

LAKE LURE TOWN COUNCIL REGULAR MEETING PACKET

Tuesday, July 14, 2020



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



REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL

July 14, 2020

5:00 p.m.

Lake Lure Municipal Center

AGENDA

- I. Call to Order
 - Invocation
 - Pledge of Allegiance
- II. Agenda Adoption
- III. Mayor's Communications
- IV. Town Manager Communications
 - Town Staff
 - FY 20-21 Budget & CIP
 - Major Infrastructure Projects
 - Grants
- V. Council Liaison Reports and Comments
- VI. 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.
- VII. Consent Agenda
 - A. Adoption of the June 9, 2020 Regular Meeting Minutes and the June 24, 2020 Regular Work Session Minutes
 - B. Adoption of the February 11, 2020, March 10, 2020, May 27, 2020, and June 9, 2020 Closed Session Minutes
 - C. Adopt the Families First Coronavirus Response Act Emergency Leave Policy
 - D. BA# 283 – Engineering for Reservoir Drain
 - E. BA# 284 – Small Generator Bearing Work
 - F. Resolution No. 20-07-14 Intent to Reimburse for the Purchase of Town Vehicles
- VIII. Unfinished Business

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- IX. New Business
 - A. Adopt the Town Manager Second Employment Agreement Addendum
 - B. Waste Water Treatment Plant Sludge Removal Bid Approval
 - C. 2021 Independence Day Celebration Fireworks Event Joint Request from Lake Lure Properties, Lake Lure Tours, and the Chamber of Hickory Nut Gorge
 - D. Adopt the Water Vessel Towing and Transporting of Stranded Vessel Occupants Policy and Approval of a General Release of Liability Form for the Transfer of Disabled Boat Occupants
 - E. Adopt Ordinance No. 20-07-14 Picketing
 - F. Town of Lake Lure's Fireworks Event
- X. Closed Session in Accordance with G.S. 143-318.11(a)(3) for the purpose of discussing attorney client privilege or legal claims.
- XI. Adjournment

IV

TOWN MANAGER COMMUNICATIONS

- Town Staff
 - FY 20-21 Budget & CIP
- Major Infrastructure Projects
 - Grants



Year End Report / FY 19-20

Overcoming Challenges with Successful Outcomes

Name: Shannon Baldwin

Title: Town Manager

REPORT DATE:

PREPARED FOR:

July 9, 2020

Town Council

I. COMMUNICATIONS/EVENTS/GRANTS

1. Secured FEMA High Hazard Potential Dam Rehabilitation Grant
2. Applied for FEMA Grant RE Low Level Outlet/Reservoir Drain/Sewer Access Valve
3. Created/Maintained Monthly Town News to Increase Public Awareness
4. Increased Facebook/Website/Email Participation by over 10%
5. Created/Launched Virtual Memorial Day Tribute to Veterans
6. Strengthened Collaboration with Lake Lure Classical Academy with Graduation, Lighting Up Lake Lure
7. Enhanced Town Unity with Veterans Day Program with Rumbling Bald Resort

II. COMMUNITY DEVELOPMENT

1. Added Assistant Community Development Director Position
2. Advanced The Highlands Landslide Mitigation Efforts
3. Secured CZO Certification by ACDD
4. Implemented Zoom Meeting Technology for Town Boards & Staff
5. Implemented Training for New/Former Development & Environmental Review Specialist

III. DAM AND HYDROELECTRIC PLANT

1. Secured Contract with Regional Utilities RE Small Generator Repair
2. Negotiated Rotor Removal & Repair with B&M Electric
3. Created New Efficient/Effective Dam Operating Schedule
4. Organized Power House Equipment & Supplies
5. Implemented New Maintenance Protocol RE Power House Equipment
6. Generated Power/Revenue in an Effective/Efficient Manner
7. Sourced One (1) New Employee: Dam & Hydro Director

IV. FINANCE

1. Coordinated Town Audit
2. Played Key Role in Developing FY 20-21 Budget
3. Managed Front Staff
4. Operated/Managed Town Accounting System

5. Worked Closely with LGC RE Marina/Boardwalk Loan
6. Supported All Grant Applications Submitted by the Town

V. FIRE

1. Coordinated Covid-19 Emergency Response Plan
2. Implemented Yearly Inspections/Testing/Pre-Planning RE Personnel, Equipment & Facilities
3. Sourced Four (4) New Fire Fighters
4. Trained Fire Fighters during Live Burn Exercise
5. Transitioned from Code Red to Everbridge Emergency Communication System
6. Performed/Reviewed Fire Prevention Program at LLCA
7. Maintained Full Staff Coverage during Pandemic

VI. HUMAN RESOURCES

1. Recruited/On Boarded Eight (8) FT and Three (3) PT Employees
2. Off Boarded Five (5) Employees and Transferred Three (3) Employees to other departments
3. Created/Updated Multiple Forms/Applications/Reports
4. Ensured Compliance with Personnel Policy
5. Supported One (1) Employee Termination & Multiple Disciplinary Actions
6. Administered 26 Payroll Periods/Ensured Full Compliance with Payroll Tax Laws
7. Supported Audits (Workers Compensation and General)

VII. PARKS, RECREATION, AND LAKE

1. Sourced a New Parks, Recreation and Trails Coordinator
2. Completed Marina/Boardwalk Project, Built New Boat Ramp and Hot Docks
4. Graded Morse Park Amphitheater
5. Applied for PARTF Grant for Boys Camp Road Camp Ground
6. Kept Lake Navigable by Cleaning Debris and Dredging

VIII. POLICE

1. Enforced Covid-19 State of Emergency Orders
2. Sourced One (1) New Officer
3. Purchased One (1) Patrol Vehicle
4. Purchased Mobile Data Terminals (MDT's) for Patrol Vehicles
5. Implemented Yearly Training per State Mandates
6. Ensured No Major Incidents Occurred During All Events/Festivals
7. Maintained Good Relationship with Community during National Unrest
8. Maintained Full Staff Coverage during Pandemic

IX. PUBLIC WORKS

1. Initiated WWTP Sludge Removal Process
2. Installed Sewer Line Valve at Dam per DEQ Mandate
3. Activated FireFly Cove Water System Interconnect Engineering & Permitting
4. Sourced One (1) New Employee, Streets/Sewer Supervisor
5. Continued Town Streets & Stormwater Maintenance Program
6. Purchased two (2) New Vehicles
7. Repaired Slide Area on Dam Road

8. Killed Obsolete 2" Water Line at Lake Lure Diner / Beach
9. Transferred Oversight of Dam & Hydro to New Dam & Hydro Director

X. TOWN CLERK

1. Purchased Lock Pad to Secure all Closed Session Minutes (*never done in the past but required by law*)
2. Secured Funds for Municode for Recodification Services (*has not been done since 1994*)
3. Worked with Town Attorney to Create and have Adopted a Closed Session Minutes Policy
4. Attended Clerk's Conference and Several Online Meetings for Points Towards CMC Certification
5. Created a Picketing Ordinance for Review by Council to Adopt in July (*reviewed by Town Attorney*)
6. Initiated Audio Video Enterprises for a Completely New Mic System
7. Sorted and Cleared Out Several Boxes of Documents from the Records Room
8. Extended Ethics Training Online Course to All Board Members (*never done before in the past*)
9. Attended Records Retention Training with Plans to Set a Date for All Town Staff to Purge Documents/Emails as Needed (required by law)
10. Updated (by adoption of Council) All Board Establishing Resolutions to Include an "At Will" Clause for Removal.

XI. TOWN ENGINEER

1. Rehabilitated Interior Components of the Two Main Butterfly Valves on the Penstock
2. Replaced Hoist for the Drum Gate with a New Hoist
3. Satisfied Items 1 through 4 of FM Global's Risk Assessment Items from their 1/19 Risk Assessment - These 4 have been Removed
4. Submitted Draft Responses for Items 5 and 6 (the only remaining items) of FM Global's Risk Assessment Items which is Under Review
5. Developed and Coordinated the Lake Lowering Schedule for Winter 2019-2020
6. Removed Town from Liability Related to an NOV Issued by the NC DEQ for Silt Contamination of a Creek

XII. TOWN MANAGER

1. **Retained/Recruited Quality Staff** throughout the year
2. Worked closely with Finance Director, Town Council, WithersRavanel to support financial analysis which resulted in a balanced **FY 20-21 Budget and associated CIP** that addresses **critical infrastructure (dam, sewer, dredging, water)** needs
3. Worked closely with UAB to select and hire Labella Associates to manage the Sewer System Renovation
4. Worked closely with Town Council to hire The Policy Group to assist with lobbying efforts in support of future funding to support Lake Lure's **major infrastructure improvements**.
5. Worked closely with Town Staff and other professionals to apply for **grants** to support asset development and critical infrastructure
6. Managed Town Staff and **maintained momentum regarding projects** effectively during the COVID-19 pandemic
7. Worked closely with the Town Engineer to oversee/coordinate technical areas and projects



Town Manager's Report – Submitted July 14, 2020

Overall, June is best characterized as working to complete projects before the end of FY 19-20. Although we staff still wrestles with COVID-19 in small ways, our Management Team Meetings have now resumed and projects are being tracked and discussed on a weekly basis.

Town of Lake Lure Projects Updated: July 9, 2020 @ 1:00 pm							
Community Development	%	Public Works	%	Parks, Recreation & Lake	%	Dam & Hydro	%
Hawkins Land Donation	10	FFC-CRV Water System Inter Connect Study (WR)	95	Boys Camp Road Campground Construction Drawings	0	Paint Interior of Powerhouse	0
Workforce Housing Partnership Proj	10	Remove solids from WWTP	65	Boys Camp Road Campground Construction	0	Replace Boat Barrier/Boom in Front of Dam	0
Wireless Communications Enhancements	60	Lights on Pool Creek Bridge	60	Golf Course re-develop study	0	Automation of Hydro/Dam Control Systems	0
Welcome Center Renovation/Restrooms:Acquired from Mgr. 12-13-2018	35	Get Engineering certificate for sewer projects to DEQ from 2002-2004	75	Morton Property Dredging... Owner is unwilling to allow. I will continue to pursue.	0	Interior Powerhouse Lighting	0
160D Update	5	Deal with Insurance over slide on Burnt Ridgr	60	Welcome Center Renovation Restrooms/RFP	70	Generator #2 Oil Pump Repair	10
Chimney Rock State Park Egree/Ingress	10	CRV, FireFly Cove, ToLL H2O interconnect in conjunction with Public Works	75	Make PR&L self-funded	50	Replace Trash Gate Hoist	20
Voluntary Contiguous Annexation	20	Get State to install signs or lights on bridge at Dam	10	Create Monetization Schedule for P&R Assets and Facility	75	Tainter Gate Lighting	10
Conditional District Rezoning	10			Marina Slip rental policy	20	Stream/Lake level Systems Upgrade	0
Clear Creek Trail / Highlands Slope Failure	75			Marina Phase II funding	0	Small Generator Repair	50
				Seeking private partnership for development of ampitheater/band shell	0		
Standardizing Notification Letter	60						
Staff Training	60			Landscaping at boardwalk fall 2020	10		
Digitizing Permit Files	0			Amphitheater funding	0		
Improving/ expanding technology availability	50			Fee schedule developed by category and applied consistently	25		
				Signs for P&R and Marina	20		
				Grant for dredging	40		

Fire	%	Finance	%	Communications/Grants/Events	%	Police	%
Fire Station Expansion Construction Drawings	55	Secure Financing - Dam Renovation - USDA Loan	35	Communications		Get Charging station at reserve cars	10
Fire Station Expansion Construction	0	Secure Financing - Sewer Replacement	0	Assist with Strategic Messaging Campaign - awaiting prioritization on our Project List.	75	events calendar for 2020	75
Hydrant Repair - Sunset Reserve - Lure Ridge Drive	80	Secure Financing-Fire Building/LGC	0	Work with UAB to develop Editorial on the plans for the Sewer System when timing is right.	20	Study on Noise Enforcement	50
Firefighter Training/ Get new staff current on SOG's	50	Secure Financing - Welcome Center	0	Plan Town Hall Meeting - 7/28/20.	60	Schedule state mandated training for 2020	50
July 3rd and 4th planning	10	Cross Training Program (Amy, Sha'Linda & Linda)	72	Interview Web Masters to replace current website.	25	Schedule Boating Class for Officers	35
Firefighter Training classes @ Sunnyview and Lake Lure	10	NCDEQ Silt Grant/Qrtly Reimburse	70	Grants		Lake schedule for reserves 2020	50
2020 Hydrant Flows and Inspections	0	Vehicle Financing	75	Review Div of Water Grant Opportunities with Kurt Wright, David Arrowood, and WithersRavenel. We will pursue grant opportunities in 2020.			
				Work with Police Dept on Police Grant for Radios through Motorola.	25		
				Work with Fire Dept on Fire Service Grant Opportunities	25		
				Events			
				Olympiad Committee (Kay Dittmer) Cancelled	5		
				Dirty Dancing Festival - Cancelled			
				Work with PRLD, TM, and TDA to plan Ribbon Cutting Ceremony. Date TBD.	10		
				Work with PRLD to coordinate approval for Open Water Swim	10		
				Fireworks Event has been rescheduled for 9/7/20	75		

June Activities

- Weekly Sewer Update w/LaBella and other key personnel, 6/2
- Attended Town Council Meeting, 6/9
- Weekly Sewer Update w/LaBella and other key personnel, 6/9
- Drum Gate Hoist Final Inspection, 6/11
- Weekly Sewer Update w/LaBella and other key personnel, 6/23
- Meeting with Dana Bradley, TDA & Destination by Design, 6/26
- Weekly Sewer Update w/LaBella and other key personnel, 6/30
- Finished up the FY 20-21 Budget & CIP
- Held regular Management Team Meeting throughout the month
- Worked with Communications regarding upcoming July Community Meeting

C. Shannon Baldwin 7/9/20

Town Manager

Date



NAME:

Development and Environmental Review Specialist, Garrett Murphy
Assistant Community Development Director, Mitchell Anderson

DEPARTMENT:

Community Development

REPORT DATE:

June 30, 2020

PREPARED FOR

Town Manager/Town Council

I. ACCOMPLISHMENTS

1. Zoning Administration/Code Enforcement

Certificate of Zoning Compliance Issued	11
Certificates of Zoning Compliance Denied	0
Certificates of Occupancy Issued.....	15
Vacation Rental Operating Permits Issued.....	6
Permanent Sign Permits Issued (0) Temporary (6)	6
Complaints Logged	2
Complaints Investigated	2
Notices of Violation Issued	1
Civil Penalties Issued	0
Stop Work Orders Issued.....	1
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.....	362

2. House/Modular/Heavy Load Moves Through Town..... 0

3. Environmental

Land Disturbance Permits Issued	6
Complaints Logged	3
Complaints Investigated	3
Stop Work Orders Issued.....	0
Floodplain Development Permits Issued.....	2

4. Lake Structures/Shoreline Stabilization

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

5. Subdivision Administration

Preliminary Plat:	0
Final Plat	0
Minor Subdivisions:	0
Exempt Plat Reviews:	1

Lots Approved	0
Review Officer (per GS 47-30):	
Plats Reviewed:	1
Plats Approved:	1
6. Grants Administration	
Total Grants in Progress:.....	.0

II. FOLLOW UP

Communications Enhancements —CDD staff have been in contact with Bonnie Newell who works for the Berkley Group LLC. Ms. Newell has recently inquired about possible cell tower locations for the expansion of Verizon services within the Town's limits. CDD staff have provided information on the Town's application process as well as zoning requirements. No applications have been received at this time.

Sedimentation into Lake/Water Quality Concerns; subwatershed 5-Grey Logs Cove and the Highlands Subdivision — The Town, at the advice of our attorney, has agreed to hold Civil Penalties in abeyance for the opportunity for all parties to meet.

Amy Annino with the State of NC, Brandee Boggs with USACE, Pete Dickerson with Odom Engineering, Clear Water Environment Consultants, and Highlands HOA have meet at the upper road failure site on 02/26/2020. Odom Engineering, as a consultant for Highlands HOA, provided the Town with plans. Staff coordinated and reviewed plans with Amy Annino from NCDEQ and Brandee Boggs from the USACE to ensure all regulator measures are satisfied. Plan revision requests and comments were sent to Pete Dickerson with Odom Engineering on 04/02/2020. Town staff have reviewed the revised plans submitted by Odom Engineering. NCDWR, USACE, and Town Staff have approved the revised plans and have released permits to the applicants. Frequent inspections will be conducted to ensure compliance with Town and State Regulations is maintained throughout the project's phases.

Update: CDD staff have received plan revisions from Odom Engineering for the upper slope failure repair. Plans have been shared with DWR and USACE for their comments or concerns. CDD staff are currently waiting for a response from the two agencies.

Isothermal RPO — Town staff submitted a transportation project proposal for consideration. This concerns the proposed use of Lago Vista Drive as future dedicated egress for Chimney Rock State Park and requests the RPO consider making a funded project out of implementing "appropriate elements" of the adopted 2014 Main Street Plan. In May 2020, NCDOT requested utility location information for a feasibility study based on 2 ingress/egress designs for Chimney Rock State Park into the Lake Lure commercial center. **No updates at this time.**

Standardizing Notification - The Community Development Department are creating and updating standardized notifications that will reduce staff time for repetitive administration work. Garrett Murphy has produced standards for VROP, sign, and unpermitted work violations. **Update: CDD staff have implemented new application for VROPs and ZPs. CDD staff will continue producing standards as needed.**

N.C. G.S. 160D – North Carolina passed new statutes that effect how local municipalities can regulate land use. These updates will become effective on **July 1, 2021**. CDD have been following UNC School of Government updates on these changes and how they impact current ordinances. CDD staff will identify potential conflicts in the Town ordinances, create proposed corrections, and submit these proposed corrections to the Town's attorney before releasing them to the Zoning and Planning board for review and consideration. **Update: CDD staff are currently combing through the Town's ordinances, identifying required changes to comply with GS 160D.**

III. OTHER

In addition to the projects listed above, there are a few things that have required significant focus from the Community Development Department:

- 1) CDD staff have worked with ADNS and Audio Video Enterprises to integrate the audio system in Town Hall into Zoom. This allows for a better Zoom experience for Town meetings.
- 2) CDD staff have been working with Spencer Surveying to complete the Town's Powell Bill submission. The Powell Bill provides municipalities with funding for the maintenance of Town owned streets. This is an annual submission requirement.
- 3) CDD staff with assistance from Amy Wright, HR Coordinator, have been drafting a Town policy that will comply with the requirements of Title VI. This draft, once complete, will be reviewed by the Town's attorney and submitted to Town Council for review.



