permission at the August 25, 1992 Regular Council Meeting to continue construction of her boathouse, according to the plans submitted, if in accordance with all the existing zoning provisions.

The construction of the boathouse, however, was stopped due to height restriction on October 2, 1992. During inspection, it was determined that Mrs. Sam's boathouse was not only out of compliance with height, but was also out of compliance with the sides.

Dr. Metcalf, neighbor of the Sams, spoke to Council regarding the boathouse as it is currently constructed. Dr. Metcalf stated that the boathouse has hidden his view of the lake.

Commissioner Karr moved, seconded by Commissioner Bush, to table this item until they could review the matter more thoroughly. The vote of approval was unanimous.

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

Meeting Date: February 12, 2019

SUBJECT: Organizational Chart

AGENDA INFORMATION:

Agenda Location: Unfinished Business
Item Number: C
Department: Administration
Contact: Shannon Baldwin, Town Manager
Presenter: Shannon Baldwin, Town Manager

BRIEF SUMMARY:

The attached "Town of Lake Lure Organizational Chart" reflects previously discussed and agreed upon positions and associated restructuring.

The Town will soon have three full-time Dam Operators, assuming the last one clears all administrative requirements. These positions report directly to the Public Works Director.

"Lake Operations Director" title has become the "Parks, Recreation & Lake Director" and the position will have responsibility for parks, recreation and lake. However, a Parks and Recreation Coordinator position has been added to give focused attention to parks and recreation under the direct supervision of the Parks and Recreation & Lake Director.

The "Parks & Recreation Supervisor" title has now become the "Parks & Recreation Maintenance Supervisor." Duties for the position will remain the same, but the position now reports to the Parks and Recreation Coordinator.

Front administrative staff positions such as the "Administrative Specialist", "Customer Service Specialist" and "Human Resource Coordinator" now have a direct report to the Finance Director. However, the Town Manager works closely with the Human Resource Coordinator as has direct communication with this position day to day.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To receive and acknowledge the organizational chart for use by the Town Manager.