Mitchell Anderson

Assistant Community Development Director

Name: Laura Krejci

Department: Communications\Events\Grants

REPORT DATE: JUNE 30, 2020

PREPARED FOR: TOWN MANAGER

I. ANALYTICS

1. Facebook Analytics

a. Posts:

06/30/2020 4:28 PM		THE RAINBOW...FROM YESTERDAY: Enjoy this glorious			1.5K		56 107	
06/30/2020 1:58 PM		REMINDER - FREE COVID-19 DRIVE THRU TESTING: The			1K		18 13	
06/30/2020 10:52 AM		Rutherford County COVID-19 Updates by Zip Code, Age, and			1.5K		235 27	
06/30/2020 10:45 AM		Rutherford County COVID-19 - 6/29/20 Updates on Positive Cases:			844		81 7	
06/29/2020 7:30 PM		Rutherford County COVID-19 Updates 6/29/20: There are (25) new			1.7K		184 17	
06/29/2020 1:34 PM		TODAY'S RAINBOW: We can all appreciate the rainbow from this			1.5K		53 93	
06/26/2020 3:57 PM		PLEASE PROTECT YOURSELF AND OTHERS WHILE ENJOYING			1.9K		126 50	
06/26/2020 3:39 PM		Rutherford County COVID-19 Updates by Zip Code, Age, and			967		54 5	
06/26/2020 3:35 PM		Rutherford County COVID-19 - 6/26/20 Updates on Positive Cases.			737		37 1	
06/26/2020 3:32 PM		Rutherford County COVID-19 Updates 6/26/20: There are (12) new			892		49 2	
06/24/2020 5:01 PM		Rutherford County COVID-19 Updates 6/24/20: There are (6) new			1.2K		64 9	
06/23/2020 3:48 PM		REMINDER: FREE COVID-19 DRIVE THRU TESTING: The			1K		13 4	
06/23/2020 2:30 PM		"BEAUTIFUL LAKE LURE FROM APPIAN WAY" Few panoramas in			1.4K		66 58	
06/22/2020 5:34 PM		Rutherford County COVID-19 Updates by Zip Code, Age, and			1.1K		52 2	

1. Facebook Analytics

a. Posts:

06/22/2020 5:10 PM		Rutherford County COVID-19 Updates 6/22/20: There has been a			896		48 3	
06/19/2020 7:01 PM					1.2K		37 33	
06/19/2020 5:21 PM		BE SOCIAL, BUT FROM A DISTANCE: We now know from			1.8K		91 40	
06/19/2020 5:11 PM		PLEASE BE SAFE WHILE WAITING IN LINE: For those waiting in line to			2.4K		256 68	
06/19/2020 4:41 PM		Rutherford County COVID-19 Updates by Zip Code, Age, and			1.3K		88 3	
06/19/2020 4:39 PM		Rutherford County COVID-19 - 6/19/20 Updates on Positive Cases:			900		28 2	
06/19/2020 4:36 PM		Rutherford County COVID-19 Updates 6/19/20: There are (8) new			1.2K		37 8	
06/19/2020 1:01 PM		Celebrating Freedom: Juneteenth (short for "June Nineteenth") marks			2K		44 66	
06/18/2020 1:12 PM		NC COVID-19 Updates: Knowing when to dial up or down measures			1.2K		94 4	
06/17/2020 4:51 PM		FREE COVID-19 DRIVE THRU TESTING: The Foothills Health			1.5K		41 10	
06/17/2020 4:10 PM		Rutherford County COVID-19 Updates by Zip Code, Age, and			988		37 0	
06/17/2020 4:08 PM		Rutherford County COVID-19 - 6/17/20 Updates on Positive Cases:			1K		43 3	
06/17/2020 4:03 PM		Rutherford County COVID-19 Updates 6/17/20: There are (5) new			1.2K		55 3	
06/15/2020 2:59 PM		Rutherford County COVID-19 Updates by Zip Code, Age, and			1.2K		57 3	
06/15/2020 2:55 PM		Rutherford County COVID-19 - 6/15/20 Updates on Positive Cases:			1.2K		44 3	
06/15/2020 2:50 PM		Rutherford County COVID-19 Updates 6/15/20: We are very			3.5K		353 48	

1. Facebook Analytics

a. Posts:

06/12/2020 12:38 PM		Rutherford County COVID-19 Updates by Zip Code, Age, and			910		36 0	
06/12/2020 12:34 PM		Rutherford County COVID-19 - 6/12/20 Updates on Positive Cases:			1.2K		81 2	
06/12/2020 12:28 PM		Rutherford County COVID-19 Updates 6/12/20: There are (19) new			1.3K		82 5	
06/11/2020 12:12 PM		The Lake Lure Classical Academy Class of 2020 officially graduated on			2.1K		137 113	
06/10/2020 4:08 PM		Rutherford County COVID-19 Updates by Zip Code & Other Details			1.2K		49 4	
06/10/2020 4:05 PM		Rutherford County COVID-19 - 6/10/20 Updates on Positive Cases:			890		27 2	
06/10/2020 4:02 PM		Rutherford County COVID-19 Updates 6/10/20: There are two (2)			1.8K		140 10	
06/08/2020 12:25 PM		Rutherford County COVID-19 Updates by Zip Code & Other Details			1.3K		55 6	
06/08/2020 12:23 PM		Rutherford County COVID-19 - 6/8/20 Updates on Positive Cases:			1.3K		109 8	
06/08/2020 12:20 PM		Rutherford County COVID-19 Updates 6/8/20: There are (4) new			1.5K		70 5	
06/07/2020 2:49 PM		VIRTUAL MEMORIAL DAY TRIBUTE: Today we honor Edwin C.			1.1K		13 13	
06/06/2020 11:42 AM		VIRTUAL MEMORIAL DAY TRIBUTE: Today we recognize PFC			1.4K		40 48	
06/05/2020 4:14 PM		Rutherford County COVID-19 Updates by Zip Code & Other Details			1.2K		53 3	
06/05/2020 4:11 PM		Rutherford County COVID-19 - 6/5/20 Updates on Positive Cases:			1.2K		48 3	
06/05/2020 4:05 PM		Rutherford County COVID-19 Updates 6/5/20: There are eight (8)			1.4K		87 6	
06/05/2020 1:33 PM		2020 SEASON OPENING: The Washburn Marina and Lake Lure			3.9K		264 171	

1. Facebook Analytics

a. Posts:

06/05/2020 8:28 AM		VIRTUAL MEMORIAL DAY TRIBUTE: Today we recognize			1K		13 11	
06/04/2020 6:31 PM		VIRTUAL MEMORIAL DAY TRIBUTE: Today we recognize Sam			1K		13 14	
06/03/2020 4:14 PM		Additional Rutherford County COVID-19 Updates 6/3/20: Please			982		43 1	
06/03/2020 4:12 PM		Rutherford County COVID-19 - 6/3/20 Updates on Positive Cases:			1.3K		78 4	
06/03/2020 4:08 PM		Rutherford County COVID-19 Updates 6/3/20: There are TWO new			975		32 1	
06/03/2020 3:49 PM		REMINDER for 6/4/20: SUPPORT THE LAKE LURE CLASSICAL			1.1K		51 17	
06/02/2020 4:58 PM		DRIVE THRU COVID TESTING ON FRIDAY, 6/5/20: The Foothills Health			1.4K		23 9	
06/01/2020 1:15 PM		Additional Rutherford County COVID-19 Updates 6/1/20: Please			1.4K		117 4	
06/01/2020 1:08 PM		Rutherford County COVID-19 - 6/1/20 Updates on Positive Cases:			1K		42 2	
06/01/2020 1:02 PM		Rutherford County COVID-19 Updates 6/1/20: There are TEN new			980		28 1	

1. Facebook Analytics

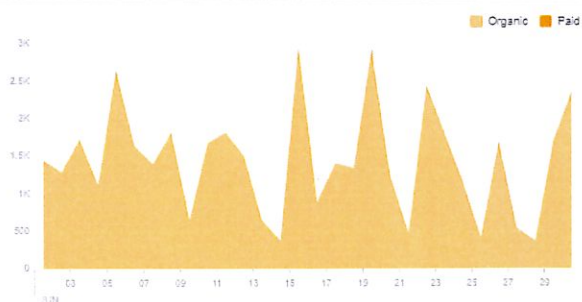
a. Followers (People who have opted-in to “follow” our profile or page, meaning that they will receive our updates in their timeline): **11% increase in “followers” this month with 15,897+ followers as of 6/30/20, compared to 14,379 on 6/30/19.**

e. Likes (When someone likes a Page, they're showing support for the Page and that they want to see content from it): **Increased “likes” this year by 10% increase in “likes” this month.** There are currently **15,584 likes** as of 6/30/20, compared to 14,172 on 6/30/19.

f. Reach:

Post Reach

The number of people who saw any of your posts at least once. This metric is estimated.



2. Website Analytics:

- **Users:** There were 27,039 website users in June 2020, a 46% increase over June 2019.
- **New Users:** There were 19,175 new users in June 2020, a 48% increase over June 2019.
- **Page Views:** There were 67,547 page views in June 2020, 55% increase over June 2019.
- **Sessions:** There were 32,803 sessions in June 2020, 51% increase over June 2019.
- **Inquiries:** All web inquiries answered timely by the Customer Service Specialist.

3. Events:

- a. **LLCA Graduation, June 4, 2020:** The graduation was a big success. Click [here](https://www.youtube.com/watch?v=Hq2FQWVyBS4) to view a video of the graduation. (<https://www.youtube.com/watch?v=Hq2FQWVyBS4>)
- b. **New Marina/Boardwalk Ribbon Cutting Ceremony:** An event will be planned in coordination with the TDA once the project is fully complete. It may be best to plan in Phase Three of the NC Reopening Plan, potentially the end of June. TDA has indicated they need to transfer funds by the end of June for their portion of this project.
- c. **Community Forum:** The Community Forum has been scheduled for 7/28/20. An invitation was mailed to distinguished guests from the Mayor. Citizens were invited via email invitation on 7/2/20 with a link to register for the session they wanted to attend. A run through with Town Council and all presenters has been scheduled on 7/22/20 at 10:00 via zoom meeting.
- d. **Fireworks:** The Fireworks event was cancelled out of an abundance of caution due to the COVID-19 Pandemic. The Fireworks event will be planned for Labor Day, 9/7/20.
- e. **Olympiad:** The Olympiad Committee canceled the event this year due to COVID-19.
- f. **Dirty Dancing:** The festival was cancelled this year due to COVID-19.

III. GRANTS

1. **FEMA High Hazard Dam Grant Award:** Update 4/30/20: Submitted a report on the analysis submitted by Schnabel Engineering as well as receipts for payments made for this work. Await reimbursements. Update 5/31/20: Have checked with NC DEQ and they have confirmed that they have everything needed to process the award. Will stay in contact with them until this transfer is mad.

The 2020 Grant Application was submitted 6/20/20 for the work related to the reservoir. The proposal is in the amount of **\$185,710**. The Town of Lake Lure must contribute 35% (**\$64,998.50**) to support completion of this project if awarded the remaining 65% of **\$120,711.50**.

2. **Motorola Police Radio Grant:** Working with Sean Humphries to pursue a grant for Police radios.
3. **Grants Database:** Continue to update the Grants Database as new information becomes available. Followed up on the following funding opportunities:

IV. MISCELLANEOUS

1. **Everbridge:** Everbridge registrants are at 1,744 (726 new registrants +1018 Nixel) as of 6/30/20.
2. **Mayoral/Town Manger Support:** Provided assistance as needed with Town Communications including the Town's investment article, media relations, and daily COVID-19 updates to the public.
3. **Email Updates:** An email update with the following headlines will be shared this week with the Town's email database on 7/2/20.

Greetings from the Town of Lake Lure,

We hope this note finds you and your family well! The Lake Lure Town Council would like to invite you to attend a **Community Forum on 7/28/20** to discuss actions the Town is taking to preserve Lake Lure for generations to come. Please see the invitation and link to register for this meeting below.

You may have seen our regular updates this past month on **Town News** on our **Town of Lake Lure Website**, or perhaps on the **Town's**. If you have not had an opportunity to follow these updates online, you may want to take a moment to review some of the past month's headlines to be sure you have not missed anything.

- ❖ You may click on **Town News** and scroll through the updates, or you may click on the headlines of interest below to review specific information and resources.
- ❖ Please forward this message to anyone with an interest in Lake Lure.

June 2020 Headlines

7/28/20 Community Forum	County COVID-19 Updates	Lake Lure Recommendations	NC Stay-At-Home FAQs
Investing in Lake Lure	NC COVID-19 Updates	7/3/20 Town Fireworks Cancelled	LLCA 2020 Graduation
NC Executive Order 147	Mayor's Message	NC Executive Order 131	Marina/Boardwalk Opening
NC EO 147 FAQs	6/9/20 Town Council Summary	NC Stay-At-Home Order	Employment Opportunities

Lake Lure Community Forum: Building a Better Tomorrow, Today

Date: 7/28/20

Times: 10am-12pm, 2-4pm, or 6-8pm

Location: Lake Lure Classical Academy Gymnasium

Note: This location allows for physically distanced seating and attendees will be asked to wear face coverings if this remains a state requirement.

The Town is moving forward with an extensive plan for Lake Lure Dam renovations, Sewer System rehabilitation, and Lake maintenance. Protecting and maintaining our community requires an aggressive plan to foster federal and state support, promote partnerships, and increase tax payer investments to set the conditions for our long-term success. The Town has addressed these issues with our FY20-21 Budget; however, these projects will be funded one budget at a time over many years to come.

We have partnered with the best engineering firms available and have worked closely with state agencies to develop a long-term infrastructure plan. The Town is working to fund the plan from multiple sources. We are implementing efficiency measures to mitigate the financial stresses on local taxes and user fees, but more is required. Higher Lake use fees, water and sewer rates, and taxes are required to build capital reserves and provide vital seed money for infrastructure repair/rehabilitation. We will be addressing these issues and answering the questions below at this meeting.

We will be answering the following questions during this meeting:

1. **What rates are going up?** Property Taxes, Utility Rates, and Lake Use Fees
2. **What critical repairs are needed?** Dam, Sewer, and Dredging
3. **Why repairs must be made now?** Avoid Infrastructure Collapse, Remain A Viable Community, and Implement State Mandates
4. **Why rates must increase?** Repairs and maintenance are not optional and must be made. We must pay for repairs/maintenance. We have to pay our share while seeking state and federal funding.

We would value your presence at our meeting as a distinguished guest. We appreciate your support and participation in what we know will be an important meeting for our community.

If you have any questions or suggestions, please send these to me at **Communications@townoflakelure.com**.

Be well,

Laura

Laura Krejci, MSW

Communication Specialist

Office: 828-625-9983, ext.103

Cell: 803-318-7805

Email: Communications@townoflakelure.com

Website: www.townoflakelure.com

Facebook: www.facebook.com/townoflakelure

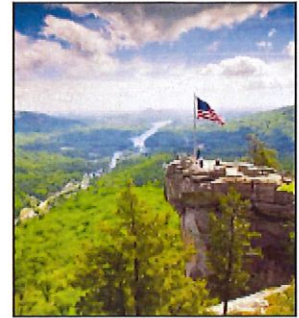
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Investing in Lake Lure for Future Generations

By: Lake Lure Town Council

July 2, 2020

Your Town leadership is dedicated to keeping Lake Lure beautiful for generations to come. An infrastructure investment now is critical. The 1927 Lake Lure dam and sewer system are quickly approaching the end of their service life and we must act quickly to preserve the Lake. The aging infrastructure threatens local economic prosperity, property values, and our overall quality of life. The state regulatory authorities for Water Quality and Dam Safety have both mandated the refurbishment of our sewer system and dam to meet contemporary engineering standards. We have partnered with the best engineering firms available and worked closely with the state agencies to develop a long-term infrastructure plan. The Town is working to resource the plan from multiple sources, but it is clear that we must pursue additional funding from our local residents to move ahead. The Town has successfully implemented efficiency measures to mitigate the financial stresses on local taxes and user fees, but more is required. Higher user fees, water and sewer rates, and taxes are needed to build a strategic infrastructure reserve and provide vital seed money.



The task is daunting. Lake Lure is surrounded by the exquisite rocky and steep mountainous landscape that is subject to sedimentation, prone to landslides, and hinders construction access. Since the Town acquired the Lake in 1965, the low population density and overwhelmingly skewed residential tax base (95%), combined with the minimal investment that has historically been made to support the Town's infrastructure, a substantial investment is now unavoidable to achieve the large scale repairs and improvements that are required. These investments cannot be delayed. We have time to respond, but preserving our Lake will require an aggressive plan to foster federal and state legislative support, promote public-private partnerships, and tax payer investment to set the conditions for our long-term success.

Lake Sustainment. The Town has been working to create self-sustaining operational enterprises to maintain a balanced budget and increase our capacity to assume infrastructure debt. Basic Lake maintenance and operations are funded from hydro-electric power generation proceeds, tourism, and Lake user fees. Lake operations are about 95% self-sustaining (funded from non-tax related fees) and is projected to be fully sustainable within two years. Increased Lake user fees, (commercial and residential boat permits, marina and golf concessions, boat slip fees etc.) will be required to supplement revenues for Lake Operations, including annual dredging. Despite efforts to limit sedimentation and debris from entering our Lake, it is estimated that more than 40,000 tons or 33,000 cubic yards of sediment move through the watershed and into Lake Lure each year. This requires an annual contribution of approximately \$425k per year to conduct maintenance dredging.

Sewer. The 1927 Lake Lure gravity fed subaqueous (under lake) sewer system collects and distributes sewage within submerged pipes. The System, which treats sewage downstream, is plagued with massive lake water infiltration and outdated equipment. The unique collection and chemical treatment systems protect the Lake environment but does not meet down river contemporary water quality standards. A phased rehabilitation and eventual system replacement approach is necessary to maintain sewage service while improving system performance. The steep and rocky terrain makes the design and implementation of a state-of-the-art engineering solution challenging.

The Town is working closely with the NC Dept. of Environmental Quality – Division of Water Resources and has hired LaBella Engineering, a firm specializing in wastewater system's infrastructure to develop a sequential engineering solution that leverages modern sewage collection and treatment technology. In February 2020, LaBella developed and analyzed twelve alternative engineering solutions that are currently

under review. A modern subaqueous collection and treatment system is feasible, but the costs for a new system is anticipated to be in excess of \$38M. This investment will require a 30% increase in water use and sewer rates to support a long-term loan debt service. This budget involves a transfer to the Water and Sewer Fund in the amount of \$551,442.

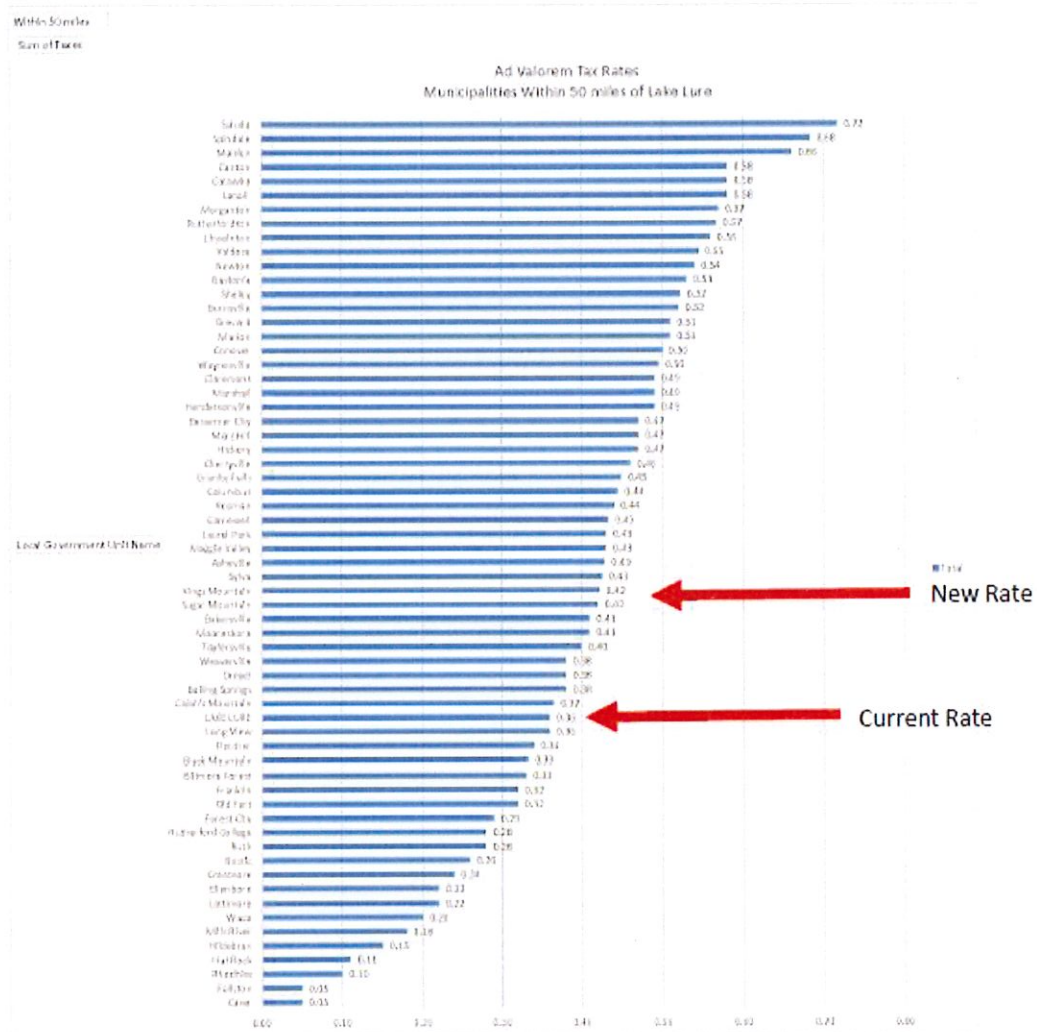
Lake Lure Dam. The original dam and hydro-electric power generation infrastructure, conceived and built in 1926, is near the end of its service life and does not meet contemporary engineering design standards. The Town has been awarded some grant funding to help defray the excessive cost of repairing the Dam; however, additional state

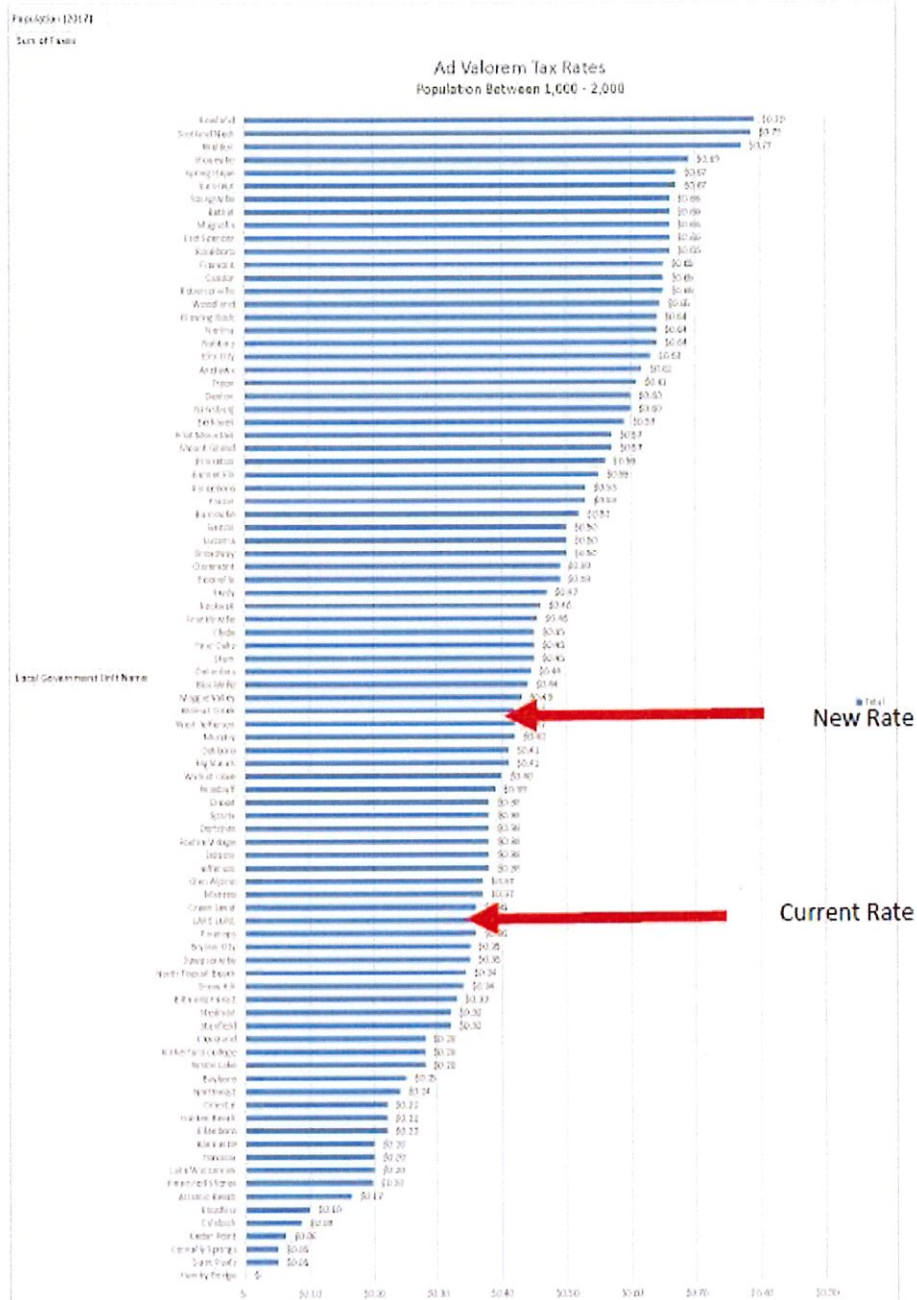
funds will be required to meet federal standards. The Town has hired Schnabel Engineering, a nationally recognized dam engineering firm, who is currently pursuing engineering alternatives for Town Council's review. It is clear that a keystone of any solution is the installation of a low-level lake valve to provide a capacity to drain the Lake to facilitate the sewer system replacement and serve as an emergency release valve in case of an epic seismic or rain event. This valve will provide a measure of safety in the near-term until a final dam solution is designed and resourced.

Dam Solution. The Lake Lure Town Council and Leadership are fostering federal and state interagency collaboration and pursuing outside investment to design and resource a joint engineering solution. The goal is to reinforce the existing dam or build a new Lake Lure Dam and rehabilitate the Town's sewer system. The Town has partnered with North Carolina regulatory agencies to find the most efficient and cost-effective solution that benefits the environment without compromising system performance or user service. The Town is ready to approve a first phase design and begin construction operations in the winter of 2020-2021. Data from the winter project will inform continued design and implementation decisions for a comprehensive multi-year program.

To leverage external funding sources and solidify state political support, the Town has hired a lobbying firm, The Policy Group, to engage state and federal elected officials to initiate legislative action in support of Lake Lure. Town leaders are also promoting private investment and public-private partnerships to bolster commercial ventures. The Town, working with the local Chamber of Commerce, is also promoting local tourism to stimulate economic activity that will increase the commercial tax base and promote self-sustaining Lake Operations.

Conclusion. Your Town leadership understands the hardships associated with increasing taxes and user fees, and we are committed to making good use of your hard-earned dollars. We are facing a convergence of state-mandated repairs, renovations, and replacements that will cost in excess of \$100 million dollars over the next several decades. The resourcing of these projects is beyond the capacity of our small tax base, but we have to build a strategic cash reserve to bolster confidence in state agencies and outside investors. Lake Lure, in good faith, must impose new fees and taxes in conjunction with seeking external financial support. About two-thirds of your property taxes fund County services and only one-third may be applied to Lake Lure municipal services and infrastructure. The Town leadership has worked diligently over the past several years to keep Lake Lure's tax rate in the lower third of municipalities within a 50-mile radius (see Attachment A) and for towns with a similar size population (see Attachment B). An Ad Valorem Tax Rate increase from .36 to .42 is in keeping with similar municipal rates and is essential to maintain adequate public safety (Police and Fire), Lake Operations, and to move forward with the aforementioned infrastructure projects. This increase will result in a transfer to the Capital Reserve Fund in the amount of \$483,936. It is vital that the Town demonstrates to potential federal and state funding sources that we are doing everything on our part to implement the long-term infrastructure plan. If we are going to succeed, we are going to need their partnership for future funding. We ask for your understanding and support. Together, we will overcome our daunting infrastructure needs to **successfully secure the natural beauty and prosperity of our Lake for generations to come.**





Town of Lake Lure Hydroelectric Plant Monthly Report



June Report
2020

Contents:

1. Revenue/Kwh/Hours
2. Lake Levels/Gates
3. Significant Weather Events
4. Scheduled Maintenance and Improvements

1. Revenue

Top 10 Months - Total KWH				
Rank	Year	Month	KWH	Revenue
1	2003	May	1,973,500	\$55,272
2	1993	April	1,913,500	\$80,949
3	2005	July	1,910,000	\$73,348
4	1984	April	1,738,400	\$74,513
5	2016	January	1,720,000	\$124,215
6	1992	June	1,694,000	\$72,996
7	1993	January	1,693,500	\$72,209
8	2009	December	1,640,000	\$74,875
9	1983	December	1,634,800	\$69,334
10	2013	July	1,624,000	\$114,057

Top 10 Months - Revenue				
Rank	Year	Month	KWH	Revenue
1	2016	January	1,720,000	\$124,215
2	2013	July	1,624,000	\$114,057
3	2013	August	1,508,000	\$109,521
4	2019	January	1,594,419	\$108,199
5	2019	February	1,452,000	\$107,935
6	2018	June	1,452,000	\$106,227
7	2016	February	1,452,000	\$106,210
8	2019	March	1,520,000	\$97,185
9	2018	December	1,284,000	\$90,907
10	2015	December	1,160,000	\$90,131

Green Highlights are months from the year 2019.

Yellow Highlights are from the year 2020.

Blue Highlights are for the most current monthly report.

- Revenue. [\$794,474.62]
- Kilowatts Produced. [1,232,019 KWH]
- Hours ran [approx 530 hrs]

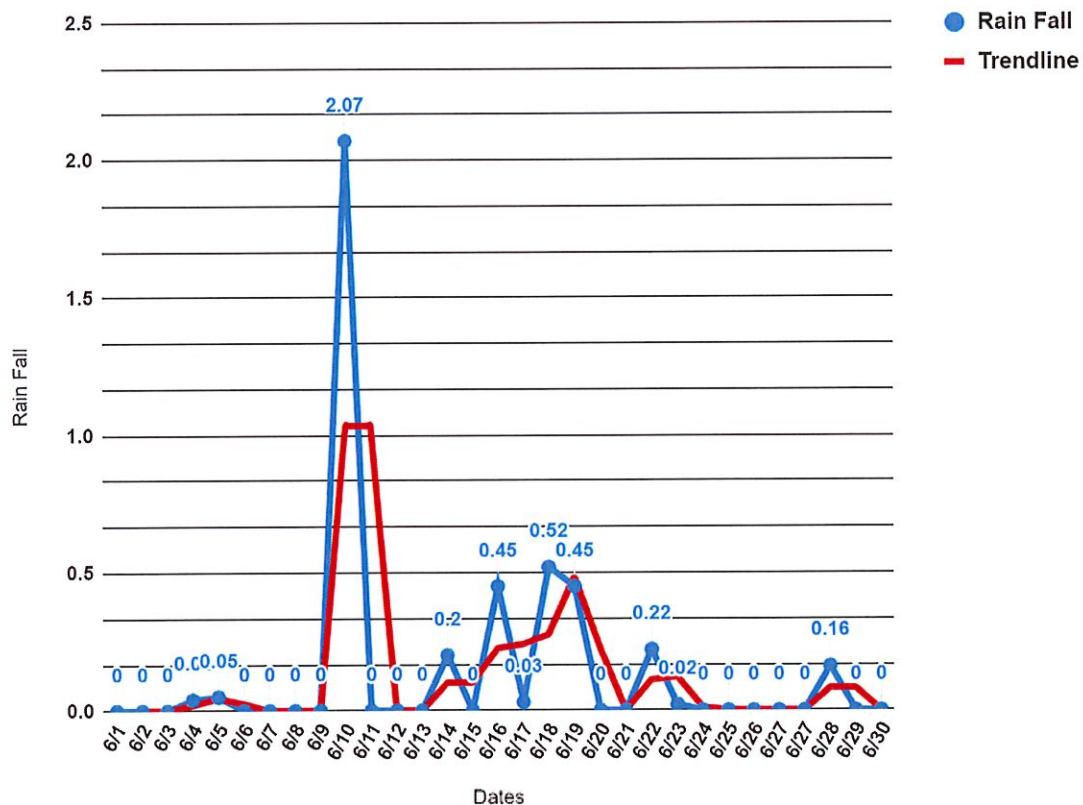
2. Lake Levels

- Full Pond: 24
- Min Recorded Lake Call in Level: 24.54
- Max Recorded Lake Call in Level: 32.68
- Max Gate Opening: 2ft
- Min Gate Opening: 0

3. Significant Weather Events and Rain Accumulation

A handful of smaller storms have passed through the Lake Lure region over the month. Several of them were thunderstorms. None of these storms resulted in the a significant opening of the gates or a draw down of the lake. Below I've made a graph representing the individual rainfall per a day for the month of June.

Rain Fall vs. Dates



Scheduled Maintenance and Improvements

- The rotor shipped off to be fixed on the little unit is due to arrive back at the dam during the first week of July.
- Generator #1 is still on schedule. The Stator has been set in place, once rotor arrives assembly will recomense.