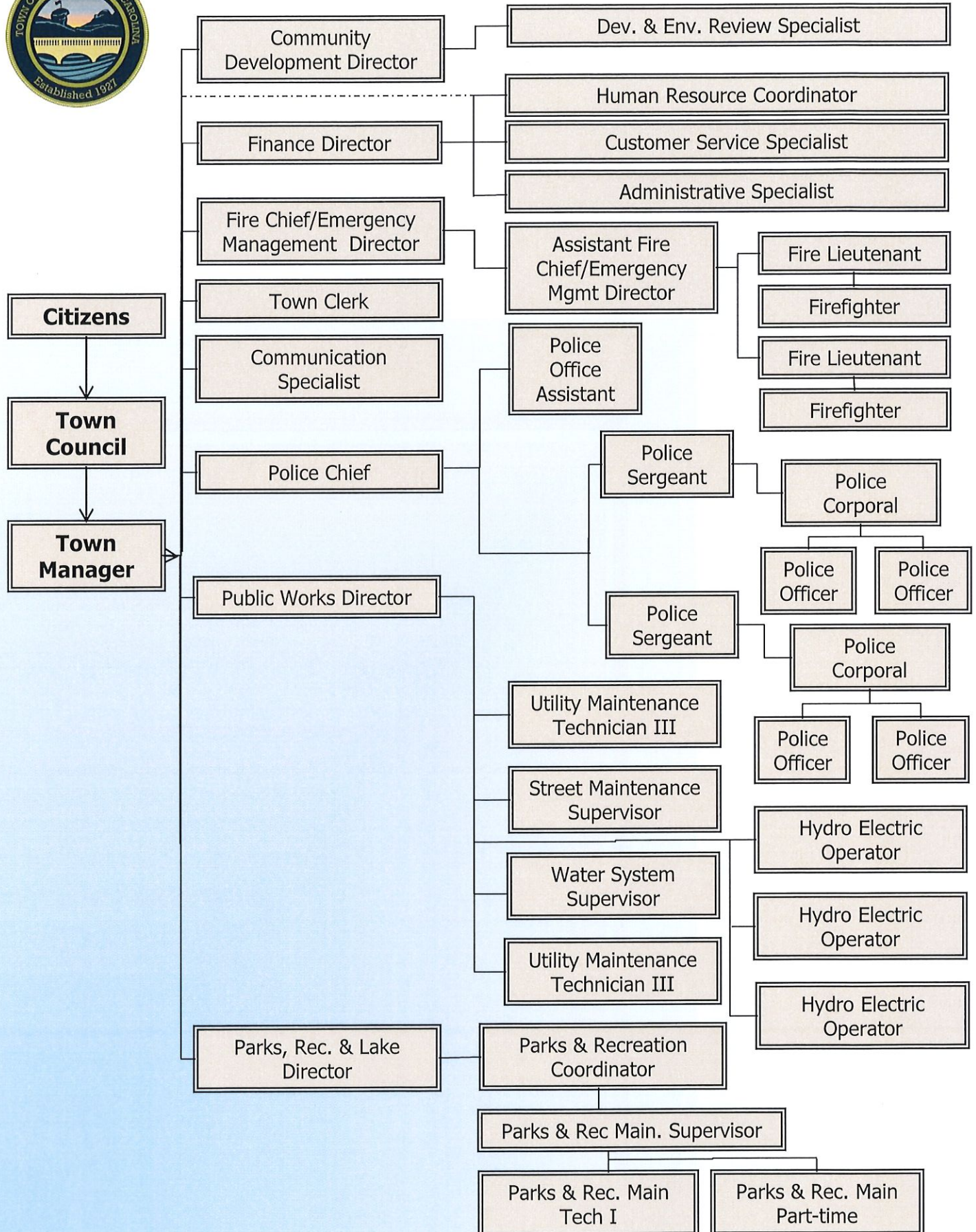
FUNDING SOURCE: n/a

ATTACHMENTS: Organizational Chart

STAFF'S COMMENTS AND RECOMMENDATIONS: The Town Manager requests Town Council receive and acknowledge the organization chart as presented.



Town of Lake Lure Organizational Chart



XI
NEW BUSINESS

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

Meeting Date: February 12, 2019

SUBJECT: Ordinance No. 19-02-12: An Ordinance amending the Town of Lake Lure Zoning Regulations, specifically § 92.042 “Special Requirements for Certain Uses.”

AGENDA INFORMATION:

Agenda Location: Public Hearing/New Business
Item Number: A/A
Department: Community Development
Contact: Brad Burton, Community Development Director
Presenter: Brad Burton, Community Development Director

BRIEF SUMMARY: The current regulations concerning Telecommunications Facilities and Antennae, also contemporarily known as Wireless Telecommunications Facilities, were initially adopted in 2003. The regulations brought to the Council for review reflect new Federal and State mandated changes to local telecommunications regulations, and also reflect contemporary advances in facility siting and technology specific to the telecommunications industry.

RECOMMENDED MOTION AND REQUESTED ACTIONS: (Councilman) recommend approval of Ordinance 19-02-12, an Ordinance amending the Town of Lake Lure Zoning Regulations, specifically § 92.042 “Special Requirements for Certain Uses.”

FUNDING SOURCE: n/a

ATTACHMENTS: Ordinance containing amended regulations for section § 92.042.

STAFF’S COMMENTS AND RECOMMENDATIONS: Staff recommends approval of Ordinance 19-02-12.

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

Meeting Date: February 12, 2019

SUBJECT: 2019-2024 Capital Improvements Plan

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: B
Department: Administration
Contact: Shannon Baldwin, Town Manager
Presenter: Shannon Baldwin, Town Manager

BRIEF SUMMARY: At your meeting on February 12th, staff will present a draft of the 2019-2024 Capital Improvement Plan (CIP). As a reminder, the CIP is a financial planning tool that looks into the future to forecast the Town's equipment, building and infrastructure needs. Generally speaking, an item is included in the Town's CIP if it has a life expectancy of greater than one year and a value of greater than \$5,000.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To call for a Public Hearing on March 12, 2019 at 5:00 p.m. or as soon thereafter as possible to discuss the proposed 2019-2024 Capital Improvements Plan.