Name: Dustin Waycaster

Department: Fire

REPORT DATE:

July 1, 2020

PREPARED FOR:

Town Manager

I. ACCOMPLISHMENTS

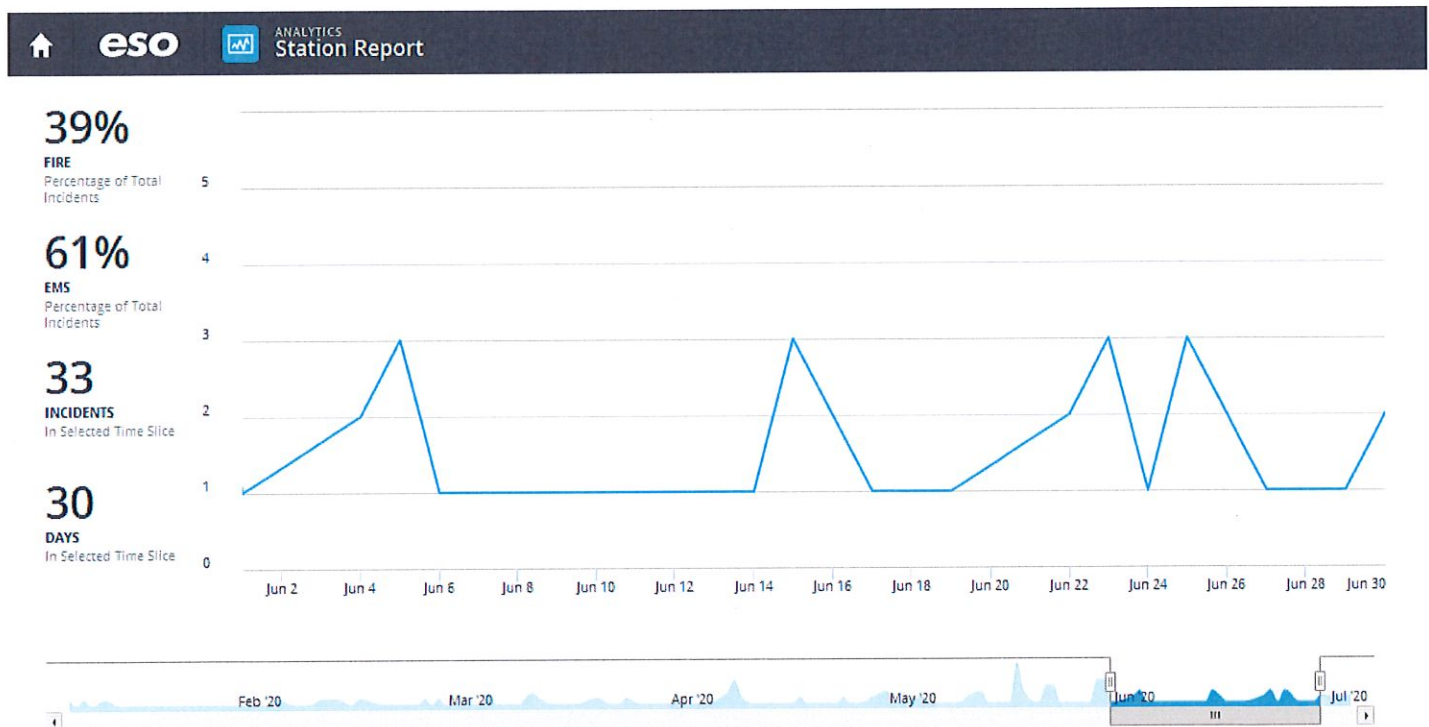
- 6-1 Two inspections at the town marina.
- 6-2 Met with hydro director about Tropical storm in the Gulf. Made contact with NCDOT about the route for Graduation.
- 6-3 Cleaned and sanitized the station and the apparatus.
- 6-4 LLCA graduation. Meeting with Laura, Sean, and Shannon about the Fourth fireworks show here in Town. Ran Two Calls for service. Chris and Dustin taught Fire Department orientation and safety class held at Sunny View FD.
- 6-5 Carryout at CRSP. Electrical Hazard at Lured Market
- 6-6 Medical call CRSP.
- 6-8 Continuation of the Orientation and Safety class at Sunny View VFD.
- 6-9 Medical call at Old Rock Café
- 6-10 Rescue Rope Rigging and Mechanical advantage training.
- 6-11 Medical In-service and Staffing meeting. Penstock Canister operation. Business Meeting w/volunteers. Continuation of Orientation and Safety class.
- 6-12 Medical call on Blackberry trl.
- 6-14 Medical call Whitney Blvd.
- 6-15 Medical call Stayman Ct. Wires down investigated on Harris Rd.
- 6-16 Two calls Medical call on Buffalo Creek/ MVC on Memorial Hwy. Tablet Maintenance.
- 6-17 Medical call on Memorial Hwy.
- 6-18 AED annual servicing, Swift water rescue training with county crews. Fire Boat reported to not be going into gear. We found that there was a broken linkage on the gear shift. We got Lake Lure Marine to order the part. Search on Weed Patch Mnt. Tail system.
- 6-19 Seaton Rd. Wires down. Assisted water hauling company with fills at ingles.
- 6-22 Medical call Memorial Hwy.
- 6-23 Tree down call. Also had a call for a subject that was in the water due to an accident trying to get into a kayak. Subject was unable to get out of the water and needed assistance. Water rescue.
- 6-24 MVC on Memorial Hwy. Preplan training on Weed Patch Mnt. Trail system.

- 6-25 Two Medical calls. One Fire Alarm call. Weed Patch Mnt. Trail Preplanning. CPR recertification class for Lake Lure FD Members.
- 6-26 Ran silent test on the Flood Warning system. Everything seemed to be working ok. Building Maintenance.
- 6-27 Fall call at Lure Woods Manor. EMT basic training with some of our new staff.
- 6-28 MVC on Memorial Hwy.
- 6-29 Filled water hauling truck with water purchased from the town. Installed new battery in the station generator.
- 6-30 Test of the Town Marina Standpipe system. Completed the Final CO from the fire prevention standpoint.

II. FOLLOW UP

1. Lake Lure Fire Had 250 total hours of training for the month of June.
2. Lake Lure Fire ran 33 Fire/Medical/ Rescue calls
3. Wrote 17 Burn permits.

III. OTHER



Reply Reply All Forward



Sam Karr

Carol Pritchett; John Kilby; John Moore; David Diorio; 'Patrick Bryant'; Michelle Jolley; Shannon Baldwin ▾

0 2

June Finance Report

Message

June20.xls (89 KB)

JUNEREVANDEXP.pdf (4 MB)

Bing Maps

Get m

All;

Please find attached June Finance Report and detailed revenues and expenditures.

These are not audited financial statements and we are still closing out June activities, but it does give us a ball park where we will end the fiscal year. We are waiting for another tax check from the county and some of recreation fees we expect are still outstanding.

Overall, our General Fund Revenues exceed our estimates:

- In spite of COVID19, our State Shared Sales tax collections exceeded our estimates. However, since these distributions are 3 month behind, we expect July's distribution (April) to be significantly lower.
- New Marina Slips helped out our recreations fees as we basically doubled our boat slip fee estimates.
- All Water/Sewer revenues from our billings are due Aug. 10th.
- Although our last few monthly checks for hydro production have been great, we still missed our mark by \$255,000.
- Gearing up for town's audit as auditors will be on site the 1st week of August.

Let me know if you have any questions.

Thanks-

Sam A. Karr

Finance Director

**2948 Memorial Highway
Lake Lure, NC 28746**

Office: 828.625.9983, Ext. 102

Web: townoflakelure.com

Facebook: www.facebook.com/townoflakelure



Town of Lake Lure

100%

Monthly Financial Summary Report as of: 6/30/2020



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	\$ 3,007,042	\$ 5,850	\$ 2,947,676	98.03%	Governing Body	\$ 32,300	\$ 1,384	\$ 29,336	90.82%	Annual To Date	\$ 125,342
State Shared Revenues	\$ 1,706,055	\$ 191,162	\$ 1,937,474	113.56%	Administration	\$ 818,501	\$ 51,362	\$ 775,177	94.71%		
Lake & Tours	\$ 506,750	\$ 170,755	\$ 544,092	107.37%	Central Services	\$ 98,150	\$ 7,700	\$ 97,716	99.56%		
Beach & Marina	\$ 206,500	\$ 71,881	\$ 288,870	139.89%	Police	\$ 762,697	\$ 55,746	\$ 721,095	94.55%		
*Miscellaneous Revenues	\$ 458,222	\$ 104,948	\$ 468,967	102.34%	Fire	\$ 840,239	\$ 50,099	\$ 781,223	92.98%		
Land Use Fees	\$ 27,900	\$ 2,335	\$ 30,293	108.58%	Sanitation	\$ 228,200	\$ 18,919	\$ 226,429	99.22%		
Loan Proceeds	\$ 1,768,000	\$ -	\$ 1,214,035	68.67%	Public Works	\$ 470,170	\$ 39,523	\$ 453,434	96.44%		
Transfers	\$ 408,810	\$ 15,000	\$ 255,000	62.38%	Economic Development	\$ 107,297	\$ 7,109	\$ 104,410	97.31%		
Total:	\$ 8,089,279	\$ 561,931	\$ 7,686,407	95.02%	Community Development	\$ 230,516	\$ 16,603	\$ 187,442	81.31%		
*Miscellaneous Revenues					Beach and Marina	\$ 17,500	\$ 2,688	\$ 15,772	90.13%		
Interest, Beer & wine, Fire Tax, ABC					Golf	\$ 106,000	\$ 2,530	\$ 104,191	98.29%		
Facilities Rentals, Grants, Sale of					Parks, Rec., Lake	\$ 883,179	\$ 31,511	\$ 710,574	80.46%		
Assets, Misc., Town Promo, Copies					Capital Outlay	\$ 1,985,406	\$ 54,718	\$ 1,471,150	74.10%		
Recycling Collections					Debt Service	\$ 1,041,904	\$ 96,697	\$ 881,603	84.61%		
Received-Not Posted Yet					Non Governmental	\$ 136,000	\$ -	\$ 131,365	96.59%		
					Transfers	\$ 331,220	\$ -	\$ 243,762	73.60%		
					Longevity	\$ -	\$ -	\$ -	#DIV/0!		
					Contingency Reserve	\$ -	\$ -	\$ -	#DIV/0!		
					Total:	\$ 8,089,279	\$ 436,589	\$ 6,934,679	85.73%		

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	\$ 12,153	\$ 1,233,586	103.66%	Water	\$ 183,812	\$ 13,302	\$ 160,537	87.34%	Annual To Date	\$ (89,022)
Taps & Connection Fees	\$ 10,000	\$ -	\$ 9,240	92.40%	Sewer	\$ 1,959,122	\$ 88,903	\$ 1,754,646	89.56%		
Interest & Transfer Fees	\$ 7,750	\$ -	\$ 8,885	114.65%	Capital Projects	\$ 144,900	\$ -	\$ 58,982	40.71%		
Water Tank Rental	\$ 15,000	\$ 1,030	\$ 12,360	82.40%	Debt Service	\$ 128,974	\$ -	\$ 128,972	100.00%		
Transfer from Fund Balance	\$ 1,314,186	\$ -	\$ -	#DIV/0!	Transfer to Fund	\$ 120,128	\$ -	\$ -	0.00%		
Total:	\$ -	\$ -	\$ -	#DIV/0!	Total:	\$ 2,536,936	\$ 102,205	\$ 2,103,137	82.90%		
	\$ 2,536,936	\$ 13,183	\$ 1,264,071	49.83%							

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	\$ 600,000	\$ 79,548	\$ 344,690	57.45%	Operations	\$ 512,950	\$ 36,240	\$ 438,680	85.52%	Annual To Date	\$ (809,784)
Interest	\$ 1,500	\$ -	\$ 1,129	75.27%	Transfer to General Fund	\$ -	\$ -	\$ -	#DIV/0!		
FEMA Reimbursement	\$ 70,000	\$ -	\$ -	0.00%	Transfer to Silt Reserve	\$ -	\$ -	\$ -	#DIV/0!		
Transfer from Fund Balance	\$ 825,567	\$ -	\$ -	0.00%	Cap. Outlay/Special Proj	\$ 984,117	\$ 30,354	\$ 716,923	72.85%		
Total:	\$ 1,497,067	\$ 79,548	\$ 345,819	23.10%	Total:	\$ 1,497,067	\$ 66,594	\$ 1,155,603	77.19%		

Cash & Investment Position					Capital Funds		Comments / Items of note			
United Bank					Balance to Date					
General Fund	\$	3,547,000			Capital Res. Fund	\$ 179,532				
Water & Sewer	\$	399,888			Silt Res. Fund	\$ 64,265				
Includes Low Pressure					Marina Brdwalk	\$ 139,172				
Hydro	\$	116,502			Bridge Pres. Fund	\$ 75,000				
Total:	\$	4,063,390								
NC Capital Management Trust										
General (Cash)	\$	114,897								
Water & Sewer	\$	3,409								
Hydro	\$	16,989								
Total:	\$	135,295								
Total Cash and Investments:	\$	4,198,685								



NAME: SEAN HUMPHRIES

Department: LAKE LURE POLICE DEPT

REPORT DATE:

07/01/2020

CLOSE OUT MONTH:

June 2020

PREPARED FOR:

Town Manager

I. ACCOMPLISHMENTS

1. New SUV is currently being outfitted and will be in service in July.
2. Continued policing of Town of Lake Lure to assure all mandates were being followed per the Governor's orders.
3. Lake Patrol has been stepped up, Warnings and Citations have been given. A new process for follow up has been initiated by Admins.
4. The Department is currently working on a new lake stranded boat policy and will be presented to Council at the July meeting.
5. LLPD Officers escorted a Graduation Parade for LLCA

Follow Up

1.

II. OTHER

Total Police Activities for Month: **446** (Partial Break-down below)

8	Fights/Domestic Trouble/Disturbance	17	Traffic Stops
7	Citations	6	Warning Citations (incl 3 MotCyc Helmet)
4	Verbal Warnings	3	Accidents
1	Total Arrests	43	Business Checks
13	Lake – Patrols/Permit Checks	26.75	Lake – Total Hours Patrolling
0	Motorcycle Mufflers Checked	9	Residential Alarms Activated
6	Follow up Investigations	2	Special Event/School/Town/Chamber
0	Roadside Checkpoints	7	Noise Complaints

Citations – Cumulative Total of Citations: **7** (Hard Copies) (1 Citation may include 2 charges)

Charges Total: (1) Speeding, (1) Driving while Lic Revoked, (1) No insurance, (3) Other Infractions, (1) No Operator License

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

Charges Total: (1) All Other Offenses

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



Dean Givens; Parks, Recreation, and Lake Director

DEPARTMENT: Parks, Recreation, and Lake

REPORT DATE:

June 30, 2020

PREPARED FOR:

Town Manager

I. ACCOMPLISHMENTS

1. Boardwalk/Marina Project
2. New Boat ramp construction is complete
3. New fuel pump for marina is complete
4. Hired a new Parks, Rec and Trails Coordinator
5. New traffic pattern for the marina: Tri-city paving is complete

I. FOLLOW UP

1. Boardwalk/marina, Fire Suppression System
2. New boat ramp: aluminum decking and steps

II. OTHER

PR&LD ACTIVITIES:

1. Attended multiple meetings (Staff, LAB, P&R, Council, Marine Commission, and Projects)
2. Worked on multiple projects:
 - Boardwalk/Marina
 - New boat ramp
 - New loading dock
 - New traffic pattern for marina
 - Dredging
 - Amphitheater/Event lawn
 - Dredged small pond next to the gas station
 - Boys camp park
 - Training new employee
 - New signage for boardwalk/marina
 - Police in-service training
 - Making PR&L self-funded

- Landscaping plans for boardwalk/marina
 - Morton property dredging
 - Slip rental policy
 - LAB projects
3. Training new Parks, Rec, and Trails Coordinator

PR&TC ACTIVITIES:

1. Scouted all emergency access points for the Weed Patch Mountain Trail
2. Installed "No Trespassing" signs at 2 of the emergency access points on Weed Patch
3. Helped remove lake debris from docks
4. Learned how to replace old buoys on lake
5. Worked on creating new signage for the boat docks, marina, and boardwalk
6. Had new sign installed at Pool Creek Park boat ramp
7. Programmed trail counter for Flowering Bridge
8. Checked Buffalo Creek Park, Dittmer-Watts, and Weed Patch for downed trees
9. Helped recruit volunteers for upcoming trail maintenance days
10. Checked trails counters at BCP, Weed Patch, and Dittmer-Watts Nature Preserve
11. Attended several meetings
12. Worked on landscaping plan for new boardwalk
13. Assisted with getting a lost hiker off Weed Patch Mountain Trail
14. Collected water samples

P&R Maintenance Activities:

1. Performed regular ground maintenance activities at all areas.
2. Worked on lake debris clean-up
3. Cleaned parks, boat ramp, and marina
4. Mowed amphitheater twice a week
5. Took mower for repairs
6. Placed large rocks at Pool Creek Picnic Park to keep cars out
7. Replaced signs in the amphitheater area that were removed during grading
8. Put up social distancing signs
9. Replaced basketball nets in Morse Park
10. Worked with Dana on landscaping plan for new boardwalk
11. Painted directional arrow in Marina parking lot
12. Put up American flag bunting for the 4th

Lake Activities:

1. Boat maintenance
2. Boathouse Maintenance
3. Lake debris clean-up
4. Buoy replacement/maintenance
5. Worked with Hydro/Dam on walkway repairs



Name: David Arrowood

Department: Public Works

REPORT DATE:

PREPARED FOR:

June 31, 2020

Town Manager

I. ACCOMPLISHMENTS

1. We tapped new Water Meter across from Beach that was on old 2" line we replaced
2. Got snow plow installed on New Dump Truck. Also got Strobe lights installed
3. We had Pre Bid meeting about sludge removal at WWTP

II. FOLLOW UP

1. I have made several calls to State about new signage or signals for entrance to Bridge at Dam.
2. Im waiting to hear back from State about removing damaged lights off Poll Creek Bridge.
3. I still haven't heard back from NCLM about slide on Burnt Ridge.

III. OTHER

6-2-20 We did so grading around shop to keep rain water out of our equipment shed.

6-3-20 We took water samples to Asheville.

6-3-20 We cut and cleaned up Largo Vista.

6-3-20 We marked street light poles so lights can be fixed.

6-4-20 We have been mowing intersections.

6-4-20 We made Global Fiber fixe broken Sewerline at Arbor Cabins they broke when working in that area.

6-4-20 We blocked off Marina for LLCA Graduation.

6-5-20 I came back in Friday because sewer backed up into store across from ABC store. We had 2" rain in 45 minutes.

6-5-20 We had high water at Sewer Pump Station due to Heavy Rain.

6-5-20 We finished our Street ditch cleaning list.

6-5-20 We drug Beach where sand washed out.

6-5-20 We removed a large floating dock from Police boat house and cleaned up Dead Christmas trees.

6-8-20 We finished CCR for State on all water systems.

6-9-20 Attended Zoom meeting about Sewer Project.

6-9-20 We cleaned ditches on Washburn Rd. Also Luther Burbanks.

6-10-20 We hauled loads of debris to Landfill that we have gotten around town.

6-10-20 Cut grass and wedded around shop.

6-11-20 Mowing tractor broke so we will have to take it to John Deere place for repairs.

6-11-20 We started cleaning ditches on Burnt Ridge.

6-12-20 We drug Beach again today.

6-12-20 We removed trees on Curaway and Harris Rd.

6-15-20 Cleaned ditches on North Shore.

6-15-20 Chase cut back weeds blocking view entering Bridge at Dam.

6-16-20 I met contractors at WWTP about sludge removal project.

6-17-20 We cleaned out 2 trucks that will be sold on Govdeals.

6-16-20 We took a load of Garbage to Landfill.

6-16-20 We are also cutting back limbs out of roads as we clean ditches.

6-16-20 We went out on lake to locate a floating private sewer line.

6-17-20 Fuel tank at our Dept is ready as soon as Fire Chief gives his Blessing.

6-18-20 We made and installed reflectors to put on Boardwalk at Beach for social distancing.

6-17-20 Cleaned ditch on Sidney Lanier and Thomas Edison.

6-19-20 We sealed roof at Police Dept around vent.

6-22-20 Worked most of the day on Ditches on Luther Burbanks.

6-23-20 We cleaned culvert and wood debris on Fred A Olds .

6-23-20 We started Cutting limbs out of rd and removing fallen trees on Justice Rd.