FUNDING SOURCE: General Fund/Water and Sewer Fund/Hydroelectric Fund

ATTACHMENTS: The Draft 2019-2024 Capital Improvement Plan

STAFF'S COMMENTS AND RECOMMENDATIONS: Board members, or the public, will need to determine if they feel there are projects that need to be added, modified or even deleted from the plan. The Board will then have a month to review the CIP and to meet as often as you feel is necessary to finalize the plan. I have asked the Board to schedule a public hearing on the plan for March 12 and following the public hearing if you feel it is appropriate, consider it for adoption.

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

Meeting Date: February 12, 2019

SUBJECT: Closed Session Minutes Policy

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: C
Department: Administration
Contact: Shannon Baldwin, Town Manager
Presenter: Shannon Baldwin, Town Manager

BRIEF SUMMARY: The Town Attorney recommended a policy in place regarding closed session minutes. The Town Clerk and Town Attorney worked together to draft a policy for Council review.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To adopt the Closed Session Minutes Policy as presented.

FUNDING SOURCE: n/a

ATTACHMENTS: Closed Session Minutes Policy

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff recommends approval.



CLOSED SESSION MINUTES POLICY

“(1) Full and accurate written minutes and a written general account shall be kept of each closed session in such form that a person not in attendance would have a reasonable understanding of what transpired. The written minutes and general account of closed sessions may be combined into one record called ‘minutes.’

“(2) The minutes shall be taken by the Town Clerk. In the absence of the Town Clerk, the minutes shall be taken by the Town Attorney. Draft minutes may be made available only to the Town Clerk, Town Manager, Assistant Town Manager, Town Attorney and Town Council Members.

“(3) Closed session minutes shall be approved by the town council during a subsequent closed session or in Open Session as part of the Consent Agenda. In either case, each Board member shall initial his/her copy and all copies shall be retrieved by the Town Clerk or Town Attorney.

“(4) All minutes of closed sessions shall be sealed, unless sealing is not legally permissible.

“(5) The Town Attorney, Town Manager, and Town Clerk are authorized and directed to review periodically (no less than annually and preferably every six months) each set of closed session minutes created since the previous such review, and earlier sets that remained sealed following previous reviews, to determine if their disclosure would no longer frustrate the purpose for which the closed session was held.

“(6) Minutes pertaining to the attorney-client privilege shall be brought by the Town Clerk or Town Attorney to the Town Council for unsealing, unless said minutes pertain to lawsuits or legal issues that have been fully and finally resolved or otherwise definitively mooted. Other minutes

may be brought to the town council by the Town clerk or Town Attorney for unsealing or may be unsealed as provided below.

“(7) If minutes are not required to be brought to the Town Council for unsealing, the Town Council authorizes the Town Attorney to unseal the minutes (with redactions as appropriate) if the Town Attorney finds that disclosing the closed session minutes (or some redacted part of them) would not frustrate the purpose for which the closed session was held and is not otherwise precluded by state or federal law. No further council action is necessary to unseal closed session minutes pursuant to this paragraph.

“(8) Following the unsealing of closed session minutes by the Town Attorney or Town Council, the unsealed minutes shall be returned to the Town Clerk, maintained in a separate volume of unsealed minutes (whether in hard copy or electronic form) and made available for public inspection upon request.”

(9) This policy shall become effective upon adoption. It is intended that this policy be applied retroactively to all closed session minutes since the Town’s incorporation. If specific closed session minutes are requested which were created prior to the adoption of this policy, said minutes shall be examined as set forth in paragraph 5 above.

Adopted this 12th day of February, 2019.

Kevin Cooley, Mayor

Attest:

Michelle Jolley, Town Clerk