6-24-20 We washed trucks and Serviced Equipment at shop.

6-25-20 We removed fallen tree on Blarney Rd.

6-25-20 Did some asphalt patching at Boys Camp Rd.

6-26-20 We removed Fallen tree on Washburn Rd.

6-25-20 went to Rutherfordton to get mulch for Flowering Bridge.

6-29-20 Cleaned Gutters at Cityhall.

6-29-20 We started cleaning ditches on Youngs Mountain.

6-29-20 We did a temporary water tap for house next to scoops Ice Cream. They were hooked to old line we killed going past diner.

6-30-20 We fixed water tap I just talked about yesterday.

We have did more than 25 utility locates this month.

6-30-20 Flow at WWTP is running 550,000 gpd.

VII

CONSENT AGENDA

- Adoption of the June 9, 2020 Regular Meeting Minutes and the June 24, 2020 Regular Work Session Minutes
- Adoption of the February 11, 2020, March 10, 2020, May 27, 2020, and June 9, 2020 Closed Session Minutes
 - Adopt the Families First Coronavirus Response Act
Emergency Leave Policy
 - BA# 283 – Engineering for Reservoir Drain
 - BA# 284 – Small Generator Bearing Work
- Resolution No, 20-07-14 Intent to Reimburse for the Purchase of Town Vehicles



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, JUNE 9, 2020, 5:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

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

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

ABSENT: N/A

I. CALL TO ORDER

Mayor Carol C. Pritchett called the meeting to order at 5:35 p.m. and Commissioner John Moore gave the invocation. Council members led the pledge of allegiance.

II. APPROVE THE AGENDA

Commissioner Bryant proposed adding an item as 'New Business D' to discuss the Town's July 3rd fireworks event.

Commissioner John Kilby made a motion to approve the Agenda, as amended. Commissioner John Moore seconded and the motion carried 4-0.

III. MAYOR'S COMMUNICATIONS

Mayor Pritchett commended the Fire and Police Department on how well they adapted to changes due to the COVID-19 pandemic. She commented on the numerous budget meetings that were held that lead to the adoption of a prudent operational budget. She pointed out that there are very few opportunities for revenue that is needed for the Town's large infrastructure projects that must be made. After much deliberation, the decision was made to raise taxes and sewer rates.

IV. TOWN MANAGER COMMUNICATIONS

- Parks, Recreation, and Lake Director Dean Givens provided an update on the new marina and boardwalk project. A temporary Certificate of Occupancy (CO) from Rutherford County building inspections has been issued to allow the new marina to open. Once completion of the fire suppression main line has occurred, a full CO will be issued and the project will be complete. Mr. Givens reported that the marina parking lot has been painted to denote the one-way traffic pattern. He also noted that the new marina slips will be full from everyone who is requesting a slip on the waiting list. He stated that he plans to include signage stating that all bicyclists must walk their bicycles while on the boardwalk, dogs must be kept on a leash while on the boardwalk, and noting that the boardwalk may be slick during winter months. Commissioner Kilby suggested "Boat Owners Only" signs placed on the marina fingers for safety and security purposes. Mr. Givens commented on security at the docks stating that high definition cameras have been installed at the Marina as well as an addition of eight new cameras to be installed to view the eyelash portion of the marina slips. Live camera footage is monitored inside the Police Department.
- Mr. Givens then provided an update on the river debris boom which failed during the last storm event due to a weak anchor system. It has since been corrected with the addition of a second concrete block to better anchor the boom. Town Engineer Kurt Wright suggested adding rip rap in the soil line to help stabilize the boom. Commissioner Kilby commented that another boom may be needed. Mr. Givens stated that it could be a smaller boom and he would get a quote. He added that he may have a few booms on hand but would need to check.
- Town Engineer Kurt Wright provided an update on the sewer Engineering Report/Environmental Information Document and Special Order by Consent (ER/EID & SOC). LaBella estimates a finished ER/EID by July or August. He explained that the ER/EID establishes the chosen alternative. The ER/EID will list several alternatives with one master alternative, which includes phases. Phase 1 includes the \$12.5 million LGC loan; however, the State approved ER/EID is required in order to get the \$12.5 million loan. Manhole rehabilitation will likely be part of Phase 1. Mr. Wright explained that the SOC consists of drafts of data that have been submitted. The Asheville Regional Department already knows a lot of the components of the SOC document. The regional office is extremely cooperative with the current board and are helping make suggestions. He explained that the SOC is a mutual agreement enforced by the Court in which the Town agrees to make the improvements needed and in turn will get relaxation of some of the permits and fines.
- Mr. Wright provided an update on the dam alternatives analysis & low level outlet. He explained that there are two reasons to have the low level outlet; dam safety and replacing the sewer line. He mentioned that George Eller, the main dam safety engineer, has stated that a low level drain is needed to maintain the Dam and have the ability to drain the entire lake if needed. The engineering firm evaluating dam alternatives has several alternatives affecting the back shore area, which is the most logical place to put the new pipe line system. It will still be in

the water but the benefit is the ability to get equipment to it and maintain it, which cannot be done with a line that sits at the bottom of the lake. Mr. Wright also reported that Schnabel Engineering performed a dam analysis and essentially provided three alternatives; two involve repurposing the existing concrete and the third is a new dam. The less costly of the two alternatives to repurpose the Dam is cross bracing; however, this option has numerous problems and does not appear to be a viable option. The second alternative to repurpose the Dam is to convert the existing dam to a gravity dam. So much concrete would be needed to do this that a concrete facility would have to be built on site. One reason to do this is for seismic and earthquake issues. A gravity dam would solve the seismic issue and is priced at around \$60 million. The last alternative is to build a new dam, which would cost around the same amount of money. Mr. Wright explained that he would much rather build a new dam than fix an old one because of the problems that come with it.

- Mr. Wright provided an update on the NC League of Municipalities project regarding the Hydroelectric Plant. The gate hoist preliminary test has been completed and the final formal inspection will be done early next Thursday to lift up the drum gate. This is the last of the major projects involved in in the last seven months. He stated that the NCLM is involved with risk assessment and six items were to be evaluated. Currently four of the six have been addressed. The items left to be done are the Emergency Action Plan and Operational Plan on the retainer gates and the general O&M maintenance plan. The engineer is reviewing these now.
- Mr. Wright pointed out that the penstock is now fully rehabilitated. The company who did the installation, FRP, have a one year warranty on their equipment, materials, and labor which will expire in December. They will inspect the pipe inside the pipe to make sure there are no failures. If there are, they will fix them for free while the warranty is still in place. Once the warranty expires on the material another inspection will be done. Then an inspection will be needed every five years or so to do assessments. Inspections can be extended to every 10 years if everything is good.
- Hydroelectric Plant Operator Dean Lindsay provided an update on repairs to the small generator. The rotor will be in June 19 with installation starting around June 29th with a five week turn around for the generator to begin producing power again.
- Fire Chief Dustin Waycaster provided an update on the Storm Event Preparedness Plan. The Fire Department monitors weather conditions continually to prepare the Hydro Department for an influx of water. Mr. Lindsay noted that the lake can only be lowered one foot per day. Chief Waycaster added that because of this mandate, they have to react quickly during storm events. Mr. Baldwin assured the Board that they are on top of operations to deal with heavy storms throughout the hurricane season.

V. PUBLIC HEARING:

A. FY 20-21 PROPOSED ANNUAL BUDGET

Town Manager Shannon Baldwin provided an overview of the proposed FY 20-21 Budget. The CIP has been identified by department heads in budget workshops. The budget is balanced with a recommended tax rate of \$0.42 cents per \$100 of property value. The General Fund revenues and expenditures have been projected at \$7,103,167, the Water/Sewer Fund at \$1,570,110, and the Electric Fund at \$601,500 for a total budget of \$9,274,777. This budget does raise the ad valorem tax rate by \$.07 cents, inside water rate by 30%, inside sewer rate by 30%, and mandates increases in revenues related to the lake by at least \$165,000. This budget provides a path to begin rehabilitating the Dam, rebuilding sewer collection under the lake, rebuilding the Waste Water Treatment Plant (WWTP), insourcing WWTP operations to cut costs, it provides a path to begin using engineering expertise on a day-to-day basis, provides for succession planning in Finance, Parks and Recreation and Lake Operations, begins linking personnel performance to the current longevity bonus system, provides a path to begin lobbying legislatures to assist the Town with infrastructure improvements (\$60 million for the Dam and around \$40 million for the sewer system), and it begins to build capital reserves.

Commissioner Moore made a motion to accept the proposed budget as submitted. Commissioner Kilby seconded and the motion carried 4-0.

There were no comments from the public.

VI. COUNCIL LIAISON REPORTS & COMMENTS

Commissioner Kilby reported the activities of the Lake Advisory Board and stated that the ABC Board did not meet.

Commissioner DiOrio reported the activities of the Utility Advisory Board.

Commissioner Moore stated that the Zoning & Planning Board did not meet.

Commissioner Bryant reported the activities of the Parks and Recreation Board and stated that the Board of Adjustment and Lake Structure Appeals Board did not meet.

VII. PUBLIC COMMENT

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

VIII. CONSENT AGENDA

Mayor Carol C. Pritchett presented the Consent Agenda.

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

- A. Adopt the May 12, 2020 Special Town Council Budget Meeting Minutes, the May 15, 2020 Special Town Council Meeting Minutes, the May 15, 2020 Reconvened Special Town Council Budget Meeting Minutes, the May 18, 2020 Reconvened Special Town Council Meeting Minutes, the May 19, 2020 Reconvened Special Town Council Meeting Minutes, and the May 27, 2020 Work Group Minutes
- B. BA# 280 – Cover Overruns in Central Services

IX. UNFINISHED BUSINESS:

A. SCHEDULE A SPECIAL MEETING AT THE LAKE LURE CLASSICAL ACADEMY

Mr. Baldwin explained that Town Council will hold a special meeting at the Lake Lure Classical Academy (LLCA) gymnasium to present the annual budget and entertain questions from the public. There will be three different time options available for the public to attend. He asked that Council decide on a date for the meeting that works best with NCDEQ. Council suggested either July 21st or July 28th and would ask NCDEQ which date works best for them. The date of the meeting will be announced when determined.

X. NEW BUSINESS:

- A. FY 20-21 PROPOSED ANNUAL BUDGET ADOPTION**
- B. FY 20-21 FEE SCHEDULE**

Commissioner John Moore made a motion to adopt the FY 20-21 Annual Budget and the FY 20-21 Fee Schedule (Exhibit A) as presented. Commissioner Patrick Bryant seconded and the motion carried 4-0. (Adopted Fee Schedule attached)

ORDINANCE NO. 20-06-09

AN ORDINANCE ADOPTING THE FISCAL YEAR 2020-2021 BUDGET FOR THE TOWN OF LAKE LURE, NORTH CAROLINA

SECTION 1. In accordance with G.S. 159-13 (a), the Town Council of the Town of Lake Lure adopts this ordinance entitled Town of Lake Lure 2020-2021 Budget.

SECTION 2. This ordinance includes revenues and expenditures in the General Fund, Water/Sewer Fund and Electric Fund. Revenues and expenditures in those funds are as follows:

REVENUES

I. GENERAL FUND

Ad Valorem and Vehicle Taxes	3,511,722
State Shared Revenues	2,388,026
Installment Loan	84,879
Lake & Tours	673,550
Beach	50,000
Marina	266,500
Miscellaneous Revenues	79,162
Land Use Fees	27,600
Transfer from Capital Reserve Fund	11,728

TOTAL GENERAL FUND	7,103,167
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II. WATER/SEWER FUND

TOTAL WATER/SEWER	1,570,110
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III. ELECTRIC FUND

Electric Receipts	
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TOTAL ELECTRIC	601,500
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<u>GRAND TOTAL - ALL FUNDS</u>	9,274,777
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EXPENDITURES

I. GENERAL FUND

Governing Board	32,300
Administration	977,004
IT/Telecommunications	99,300

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Insurance/Bonding	143,500
Police	826,340
Fire	889,584
Sanitation	229,400
Public Works	511,652
Economic Development	105,417
Community Development	202,788
Parks, Recreation & Lake	887,055
Beach & Marina	17,500
Golf	106,000
Capital Outlay & Projects	1,258,329
Debt Service	333,062
Transfers to Capital Reserve Fund	483,936
TOTAL GENERAL	\$7,103,167

II. WATER/SEWER FUND

Water Operations	135,392
Sewer Operations	548,300
Capital Outlay	206,000
Debt Service	128,975
Transfer to Fund Balance (Equity)	\$551,443
TOTAL WATER/SEWER	1,570,110

III. ELECTRIC FUND

Operations	439,638
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Capital Outlay	45,900
Transfer to Equity	115,962
TOTAL HYDRO-ELECTRIC FUND	601,500
GRAND TOTAL ALL FUNDS	9,274,777

SECTION 3. To achieve this budget program, the Town Council of the Town of Lake Lure, in accordance with G.S. 159-13 (c), the tax rate shall be 0.42 per \$100.00 of property valuation (municipal services at 0.249 per \$100.00, capital .06 per \$100.00 and fire district tax at 0.111 per \$100.00 of property valuation).

SECTION 4. Pursuant to the authority set forth in Article 20, Chapter 160A of the North Carolina General Statutes, the Town of Lake Lure and Rutherford County have entered into a contractual agreement to provide for centralized and systemized billing and collection of property taxes in Rutherford County. Under this agreement the County will perform for itself and the Town all of the tax collection functions prescribed in Subchapter 50 of Chapter 105 of the North Carolina General Statutes (often referred to as the Machinery Act). This joint tax collection system shall commence with the tax levy for the fiscal year beginning July 1, 2020. In accordance with section V. of this agreement, the Town of Lake Lure hereby adopts the same tax discount schedule as the County for the Town's tax levy for the fiscal year commencing July 1, 2020.

Adopted the 9th day of June, 2020.

X. NEW BUSINESS:

C. THE POLICY GROUP CONTRACT

Town Manager Shannon Baldwin explained that this is a contract for a formal relationship with this firm to help the Town lobby for infrastructure funds. The Policy Group was interviewed and chosen by Town Council. Commissioner DiOrio added that this firm will lobby on behalf of the Town for the opportunity for financial resources as they become available.

Commissioner Patrick Bryant made a motion to approve the Contract with The Policy Group as presented. Commissioner John Moore seconded and the motion carried 4-0.

X. NEW BUSINESS:

D. JULY 3RD FIREWORKS EVENT

Commissioner Bryant pointed out that other towns have been postponing or cancelling their fireworks events due to COVID-19. However, Rumbling Bald Resort plans to move forward with theirs, with regards to social distancing. He stated that Chief Humphries and Chief Waycaster provided a co-written letter regarding concerns that they have based on past town firework events held on the weekends. Commissioner Bryant felt that this is an opportunity for the Town to put a great foot forward to celebrate our independence. He suggested limiting social media exposure.

Chief Waycaster and Chief Humphries expressed that they are concerned with having the fireworks event on the weekend and during the Coronavirus pandemic. Because numerous other areas have cancelled, they feel that Lake Lure may be overwhelmed with an abundance of people coming in to view the fireworks. This may also overwhelm the resources available. Chief Humphries explained that this event is difficult to manage due to the increase in population. The entire police staff works this event all day to help with crowd control and crowd management. He has dealt with road rage and fighting incidents in the past due to gridlocked traffic. Chief Waycaster expressed his concerns with safety. Fire Department staff are staged in three different locations throughout the Town to service different areas. Staff can also respond by boat. Gridlocked roads can make it extremely difficult to get an officer to all areas of town. Commissioner Bryant stated that, due to COVID, there is a limit of 500 people allowed on the Beach at one time. Council ensued in discussion. Chief Waycaster mentioned that the fireworks celebration could be postponed and held at another time and Commissioner Kilby suggested a non-holiday weekend.

Laura Doster, Executive Director of the Hickory Nut Gorge Chamber, stated that she liked the idea of switching the fireworks event to a different date that is not on a weekend. Chief Waycaster agreed stating that holding the event during the week would likely be less busy. Commissioner Kilby suggested that Commissioner Bryant and the Parks and Recreation Department staff determine a date for the fireworks event.

Commissioner Kilby made a motion to cancel the Town's July 3rd fireworks event due to COVID-19 pandemic restrictions and tasked Commissioner Bryant to work with the Parks and Recreation Department to come up with an alternative date later in the fall. Commissioner Bryant seconded and the motion carried 4-0.

XI. CLOSED SESSION:

Commissioner John Moore made a motion to enter into Closed Session in accordance with G.S. 143-318.11(a)(6) for the purpose of discussing personnel matters. Commissioner John Kilby seconded and the motion carried 4-0.

While in Closed Session, Council discussed the Town Manager's contract.

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Commissioner Patrick Bryant made a motion to leave Closed Session and return to open session. Commissioner John Kilby seconded and the motion carried 4-0.

ADJOURN THE MEETING

With no further business, Commissioner John Moore made a motion to adjourn the meeting at 8:30 p.m. Commissioner John Kilby seconded and the motion carried 4-0.

ATTEST:

Michelle Jolley,
Town Clerk

Mayor Carol C. Pritchett



**MINUTES OF THE REGULAR WORK GROUP MEETING OF THE LAKE LURE
TOWN COUNCIL HELD WEDNESDAY, JUNE 24, 2020, 8:30 A.M. AT THE LAKE
LURE MUNICIPAL CENTER**

PRESENT: Mayor Pro Tem John W. Moore
Commissioner Patrick Bryant
Commissioner David DiOrio
Commissioner John Kilby
Shannon Baldwin, Town Manager

ABSENT: Mayor Carol C. Pritchett

I. CALL TO ORDER

Mayor Pro Tem John Moore called the meeting to order at 8:31 a.m.

II. APPROVE THE AGENDA

Commissioner David DiOrio made a motion to approve the Agenda, as presented. Commissioner Patrick Bryant seconded and the motion carried 4-0.

**III. DISCUSSION REGARDING TOWN PROJECT UPDATES AND
VARIOUS OTHER TOPICS**

Dean Givens, Parks, Recreation & Lake Director, provided an update on the Marina/Boardwalk. He noted that the fire suppression system would be tested and completed next week. Cameras will be installed next week also. Ground cover will be added in the fall to landscape both ends of the Boardwalk. The Parks and Recreation Board (PRB) have not been involved in the landscaping design plans; Vic Knight developed the landscaping plan on what types of plants to use. He stated that he would present those plans to the PRB for review.

Mr. Baldwin reported that 58 of the 220 marina slips have not yet been filled. Customer Service Specialist Linda Ward is still working on filling those slips from the names she has on the waiting list. Commissioner Kilby suggested sending slip renters a letter with information regarding the floating docks, unloading/loading dock, and who to contact with questions. Mr. Baldwin mentioned that this information has been sent to Ms. Krejci to provide information about the Boardwalk and Marina to get the word out on the benefit of these projects. No tax payer funds were used for this project; it's self-sustaining. The previous boardwalk was very

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dangerous. He stated that we are going to communicate all these positive things to the community. Commissioner DiOrio asked about the camera system at the Marina/Boardwalk and Mr. Givens provided an overview of that system. A DVR records footage from the cameras. The camera footage is viewed and monitored from the Police Department.

Mayor Pro Tem John Moore asked who owns the Lake Lure Flowering Bridge (LLFB). Mr. Baldwin explained ownership is a grey area and needs to be clarified. The Town has never received a deed or title for that facility. He stated that attorneys have looked into this in the past and raised the point that the State cannot deed property to another party without going through an upset bid type process that has not occurred. However, the State has given the Town money to maintain that facility. The attorneys noted the process used did not properly follow state law. Around \$125,000 was given to the Town. Currently around \$75,000 is left and the LLFB Committee is supposed to be replenishing those funds. Mayor Pro Tem Moore noted that some of the money has been replenished but not all of it. Mr. Karr added that we have not saw those funds coming back in for a while. Commissioner DiOrio stated that the LLFB has talked about putting in a camera security system and wanting to tie it into the Town's system and further discussion ensued. Mayor Pro Tem Moore questioned if live cams could be placed at the LLFB or on town docks. Mitchell Anderson, Assistant Community Development Director, explained that there could be some security issues but it is possible.

Mr. Givens provided an update on dredging a pond on the Morton property to keep silt from entering the Lake. He reported that the property owner, Michelle Morton, will not directly speak with town staff; the only way to have contact is to speak with her property manager, Cory Hill. Mr. Givens explained that the Town would like to get an easement and hold harmless agreement for permission to dredge from her property each year. Mr. Hill advised that Ms. Morton will not sign a long term agreement with the Town. Mr. Givens then asked about a year-by-year agreement and Mr. Hill advised that she would allow the Town to dredge if the Town agrees to fix her shoreline to keep the house on the property from washing away. Mr. Givens explained that this project could be lengthy and costly and notified Mr. Hill that the Town is not interested. Mr. Hill responded back that Ms. Morton is not willing to help the Town if the Town does not do anything for her in return. Mayor Pro Tem Moore mentioned the idea of removing two-thirds of the silt from the pond on a one time basis and then revisit again when it fills back in and Mr. Givens stated that he could ask. Commissioner Kilby suggested asking Mr. Hill if there is a way to work this out with Ms. Morton. Mayor Pro Tem mentioned that it would be great to get Mr. Hill to come up and walk the property with Mr. Givens to see what could be done and Mr. Givens stated that he would speak with Mr. Hill about meeting with him on the property.

Mr. Givens provided an update on the boating accident/BWI incident involving Carl Stecker. He stated that the Town Attorney is reviewing the legalities of revoking Mr. Stecker's boat permit. Chief Humphries reported that Mr. Stecker's attorney told the charging officer (Sergeant Carl Umphlett) at his court date yesterday that Mr. Stecker plans to plead guilty at his next court date. Mr. Stecker was not present at his first court appearance and his case was continued another month.

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Commissioner DiOrio pointed out that all boaters are required to have their 2020 boat permits by June 15th. He expressed that there are more people out now compared to in the past boating without a current sticker and questioned how to approach this issue. Mr. Givens relayed that the Police Department is getting aggressive with boats without current permits. Chief Humphries added that he has requested his full-time and reserve officers to focus on this. Commissioner Kilby suggested a policy for consequences of getting caught without a valid permit. Mr. Givens pointed out that there is a civil penalty process in place and explained how the fines double each time an offender gets caught. Mayor Pro Tem Moore noted that these penalties were thoroughly discussed in the past and Council felt that the current method is fair. Commissioner Kilby felt one of the biggest issues is non-motorized vessels without permits. Mr. Givens stated he could work with Chief Humphries for an extra person to patrol loading areas. Commissioner DiOrio also pointed out that we need to make sure boaters understand the rules before getting out on the Lake.

Dean Lindsey, Dam & Hydroelectric Director, provided an update on the small generator. Repairs began on Monday and the rotor will be in next week to begin the next phase of the installation. It will take five weeks or less for the small generator to be completely repaired. No major issues have been found and it has passed all inspections. Dual pumps will be installed on both generators. Mr. Baldwin reported that Charlie Mierek with Clifton Power is no longer contracted with the Town and a new company has taken his place. Commissioner DiOrio noted that we are self-insuring our equipment at the end of this month. Mr. Lindsey stated that he would provide the quotes to Council to review and decide if they want to self-insure or go with a company. The quotes will be ready by first of next week. Two companies have submitted quotes. Mr. Baldwin stated that Council could review those during the next Council meeting on July 14th to make a decision on self-insuring or using a company to insure the equipment. Mr. Lindsey noted that the quotes are for actual cash value. He stated that the generator is running five days a week. Mr. Baldwin added that we are generating between \$50,000-\$60,000 a month which was our target. Mr. Lindsey reported that he has all the procedures from Clifton Power and is incorporating those in. He does not yet have a schedule for painting the inside of the powerhouse. Commissioner Kilby pointed out that the face of the Dam has not been painted in about eight years and suggested considering painting while the Lake is lowered this year. Mr. Lindsey explained that he plans to seal and paint the smaller seams on the buttresses while the Lake is down. He also stated that he could spray to get rid of the poison ivy. He noted that he has all the resources he needs for safety and to comply with OSHA standards.

Police Chief Sean Humphries provided an overview of a boat towing policy. He reported on a recent incident where a reserve officer, Lee Edwards, was towing a disabled boat. The rope being used to pull the boat broke and struck the boat occupant's face causing severe injury to their eye. This incident has caused him to revisit whether or not they should tow stranded vessels/occupants. He has researched other agencies and none that he has contacted tow. He also reported that Amy Whisnant with the NC League of Municipalities highly recommended to no longer tow. A boat towing policy has been drafted and would be for emergency situations only. Ms. Whisnant also suggested a waiver of liability form to be filled out by any boat occupants being towed. The policy and waiver have been reviewed by both Amy Whisnant and the Town

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Attorney and will be presented to the Council for review and adoption next month. Chief Humphries also mentioned that Lake Lure Adventure Company's owner Mark Helms has helped tow stranded vessels/occupants in the past and mentioned the idea of entering into a private sector or partnership for towing services. He noted that the Marina will only help if they are already out on the Lake. Chief Humphries then provided an update on boat permit violations mentioning that reserve officers are being utilized to patrol the Lake on weekends. He also reported that he will meet with the District Attorney tomorrow to review the Town's current noise ordinance to see if he has any concerns.

Commissioner Kilby questioned the possibility of using private security firms for events such as July 4th. Chief Humphries noted that the Dirty Dancing Festival brings security and the Town compliments them. He calls the Sheriff's Department and Highway Patrol and they usually send one person to help. Mr. Baldwin pointed out that a private security firm usually has no authority to arrest but they could ask people to leave on behalf of the property owner. If event owners wanted to hire an off-duty officer to work a festival, that officer would be working under the Lake Lure Police Chief's authority and would have powers of arrest. Chief Humphries added that a festival owner could also hire an off-duty sheriff deputy as well. He added that only a Rutherford County deputy or Lake Lure officer would have authority inside the Town's jurisdiction. Commissioner Kilby asked Chief Humphries to speak with the Sheriff about how many officers they could potentially utilize for events like July 4th. Mr. Baldwin noted that we could include that in the permitting process for events to require security. Fire Chief Dustin Waycaster pointed out that the Fire Department already has a fee schedule in place for the hiring of their off-duty staff for events. Mr. Baldwin stated that the Town could also adopt a fee for the use of off-duty personnel to provide services for events. He noted that Ms. Krejci has created a spreadsheet which tracks costs for events. Ms. Krejci suggested checking with other towns to see if they provide similar services.

Fire Chief Dustin Waycaster provided an update on the July 4th event at Rumbling Bald Resort noting that the LLPD and LLFD will be working with RBR staff for crowd control. RBR is limiting the number of people who can access the show from shore and the FD is limiting how many can come into the Resort. All permits are in place and approved for their event. Chief Waycaster pointed out that the COVID State of Emergency is still in place. The NC Governor has not yet made a decision on whether or not to keep it in place, extend it, or terminate it. Chief Waycaster reported that there are a lot of concerns about the Beach on the weekend because of the size of crowds and social distancing not taking place. Ms. Krejci remarked that she has received comments on the Town's Facebook page about people being too close together at the Flowering Bridge and the Beach. She replies to those comments that the Town provides signage about social distancing guidelines and that masks are recommended. She also mentioned there have been comments from people complaining about having to wear masks.

Chief Waycaster reported on a blood drive that is scheduled for July 22nd. Those that donate will also be tested for COVID-19 antibodies. He reported that free COVID-19 testing is available at the Rutherford County Health Department from 10-12a.m. Chief Waycaster provided updates on LLFD activity over the last month; a medical call and a trail rescue on the

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Weed Patch Mountain Trail. Mr. Baldwin reported that the Town recently hired Dana Bradley to work with the Parks, Recreation, Lake and Trails Department and is very familiar with the Town trails.

Public Works Director David Arrowood provided an update on the ditch cleaning effort. A small landslide that occurred as a result of large rain events was turned over to the NCLM insurance but they have not yet made a decision. The rain has also caused ditches to be full of debris and needing attention. Public works staff is out every day cleaning debris from ditches and documenting which ones get done when. This cleanup effort will take some time. Mr. Baldwin reported that the insurance adjustor has recommended town staff not have conversations with the property owner where the landslide occurred while they are doing their assessment. He stated that it is up to the NCLM to decide whether or not there is any liability. Mr. Arrowood explained the Town's position on water runoff is that once the water leaves the street through the pipe it becomes the property owner's responsibility. The property owner would need some type of erosion control plan or water control system. He reported that Public Works hauled several truckloads of brush from the neighbor across the street from where the landslide occurred. His opinion was that this helped contribute to the water being backed up.

Mr. Arrowood then provided an update on sludge removal stating that four bids have been received. Reese Walsh, LaBella Associates, will review the bids and present them to Council next month to award a contract. The engineers expressed that the Plant is full of sludge that needs to be removed. Mr. Arrowood also provided an update on sewer. Mr. Baldwin noted that the Special Order by Consent was submitted to the State requesting special permission for variances and parameters to stop the fines on various projects. Mr. Baldwin then reported that the gate hoist project is complete and the engineer has signed off saying it complies. The motor was original to the Dam and has not been usable for at least 20 years. Mr. Arrowood stated that the old hoist that was removed is at the Public Works facility. He noted that it might have some value but is not usable. Commissioner Kilby suggested tasking the PRB for suggestions on what to do with it. Council took a brief five minute break.

Amy Wright, Human Resources Coordinator, provided an update on the Workforce Culture of Inclusion Project. Mr. Baldwin stated that he and Ms. Wright recently attended a workshop about harassment in the workplace. He explained that there are a lot of discussions regarding federal employment law and the Town's policy needs some work. Ms. Wright will compile and submit a list of items that need clarity on and updating. Ms. Wright created a slide presentation regarding laws on discrimination that was distributed to department heads on Monday. Ms. Wright stated that the Town has 38 full time employees and explained that there is a need of diversifying town staff. However, there are some recruiting challenges because of the Town's location. The cost of living versus salaries are indicative and new recruiting strategies are needed. She also mentioned that there are various pay gaps between men and women. Mr. Baldwin explained that on average we are where we need to be based on other labor sheds. There are some positions that have been overlooked and need adjustments and he will be focusing on those over the next fiscal year. Ms. Wright reported that adverse impact, behavior that can be discriminatory, and training in management is being held. She explained that on June 15th, the

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Supreme Court ruled that gender identity and sexual orientation includes the LGBT community. Mr. Baldwin stated this change is necessary and we need a workplace where people feel comfortable. Ms. Wright stated we need to make sure that everyone is treated equally. Mayor Pro Tem Moore asked if we have had situations where someone has been harassed or not treated equally. Ms. Wright stated that no specific actions have occurred but she has made observations of unintentional discrimination. Mr. Baldwin noted an example being all females taking minutes of boards. He stated that this is based on job descriptions and roles, and not based on gender. However, he noted that we are staying aware of those types of things. Right now all department heads are men and he stated that we are aware of that in making future decisions. Commissioner DiOrio suggested a sexual harassment and discrimination policy to remind everyone that everything you do has an impact. Ms. Wright noted we have a policy but it needs to be revamped. The currently policy makes general statements. Commissioner DiOrio suggested revamping the policy to cover all areas and to bring back to Council for review in a public venue.

Mitchell Anderson, Assistant Community Development Director, provided an update on the Powell Bill Map. Updating the Map is a group effort. A certified Powell Bill Map is due by July 29th. He will be working with Spencer Surveying to get all town documents surveyed for submittal. Mr. Baldwin explained that the Powell Bill provides the Town funds to help make road repairs, which is based on population and miles of town maintained streets. Mr. Karr noted that the Town usually receives between \$67,000-\$68,000 a year. Mr. Baldwin reported that Mr. Anderson was recently promoted as the Assistant Community Development Director and that he maintains his title as the Community Development Director. Mr. Anderson has already picked up his first Certificate of Zoning Officials (CZO) certification and is official in NC.

Mr. Anderson reported that he is currently working on updating Section 160D of the Zoning Regulations in accordance with the NC School of Government (NCSOG). Once those updates are ready, he will present them to Council for review and adoption. He is also working on updating Title VI of the Regulations as well. Mr. Baldwin added that NCDOT is requiring these files and plans be updated. Mr. Anderson stated that they provided a general outline and he will review it and send it to Amy Whisnant with the NCLM. Mr. Anderson then provided an overview of a recent Conditional Use Permit request for Blue Heron Subdivision that he received from Bonnie Newell. Mayor Pro Tem John Moore mentioned that Ms. Newell is a contractor with Verizon and they want to improve their cell service. The property is a utility lot owned by a POA which could potentially cause some complications. Mr. Baldwin asked if the lot the Town's tank is on in Firefly Cove has ever been considered and suggested looking into it to see could be worked out with Verizon. Commissioner DiOrio stated that a cell tower is one of the single most important barriers to move the Town forward.

Finance Director Sam Karr provided an update on the FY 20-21 Budget stating that department heads are in decent shape. The small generator project will carry over and a budget amendment will be needed next month.

Mr. Baldwin reported that Communications Specialist Laura Krejci has been working on a communication plan for a town meeting to be held at the Lake Lure Classical Academy

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(LLCA) Gymnatorium. Ms. Krejci provided an overview noting that the space is large enough to provide for social distancing. Mr. Baldwin stated that the Town could provide face masks and sanitizer for those who attend the meeting.

Commissioner DiOrio questioned if RBR has been notified about the sewer rate increase. Mr. Karr stated that Customer Service Specialist Linda Ward spoke with someone from the Resort this morning about the sewer rate increase. The next meter reading is in July which will still be at the old sewer rates. The billing in August starts the new rates and billing monthly. However, the meters will still only be ready every other month; one month will just be an estimate and the difference will be made up the next month. Mr. Baldwin explained that it takes the Public Works staff a full week to read meters which pulls a lot of their staff time away and is the reason for the need to read every other month. Mr. Karr reported that the Budget does not have to be submitted until the next audit and can be executed now. Mr. Baldwin noted that we will find out any issues with the budget on the 28th and will talk through those. Mr. Karr stated that there is discussion about the Dam versus hydroelectric. The last audit we had expensed out Schnabel's work as a General Fund expense and the auditors moved it back in the Hydroelectric Fund. He has since discussed this with the auditors explaining that we want to separate the Hydro with the Dam. \$456,000 out of the hydro expense into the General Fund will help our General Fund. He stated that it will be a one-time violation but needs to be done. He spoke about this with the Local Government Commission (LGC) and they stated that they will write the Town up on the prior year adjustment. He stated that it is a minor violation but we need to take it to segregate the Dam as a general fund and the Hydro as a hydro fund expense.

Ms. Krejci provided an update on the FEMA grant for the reservoir drain reporting that the application was submitted last Friday. Mr. Baldwin stated the total design is \$180,000. We will get \$120,000 from Schnabel Engineering and approximately \$60,000 would be needed for the Town to contribute. Money in the capital reserves or fund balance are needed to match potential grants as they come along. Ms. Krejci stated if the project is started in mid-July, it could be finished for design deliverables in December. Mr. Baldwin noted that Schnabel submitted the Scope of Work and Kurt Wright reviewed. Schnabel has also spoken with NC DEQ. Ms. Krejci stated DEQ is trying to look out for the Town's best interest. The Town is now in the process for its first FEMA grant. Mr. Baldwin stated that there are monies available for studies, design, and construction. Once you get in, you are vested with the project and DEQ gets familiar and vested with the Town's projects.

Mr. Baldwin updated on the downtown renovation. He stated that James Ledgerwood, Chimney Rock State Park Superintendent, emailed him and an email that he had received from NC DOT regarding the plans the Town has for downtown renovation. He explained that this came as a surprise to Mr. Ledgerwood because DOT had not previously spoken with him about those plans. Mr. Baldwin pointed out that we need everyone working together from multiple parties and to coordinate communication so that everyone is on the same page.

Ms. Krejci provided an update on the July 28th Community Meeting plan and provided a copy of the latest version to Council. She noted that she intends to share this plan on Friday with

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the other panel members, consultants, and entities involved. An invitation will be sent via Facebook and the Town's website. She also plans to allow people to select a time that they wish to participate electronically. Details of the meeting were discussed. A special meeting will be called to hold a run through of the July 28th meeting as a test. Commissioner Kilby suggested a document created regarding the details of the July 28th meeting that can be distributed throughout the community. He also suggested an article in the Daily Courier advertising this meeting. Mr. Baldwin stated that meeting on the 28th is a chance to explain why the need for the increase. Ms. Krejci noted that the Mayor's article in the Mountain Breeze points out this meeting. Commissioner Kilby also suggested posting a sign outside of Town Hall about it.

III. CLOSED SESSION:

Mayor Pro Tem John Moore made a motion to enter into Closed Session in accordance with G.S. 143-318.11(a)(6) for the purpose of discussing personnel matters. Commissioner Patrick Bryant seconded and the motion carried 4-0.

While in Closed Session, Council further discussed the Town Manager's contract.

Commissioner John Kilby moved to leave Closed Session. Commissioner Patrick Bryant seconded and the motion carried 4-0.

Commissioner Bryant asked about lake-drawdown and when the warranty for the penstock wrap expires. Mayor Pro Tem stated that Town Engineer Kurt Wright would be checking to see when the warranty expires. He stated that they are looking to do a lake drawdown a few days after Christmas. Mr. Baldwin noted that department heads have been told to speak with Mr. Wright about projects they need done while the Lake is down. He reported that dredging has concluded for now and will begin again in December. He pointed out that Mr. Wright's help will be needed in locating the sewer line to make sure it is avoided during dredging.

ADJOURN THE MEETING

With no further business, Commissioner John Kilby made a motion to adjourn the meeting at 12:28 p.m. Commissioner Patrick Bryant seconded and the motion carried 4-0.

ATTEST:

Michelle Jolley,
Town Clerk

Mayor Pro Tem John Moore

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

Meeting Date: July 14, 2020

SUBJECT: Families First Coronavirus Response Act (FFCRA) Emergency Leave Policy

AGENDA INFORMATION:

Agenda Location: Consent
Item Number: C
Department: Administration
Contact: Amy Wright, Human Resources Coordinator
Presenter: Amy Wright, Human Resources Coordinator

BRIEF SUMMARY: On March 18, 2020, Congress passed and the President signed into law the Families First Coronavirus Response Act (the “Families First Act”). The Families First Act is actually a compilation of a number of different acts with different purposes, all sharing the goal of providing relief to those who have been or will be adversely affected economically by the COVID-19 pandemic. The Families First Act has two provisions. The first is the Emergency Family and Medical Leave Expansion Act, which provides a time-limited expansion of the job protection benefits under the FMLA. The second is the Emergency Paid Sick leave Act, which requires paid sick leave to employees who have been advised to self-isolate or self-quarantine, are seeking a diagnosis of COVID-19 symptoms, or are caring for an individual under isolation or quarantine or for children whose normal caregivers are unavailable due to the COVID-19 precautions. Both of these acts allow individual employers to exclude from coverage healthcare providers and emergency responders.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To adopt the Families First Coronavirus Response Act and the Emergency Leave Policy.

FUNDING SOURCE: n/a

ATTACHMENTS: FFCRA Emergency Leave Policy, EPSL and EFMLA Applications

STAFF’S COMMENTS AND RECOMMENDATIONS: Staff recommends approval of this policy.



Families First Coronavirus Response Act (FFCRA)

Emergency Leave Summary & Policy

(Effective 4/1/2020 to 12/31/2020)

The Families First Coronavirus Response Act (FFCRA) is a collection of different acts which are targeted at providing relief to those who have been or will be negatively impacted economically by COVID-19.

Effective April 1, 2020, the Town of Lake Lure will be providing the following additional leave benefits in compliance with FFCRA. This includes the Emergency Family and Medical Leave and Expansion Act (eFMLA) and the Emergency Paid Sick Leave Act (ePSL).

Previously available leave options are also still in effect. For more information on those leave options, please refer to the Town of Lake Lure Personnel Policy.

The benefits described in this document are subject to change based on guidance from the Department of Labor and/or changes to the law. Additionally, these benefits are in effect for as long as a federal, state, or local COVID-19 state of emergency is in effect and in any event only through December 31, 2020.

Emergency Family and Medical Leave Expansion Act (eFMLA)

Eligibility

The U.S. Department of Labor defines an emergency responder as: "An employee who is necessary for the provision of transport, care, health care, comfort, and nutrition of such patients, or whose services are otherwise needed to limit the spread of COVID-19. This includes but is not limited to military or national guard, law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility. This also includes any individual that the highest official of a state or territory, including the District of Columbia, determines is an emergency responder necessary for that state's or territory's or the District of Columbia's response to COVID-19."

All full-time and part-time employees, who are not designated as emergency responders by the U.S. Department of Labor, that have worked for the Town of Lake Lure for at least 30 days prior

to the designated leave are eligible for Emergency Family and Medical Leave. Please note that eligibility under eFMLA does not change eligibility requirements for other FMLA categories. Please refer to the Town of Lake Lure's Personnel Policy for more information.

Type of Leave Covered by this Policy

eFMLA adds a new qualifying reason for job-protected leave to the previous categories under the FMLA. Leave is available when:

- An employee is unable to work (or telework) due to a need for leave to care for a son or daughter under 18 years of age;
- If the school or place of care has been closed, or the child care provider is unavailable due to an emergency in relation to COVID-19 as declared by a federal, state or local authority.
- For purposes of eFMLA leave, a "child care provider" is one who provides child care services on a regular basis and receives compensation for those services. It excludes family members who have been providing child care and are no longer available.

Maximum Period for Leave

All FMLA leave combined, including eFMLA leave, is available for up to a total of 12 weeks within any 12 month period.

Pay under eFMLA

After a 10-day (i.e., 2 weeks) waiting period, the remaining 10 weeks will be paid leave at no less than two-thirds of the employee's regular rate of pay. The maximum pay per day will not exceed \$200 or \$10,000 aggregate. The pay provision under the eFMLA **does not** apply to other qualifying reason under the FMLA.

Use of Other Leave During eFMLA Leave

Employees are not required to use any accrued paid leave during the first 10 days of eFMLA leave. However, employees may choose to use available Emergency Paid Leave, Compensatory Leave, Vacation Leave or Sick Leave to cover the first 10 days of eFMLA leave. Please note that the total amount of annual FMLA leave remains at 12 weeks.

Requesting Leave

Employees should provide as much notice as practicable when in need of eFMLA leave. Normal call-in procedures apply to all absences from work. Requests for eFMLA leave should be submitted to Amy Wright at the Town Hall or email the form to hrcoordinator@townoflakelure.com

Return to Work

As with traditional FMLA provisions, the Town has the same obligation to return any employee who has taken eFMLA leave to the same or equivalent position upon the return to work.

Benefits During eFMLA Leave

Benefit provisions are the same as with traditional FMLA:

1. During the period of leave, participants in the group health and dental insurance plan will continue to receive coverage on the same basis as employees not on leave. The Town

will continue to pay the same portion of the insurance premiums for employees on leave as it pays for active employees. The employee on leave will be responsible for any additional costs such as costs associated with obtaining dependent coverage. Payment will either be through payroll deduction, if available, or by personal check as scheduled by the Town's Finance Officer. If this payment is late, the employee's health and dental insurance coverage may be dropped for the duration of the leave.

2. If an employee does not return to work after leave due to personal rather than medical reasons, the Town will seek reimbursement for all health and dental care premiums paid on behalf of the employee during the leave.
3. An employee who does not return to work at the end of leave will receive information about rights to COBRA continuation of medical and dental insurance coverage at the expiration of the family and medical leave.

Emergency Paid Sick Leave Act

Eligibility

The U.S. Department of Labor defines an emergency responder as: "An employee who is necessary for the provision of transport, care, health care, comfort, and nutrition of such patients, or whose services are otherwise needed to limit the spread of COVID-19. This includes but is not limited to military or national guard, law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility. This also includes any individual that the highest official of a state or territory, including the District of Columbia, determines is an emergency responder necessary for that state's or territory's or the District of Columbia's response to COVID-19."

The U.S. Department of Labor regulations state that all full-time and part-time employees, who are not designated as emergency responders by the U.S. Department of Labor, are eligible for certain types of Emergency Paid Sick Leave (ePSL) listed below. The Town of Lake Lure's policy is that all employees (full-time and part-time) are eligible for Emergency Paid Sick Leave (ePSL) under Types of Leave 1 through 3 listed below. Additionally, all full-time and part-time employees, who are not designated as emergency responders by the U.S. Department of Labor, are eligible for Types of Leave 1 through 6 listed below.

Type of Leave Covered by this Policy

An employee qualifies for ePSL if the employee is unable to work (or unable to telework) because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;

4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. is caring for a son or daughter whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. is experiencing any other substantially-similar condition to be specified by the federal government.

For purposes of ePSL, a "child care provider" is one who provides child care services on a regular basis and receives compensation for those services. It excludes family members who have been providing child care and are no longer available.

Maximum Period for Leave

Full-time employees are entitled for up to 80 hours of paid sick leave. Part-time employees are entitled to paid sick leave up to the equivalent of two weeks of hours.

Pay under ePSL

For Leave Types 1, 2, and 3 above:

ePSL is paid at the employee's regular rate of pay if the employee is unable to work or telework for qualifying reasons #1, 2 or 3. The maximum pay per day will not exceed \$511 or \$5,110 aggregate. There is no waiting period before pay begins.

For Leave Types 4, 5, and 6 above:

ePSL is paid at two-thirds the employee's regular rate of pay if the employee is unable to work or telework for qualifying reasons #4, 5 or 6. The maximum pay per day will not exceed \$200 or \$2,000 aggregate. There is no waiting period before pay begins.

Use of Other Leave with ePSL

Employees are not required to use any accrued paid leave prior to using Emergency Paid Sick Leave.

Requesting Leave

Employees should provide as much notice as practicable when in need of ePSL. Normal call-in procedures apply to all absences from work. Requests for ePSL should be submitted to Amy Wright at Town Hall or email the form to hrwright@townoflakelure.com

During the period of leave, participants in the group health and dental insurance plan will continue to receive coverage on the same basis as employees not on leave. The Town will continue to pay the same portion of the insurance premiums for employees on leave as it pays for active employees. The employee on leave will be responsible for any additional costs such as costs associated with obtaining dependent coverage. Payment will either be through payroll deduction, if available, or by personal check as scheduled by the Town's Finance Officer. If this payment is late, the employee's health and dental insurance coverage may be dropped for the duration of the leave.

If an employee does not return to work after leave due to personal rather than medical reasons, the Town will seek reimbursement for all health and dental care premiums paid on behalf of the employee during the leave.

An employee who does not return to work at the end of leave will receive information about rights to COBRA continuation of medical and dental insurance coverage at the expiration of the family and medical leave.

Benefits During ePSL Leave

Benefit provisions are the same as with traditional SICK LEAVE:

During the period of leave, participants in the group health and dental insurance plan will continue to receive coverage on the same basis as employees not on leave. The Town will continue to pay the same portion of the insurance premiums for employees on leave as it pays for active employees. The employee on leave will be responsible for any additional costs such as costs associated with obtaining dependent coverage. Payment will either be through payroll deduction, if available, or by personal check as scheduled by the Town's Finance Officer. If this payment is late, the employee's health and dental insurance coverage may be dropped for the duration of the leave. An employee who does not return to work at the end of leave will receive information about rights to COBRA continuation of medical and dental insurance coverage at the expiration of the family and medical leave.

Town of Lake Lure

Families First Coronavirus Response Act (FFCRA)

Expanded Family Medical Leave Act (eFMLA) Application

In accordance with the Emergency Family Leave Expansion Act, which goes into effect April 1, 2020, I hereby request eFMLA for the following reason:

- ☐ I am responsible for the care of my minor son or daughter who is younger than age 18, because their school and/or day care is closed (proof related to closing is attached)
- ☐ I am requesting this eFMLA effective: _____.

By signing below, I understand and acknowledge all of the following:

1. The first 10-days of eFMLA is unpaid, and I may choose to apply for Emergency Paid Sick Leave under the Families First Coronavirus Response Act, which I will apply for under a **separate** application.
2. I may choose to use my accrued compensatory time, sick time or vacation time for the 10-days of unpaid eFMLA instead of applying Emergency Paid Sick Leave under the Families First Coronavirus Response Act. It is solely my responsibility to complete the necessary Request for Leave documentation or provide other like documentation such as an email to Human Resources hrcoordinator@townoflakelure.com in order to notify Payroll of how I plan to be compensated for the 10-day unpaid period of eFMLA.
3. Following the first 10-days unpaid under this policy, eFMLA will compensate me at 2/3 (66.67%) of my regular rate of pay for up to 10-weeks or as long as a federal, state, local COVID-19 state of emergency is in effect. My pay will be capped at \$200 per day (or \$10,000 in aggregate). I CANNOT supplement eFMLA with accrued leave of any kind.
4. **eFMLA time will count towards my FMLA entitlement of 12 weeks in a rolling 12-month period for all FMLA qualified reasons.**
5. **eFMLA may be taken intermittently. I will coordinate my work and eFMLA schedule with my immediate supervisor. I am responsible for clearly noting my Emergency Family Leave time and my hours of work, if any, on my timecard.**
5. The employment tax provisions of the FFCRA are found in the legislation. The Town will comply with these rules.
6. All other provisions of the Town of Lake Lure FMLA policy apply.
7. This policy is in effect for as long as a federal, state or local COVID-19 state of emergency is in effect, and in any event only through December 31, 2020.
8. My request for eFMLA is conditionally approved. Human Resources will write to me further regarding any clarification needed on my application and my approval status.

Name: _____ Signature: _____
Date Signed: _____ Best Phone Number : _____

Town of Lake Lure
Families First Coronavirus Response Act (FFCRA)

Emergency Paid Sick Leave Act Application

In accordance with the Emergency Family Leave Expansion Act, which goes into effect April 1, 2020, I hereby apply for **Emergency Paid Sick Leave** for the following reason:

- ☐ 1. I am subject to a federal, state or local quarantine or isolation order related to COVID-19;
- ☐ 2. I have been advised by my healthcare provider to self-quarantine because I am infected with or have been exposed to COVID-19 or because I am at high risk of complications from COVID-19;
- ☐ 3. I am showing symptoms of COVID-19 and am seeking, but have not yet received, a medical diagnosis;
- ☐ 4. I am caring for someone subject to a federal, state or local quarantine or isolation order related to COVID-19 or who has been advised by their healthcare professional to self-quarantine for COVID-19 related reasons;
- ☐ 5. I am caring for my minor son or daughter who is younger than age 18, because their school and/or day care is closed or the childcare provider is no longer available because of a COVID-19 related reason (proof related to closing is required.)
- ☐ 6. I am experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of Treasury and Secretary of Labor.

I am requesting this **Emergency Paid Sick Leave** effective: _____.

By signing below, I understand and acknowledge all of the following:

1. **Emergency Paid Sick Leave** will pay me up to 80 hours of my regular rate of pay according to the following reasons:
Reasons 1 – 3 As Shown Above – 100% of my regular rate of pay, capped at \$511/day or \$5,110 aggregate
Reasons 4 – 6 As Shown Above - 2/3 of my regular rate of pay (66.67%) capped at \$200/day or \$2,000 aggregate
2. It is solely my responsibility to complete the necessary Certification of a Healthcare Professional or provide other like documentation either in person or by email to Human Resources at hrcordinator@townoflakelure.com, in order to certify my need for Emergency Paid Sick Leave. This is confidential HIPAA protected information and will be treated as such.
3. I CANNOT supplement **Emergency Paid Sick Leave** with accrued leave of any kind.
4. **Emergency Paid Sick Leave time will count towards my FMLA entitlement of 12 weeks in a rolling 12-month period for all FMLA qualified reasons.**
5. **Emergency Paid Sick Leave may be taken intermittently only for Reason 5 shown above. I will coordinate my work and Emergency Paid Sick Leave schedule with my immediate supervisor. I am responsible for clearly noting my Emergency Paid Sick Leave time and my hours of work, if any, on my timecard.**
5. The employment tax provisions of the FFCRA are found in the legislation. The Town will comply with these rules.
6. All other provisions of the Town of Lake Lure FMLA policy apply.
7. This policy is in effect for as long as a federal, state or local COVID-19 state of emergency is in effect, and in any event only through December 31, 2020.
8. My request for Emergency Paid Sick Leave is conditionally approved. Human Resources will write to me further regarding any clarification needed on my application and my approval status.

Name: _____ Signature: _____
Date Signed: _____ Best Phone Number : _____

**LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION
Meeting Date: July 14, 2020**

SUBJECT: BA# 283 – Engineering for Reservoir Drain System

AGENDA INFORMATION:

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

BRIEF SUMMARY: A proposal from Schnabel Engineering to provide additional expenditures for the engineering of a reservoir drain system. Town secures resources for a 35% match grant with High Potential Dam HHPD Funds.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Approve BA# 283 to provide additional expenditures for the engineering of a reservoir drain system.

FUNDING SOURCE: Transfer from Hydro-electric Fund Equity \$64,999; Grant-NCDEQ High Hazard Potential Dam Rehabilitation \$120,712

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff recommends approval of BA# 283.

Budget Amendment #283

**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, 2020:

Department: Hydro/electric-Schnabel Engineering Proposal

Purpose: Schnabel to conduct a design reservoir drain system. Town secures resources for a 35% match grant with High Hazard Potential Dam HHPD Funds.

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

Line Item	Account Number	Amount Decrease	Amount Increase	Amended Budget
190	56-720000		\$185,711	\$185,711

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

Account Name: Grant-NCDEQ-High Hazard Potential Dam Rehabilitation
Account Number: 56-332100
Amount: \$120,712.00

Account Name: Transfer from Hydro-electric Fund Equity
Account Number: 56-398601
Amount: \$64,999.00

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 _____, 2020.

**LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION
Meeting Date: July 14, 2020**

SUBJECT: BA# 284 – Small Generator Bearing Work

AGENDA INFORMATION:

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

BRIEF SUMMARY: To provide additional revenue for bearing work on the small generator. This project carried over from FY 19-20. The contract with Regional Utility Service for generator rebuild was signed June 30th.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Approve BA# 284 to provide additional revenue for bearing work on the small generator.

FUNDING SOURCE: Transfer from Hydro-electric Fund Equity

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff recommends approval of BA# 284.

**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, 2020:

Department: Hydro/electric-Bearing Work on small generator

Purpose: Carry over Project from FY 19-20. Contract signed June 30th with Regional Utility Service for Generator rebuild.

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

Line Item	Account Number	Amount Decrease	Amount Increase	Amended Budget
588	56-800000		\$174,000	\$174,000

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

Account Name: Transfer from Hydro-electric Fund Equity

Account Number: 56-398601

Amount: \$174,000

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 _____, 2020.

LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION
Meeting Date: July 14, 2020

SUBJECT: Resolution No. 20-07-14 Intent to Reimburse for the Purchase of (3) Town Vehicles

AGENDA INFORMATION:

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

BRIEF SUMMARY: Approve loan reimbursement of (3) vehicles that were budgeted this fiscal year that are to be financed. Some of the vehicles have been ordered and it would be much more efficient to pay upfront and get reimbursed through the loan. If necessary, we can pay and get reimbursement through the loan rather than waiting until all paperwork clears.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Adopt Resolution No. 20-07-14 Intent to Reimburse for the Purchase of Town Vehicles.

FUNDING SOURCE: General Fund Loan Proceeds

ATTACHMENTS: Resolution No. 20-07-14

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff recommends approval of the Resolution. As interest rates continue to rise, we will need to get locked in to rates as soon as possible. It would be more cost-effective to get all paperwork done as soon as possible and we will not be in a situation where we need to wait to get proper approval to close.

RESOLUTION NO. 20-07-14
TOWN OF LAKE LURE, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE

This declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of the Town of Lake Lure, North Carolina (the "Issuer") with respect to the matters contained herein.

1. **Expenditures to be Incurred.** The Issuer anticipates incurring expenditures (the "Expenditures") for the purchase of vehicles (the "Project").
2. **Plan of Finance.** The Issuer intends to finance the costs of the Project with the proceeds of debt to be issued by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.
3. **Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$84,879.00.
4. **Declaration of Official Intent to Reimburse.** The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

Adopted this 14th day of July, 2020.

Mayor Carol C. Pritchett

ATTEST:

Michelle Jolley, Town Clerk

IX

NEW BUSINESS

- Adopt the Town Manager Second Employment Agreement Addendum
- Waste Water Treatment Plant Sludge Removal Bid Approval
- 2021 Independence Day Celebration Fireworks Event Joint Request from Lake Lure Properties, Lake Lure Tours, and the Chamber of Hickory Nut Gorge
- Adopt the Water Vessel Towing and Transporting of Stranded Vessel Occupants Policy and Approval of a General Release of Liability Form for the Transfer of Disabled Boat Occupants
- Adopt Ordinance No. 20-07-14 Picketing
- Town of Lake Lure's Fireworks Event

**LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION
Meeting Date: July 14, 2020**

SUBJECT: Town Manager's Second Employment Agreement Addendum

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: A
Department: Administration
Contact: William Morgan, Town Attorney
Presenter: William Morgan, Town Attorney

BRIEF SUMMARY: The Town Manager's current employment contract term ends December 31, 2020. The Second Employment Agreement Addendum will extend Baldwin's employment contract for a second term beginning January 1, 2021 through December 31, 2023.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To approve the Town Manager's Second Employment Agreement Addendum.

FUNDING SOURCE: n/a

ATTACHMENTS: none

STAFF'S COMMENTS AND RECOMMENDATIONS: Defer to Council's decision.

**LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION
Meeting Date: July 14, 2020**

SUBJECT: Waste Water Treatment Plant Sludge Removal Bid

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: B
Department: Sewer
Contact: Shannon Baldwin, Town Manager
Presenter: Reese Walsh, LaBella Associates

BRIEF SUMMARY: LaBella will provide all documentation for this agenda item at the meeting.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To accept the bid proposal from Reese Walsh for removal of sludge from the Waste Water Treatment Plant

FUNDING SOURCE: n/a

ATTACHMENTS: none

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff defers to the recommendations from LaBella Associates.

LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION
Meeting Date: July 14, 2020

SUBJECT: 2021 July 4th Celebration Fireworks Event

AGENDA INFORMATION:

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

BRIEF SUMMARY: Lake Lure Properties, Lake Lure Tours, and the Chamber of Hickory Nut Gorge is requesting to hold a 2021 Independence Day Celebration Fireworks event to be held on Sunday, July 4, 2021. The proposed fireworks launch site will be located within line-of-sight of the Lake Lure Beach and Commercial Town Center.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To approve the request from Lake Lure Properties, Lake Lure Tours, and the Chamber of Hickory Nut Gorge for a 2021 Independence Day Celebration Fireworks event to be held on Sunday, July 4, 2021.

FUNDING SOURCE: n/a

ATTACHMENTS: Formal Request for Fireworks Event

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff recommends approval of this request.

Lake Lure Properties, LLC
Lake Lure Tours, Inc.
PO Box 10043
Fleming Island, FL 32006

The Chamber of Hickory Nut Gorge
103 Arcade Street
Lake Lure, NC 28746

June 11, 2020

Lake Lure, NC

To the attention of:

Mayor Carol Pritchett (cpritchett@townoflakelure.com)
Commissioner John Moore (jwmoore329@bellsouth.net)
Commissioner John Kilby (johnkilby164@gmail.com)
Commissioner David DiOrio (diorio.capt@gmail.com)
Commissioner Patrick Bryant (pbryant@lakelure.com)

RE: Independence Day Fireworks, 2021

July, 2020 Lake Lure Town Council Meeting

FORMAL REQUEST

Dear Mayor and Commissioners:

Please accept this memo as a formal request by Lake Lure Properties, LLC; The Chamber of Hickory Nut Gorge; and Lake Lure Tours, Inc. for the addition of the following topic to the July, 2020 Town Council meeting's official agenda: "2021 Independence Day Celebration Fireworks" - - so that this topic may be discussed, and perhaps a motion made regarding it, during July 2020's Town Council Meeting's public-session.

We are hopeful that the Town of Lake Lure sees fit to affirm that the 2021 Lake Lure Independence Day celebration fireworks shall take place on Sunday, July 4, 2021, with the fireworks launch site to be located within line-of-sight of the Lake Lure Beach and Commercial Town Center.

Respectfully,

THE CHAMBER OF HICKORY NUT GORGE
Laura Doster, Director

and

LAKE LURE PROPERTIES, LLC
LAKE LURE TOURS, INC.
George Wittmer

**LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION
Meeting Date: July 14, 2020**

SUBJECT: Policy for Towing Stranded Water Vessels and Occupants and General Release of Liability

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: D
Department: Police
Contact: Sean Humphries, Police Chief
Presenter: Sean Humphries, Police Chief

BRIEF SUMMARY: The proposed towing policy has been reviewed by the Town Attorney and Police Chief. The Policy limits towing to water vessels that are the property of The Town of Lake Lure and water vessels that are found adrift on the lake with no occupants, or towing due to an emergency situation. A waiver of liability release form must be signed by the guardian/caretaker of any disabled boat being transported during emergency situations.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To adopt a Policy for Towing Stranded Water Vessels and Occupants and General Release of Liability form.

FUNDING SOURCE: n/a

ATTACHMENTS: Policy and Release of Liability Form

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff recommends approval of a policy for towing stranded water vessels and occupants and approval of the General Release of Liability form.



Town of Lake Lure

Water Vessel Towing and Transporting of Stranded Vessel Occupants Policy

Purpose

The purpose of this policy is to establish guidelines for the towing of disabled water vessels and transporting of stranded vessel occupants.

Policy

The Lake Lure Police Department will only tow water vessels that are the property of the Town of Lake Lure and water vessels that are found adrift on the lake with no occupants. If a boat is found adrift, the officer will first make an attempt to contact the owner. If the officer is unable to locate the owner, then in the best interest of public safety the boat will be towed to the safest location. The Lake Lure Police Department will not tow any privately owned water vessels that are occupied. In case of emergencies or exigent circumstances which are of a life or death nature, the Lake Lure Police Department will transport occupants of a disabled vessel from their vessel to a safe area. The Lake Lure Fire Department will be dispatched to assist on all emergency transports of occupants from disabled vessels.

Transportation of Occupants

All occupants to be transported will be required to wear a Coast Guard Approved Personal Flotation Device (PFD). Officers will then identify if the vessel has an anchoring system. If so, the system will be deployed. If there is no anchoring system in place, one will be provided for them. All occupant(s) will be seated safely before the Lake Lure Police Patrol Boat (Patrol Boat) begins acceleration. The officer should make all attempts to seat occupants immediately upon boarding the Patrol Boat. Once occupant(s) are safely seated, the Patrol Boat may begin the transport to a safe location (i.e. dock, pier, etc.). The Officer will verify that the Patrol Boat is secured to the dock or pier prior to occupants standing. Once the security of the Patrol Boat is verified occupants may stand and with assistance, exit the Patrol Boat to the safe location.

Waiver of Liability (Release)

A waiver will be signed by each individual or guardian/caretaker being transported prior to being transported if the emergency situation allows time for this to be completed prior to the occupants of the disabled vessel boarding the Patrol Boat. If time does not allow for this to take place prior to boarding the Patrol Boat, the waiver should be signed as soon as it is safe to do so. Signed waivers will be filed with the Lake Lure Police Department and remain on file for one full year.

Logging of Transport

Officers will log times of transport and the number of souls on the Patrol Boat, the safe location address or description of location. Officer will enter the information of the transport on their Daily Activity Report. Officers will also note on the Daily Activity Report the description of the vessel and the location where the vessel was left.

Effective date

Adopted this 14th day of July, 2020.

Carol C. Pritchett, Mayor

Attest:

Michelle Jolley, Town Clerk

TOWN OF LAKE LURE

GENERAL RELEASE OF LIABILITY

I, _____ of _____
Name (First, Last) Address

State of _____ (Hereinafter the "Releasor") enter this agreement with the town of Lake Lure Police Department. In consideration for being transported from a disabled vessel on the waters of Lake Lure, I

hereby release and forever discharge **Lake Lure Police Department, Lake Lure Fire Department, and The Town of Lake Lure** (Hereinafter the "Releasees") including their agents, officers, officials, employees, and their respective heirs, personal representatives, affiliates, successors and assigns, from any and all claims, demands, damages, actions, causes of action or suits of any kind or nature whatsoever, which I now have or may hereafter have, arising out of or in any way relating to any and all injuries and damages of any and every kind, to both person and property, and also any and all injuries and damages that may develop in the future as a result of or in any way relating to or arising out of the TRANSFER OF DISABLED BOAT OCCUPANTS TO POLICE VESSEL FOR TRANSPORT TO LAND.

It is understood and agreed that this Release is made and received in full and complete settlement and satisfaction of the causes of action, claims and demands mentioned herein; that this Release contains the entire Agreement between the parties; and that the terms of this Agreement are contractual and not merely a recital. Furthermore, this Release shall be binding upon the undersigned, and his respective heirs, executors, administrators, and personal representatives to the fullest extent allowed by the laws of the State of North Carolina.

This Release has been read and fully understood by the undersigned and has been explained to me.

EXECUTED this _____ day of _____, 20____

Releasor's Signature: _____

Printed Name: _____

**LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION
Meeting Date: July 14, 2020**

SUBJECT: Ordinance No. 20-07-14 Picketing in the Town of Lake Lure

AGENDA INFORMATION:

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

BRIEF SUMMARY: Currently, the Town does not have an ordinance providing guidelines for picketing (public demonstrations, protests, etc.) within the Town of Lake Lure. The proposed ordinance provides guidelines for picketing inside town limits. This draft ordinance has been reviewed by the Town Attorney. Please review and provide any revisions you feel are necessary before adopting.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To adopt Ordinance No. 20-07-14, Picketing in the Town of Lake Lure.

FUNDING SOURCE: n/a

ATTACHMENTS: Ordinance No. 20-07-14 Picketing

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff recommends approval of an ordinance providing guidelines for picketing inside the Town of Lake Lure.

ORDINANCE NUMBER 20-07-14

AN ORDINANCE REGULATING PICKETING IN THE TOWN OF LAKE LURE

WHEREAS, N.C.G.S. 20-174.2 authorizes municipalities to adopt an ordinance regulating the time, place, and manner of gatherings, picket lines, or protests by pedestrians that occur on State roadways and State highways.

WHEREAS, the First Amendment to the United States Constitution protects freedom of speech and expression from government restrictions; and,

WHEREAS, picketing that does not cause obstruction to a highway or intimidation is legal and in line with freedom of assembly laws; and

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 Section 20-174.2 of the North Carolina General Statutes. It shall be known and may be referred to as the “Ordinance Regulating Picketing in the Town of Lake Lure.”

SECTION TWO. Chapter 66 of the Town of Lake Lure, North Carolina Code of Ordinances is hereby enacted as follows:

Section 66.01 Definitions

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

Picket or picketing means to make a public display or demonstration of sentiment for or against a person or cause, including protesting which may include the distribution of leaflets or handbills, the display of signs and any oral communication or speech, which may involve an effort to persuade or influence, including all expressive and symbolic conduct, whether active or passive.

Sidewalk means that portion of the street right-of-way which is designated for the use of pedestrians and may be paved or unpaved and shall include easements and rights of ways.

Street means the entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter or right, for the purposes of vehicular traffic, including that portion that is known as the shoulder of the roadway and the curb. The terms “highway” and “street” and their cognates are synonymous as used herein.

Section 66.02 Notice of Intent to Picket.

(a) *Notification required.* The organizer of a picket that the organizer knows, or should reasonably know will be by a group of 10 or more individuals shall give notice of intent to picket to the Lake Lure Chief of Police or designee at least 48 hours before the beginning of the picket. The notice of intent to picket shall include the following information:

- (1) The name, address and contact telephone number for the organizer of the picket;
- (2) The name, address and contact telephone number of the person giving notice of intent to picket, if different from the organizer;
- (3) The name of the organization or group sponsoring the picket;
- (4) The location where the picket is to take place;
- (5) The date and time the picket will begin and end; and
- (6) The anticipated number of participants, and the basis on which this estimate is made.

(b) *Receipt of notification.* Upon notice of intent to picket given in accordance with subsection (a), the Chief of Police or designee shall immediately issue a receipt of notice. The receipt shall contain all information stated in the notice. The organizer of a picket shall be responsible for maintaining the receipt, and shall present it when so requested by a law enforcement officer or other town official.

(c) It shall be unlawful for any person to violate any provision of this section.

Section 66.03 Picketing Regulations.

(a) Picketing may be conducted on public sidewalks, and any town-controlled parks, or any other town-owned areas normally used or reserved for pedestrian movement, including easements and rights-of-way, and shall not be conducted on the portion of the public roadway used primarily for vehicular traffic.

(b) Notwithstanding subsection (a), picketing may not be conducted:

- (1) At the Lake Lure Municipal Center lawn, at the Lake Lure Beach, or at any town-controlled park during a festival or event that has been permitted at that particular property or when that property has been otherwise reserved for private use;
- (2) On a median strip; and
- (3) At a location directed, focused, or targeted at a particular private residence.

(c) Picketing shall not disrupt, block, obstruct or interfere with pedestrian or vehicular traffic or the free passage of pedestrian or vehicular traffic into any driveway, pedestrian entrance, or other access to buildings, which abut the public sidewalks.

(d) Written or printed placards or signs, flags, or banners carried by individuals engage in picketing shall be of such a size and/or carried on the sidewalks or other town-owned areas, as to allow safe and unobstructed passage of pedestrian or vehicular traffic. The staff or pole on which a sign, flag, or banner may be carried shall be made of corrugated material, plastic, or wood, and shall not exceed 40 inches in length and shall not be made of metal or metal alloy. If made of wood, the staff or pole shall be no greater than three-fourths inch in diameter at any point. A staff or pole must be blunt at both ends.

(e) If more than one group of picketers desire to picket at the same time at or near the same location, law enforcement officers may, without regard to the purpose or content of the message, assign each group a place to picket in order to preserve the public peace. Members of a group shall not enter an area assigned to another group. Priority of location shall be based upon which group of picketers arrived first.

(f) Spectators of pickets shall not physically interfere with individuals engaged in picketing. Picketers and spectators of pickets shall not speak fighting words or threats that would tend to provoke a reasonable person to breach of the peace.

(g) Picketers and picketing shall be subject to all applicable local, state and federal laws including, but not limited to:

- (1) The Town's Noise Ordinance;
- (2) N.C.G.S. 14-225.1 (obstructing justice);
- (3) N.C.G.S. 14-277.2 (weapons);
- (4) N.C.G.S. 14-277.4 (health care facilities); and
- (5) N.C.G.S. 14-288.4 (disorderly conduct).

(h) Nothing in this section prohibits a law enforcement officer from issuing a command to disperse in accordance with North Carolina General Statute § 14-288.5 in the event of a riot or disorderly conduct by an assemblage of three or more persons.

Section 66.99 Penalty.

It shall be unlawful for any person to violate any of the provisions of this division. If any person is found to have violated any of the provisions of this division, such person or persons shall be guilty of a class 3 misdemeanor and shall be fined not more than \$500.00. Each violation shall constitute a separate offense.

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 as provided by the General Statutes.

SECTION FOUR. This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately from after the date of its final passage and adoption.

READ, APPROVED, AND ADOPTED, this the 14th day of July, 2020.

Carol C. Pritchett, Mayor

ATTEST:

I hereby certify this is a true and correct copy of this Ordinance, duly adopted by the Town of Lake Lure on the 14th day of July, 2020 as it appears of record in the official minutes.

Michelle Jolley, Town Clerk

Approved as to form:

William C. Morgan, Jr., Town Attorney

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

Meeting Date: July 14, 2020

SUBJECT: Town of Lake Lure's Fireworks Event

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: F
Department: Communications
Contact: Laura Krejci, Communications Specialist
Presenter: Laura Krejci, Communications Specialist

BRIEF SUMMARY: The Town's July 4th fireworks event was cancelled due to the COVID pandemic. The Parks and Recreation Board met and discussed dates to hold the fireworks event that was cancelled in July. After their meeting, the PRB recommends Town Council approve a fireworks event to be held on Labor Day Monday, September 7th.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To approve the Town's fireworks event that was cancelled in July to be held on Monday, September 7th.

FUNDING SOURCE: n/a

ATTACHMENTS: none

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff agrees with the decision of the PRB for fireworks to be held on Labor Day Monday.

X CLOSED SESSION

- In Accordance with G.S. 143-318.11(a)(3) for the Attorney Client Privilege or Legal Claims

