



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, FEBRUARY 9, 2021, 5:00 P.M. ELECTRONICALLY VIA ZOOM**

PRESENT Mayor Carol C. Pritchett
VIA ZOOM: 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

CALL TO ORDER

Mayor Carol C. Pritchett called the meeting to order at 5:01 p.m.

APPROVAL OF THE AGENDA

Commissioner David DiOrio proposed moving the Dam options discussion from “New Business B” to be discussed after “Mayor Communications” to accommodate the guests attending the meeting for this discussion.

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

MAYOR’S COMMUNICATIONS

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

NEW BUSINESS:

B. DAM OPTIONS DISCUSSION AND DECISION

Commissioner DiOrio provided an overview of the notional timeline that was presented and adopted during the Special Council Meeting held on February 5th. He stated the Town is

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committed and obligated to meet this timeline noting that the budget must be restructured in order to meet the goals set. Design and permitting for a new dam will take approximately two years and construction will take approximately 2.5 to 3 years. He explained that the timeline must be stretched out a little to allow time to seek funding sources. During this time, the Town must continue pursuing risk mitigation techniques to ensure the existing dam in its condition. One risk mitigation being pursued is the installation of a reservoir drain. Increasing the frequency of inspections is another risk mitigation technique the Town can pursue. A new dam will be split up into two parts: design and build. During design, the Town will work with NCDOT to remove the bridge from the existing dam and move it to a bypass road, likely downstream. This will take place in parallel with the design of a new dam, which will take approximately four years. In the meantime, the Town will get the necessary permits and inspections and will work with DOT to remove the bridge from the existing dam. The bypass road must be in place before construction of a new dam to allow the existing bridge to be used for construction equipment. After this four year period the Town will be in a position to start constructing a new dam. A new dam can be built while the Lake remains at full pond, which could not be done with refurbishment. Schnabel Engineering has reviewed this timeline, is starting the process of going after contracts for design, and the Town is pursuing searching for additional funding streams. It will take approximately 9-10 years for completion of this project.

George Eller, NC Dam Safety Engineer, requested a copy of the notional schedule for their review. He also requested a submission of the preliminary report Schnabel prepared on the condition of the existing dam. Toby Vinson, NC Dam Safety Engineer, requested the Town provide any information regarding plans for risk mitigation for their review. He stated that they are aware of the deficiencies on the Dam and want to include this information in their records. He reported that a Notice of Deficiency will be sent to the Town documenting the deficiencies that the Town and DEQ are aware of and stated that they would include in the Notice that the Town is working to correct the deficiencies. Mr. Vinson relayed that they want to review what the Town is doing, what's been done, review the Emergency Action Plan along with the report on the condition of the existing dam, and address any other concerns or considerations they may have in review of the notional schedule. He expressed that they understand this is a large undertaking and are happy the Town is working towards bringing the Dam up to the standards of the statute requirements and determining the best path forward. Commissioner DiOrio pointed out that the Town is hoping for political support to help fund this project and to move along quicker. A partnership with stakeholders and legislators will be valuable. Mr. Vinson stated that they have informed their administration of the Town's situation, and are prepared to address any inquiries they may receive. Mr. Baldwin asked that they email him a list of the items that they need so he can get those documents forwarded to them and they agreed to do that.

TOWN MANAGER COMMUNICATIONS

Town Manager Shannon Baldwin reported that Public Works Director Arrowood received an estimate of \$5k-\$7k for the traffic study needed for the crosswalk from the ABC Store to Lured Market. Mr. Arrowood noted that DOT must give their approval for a crosswalk

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to be added. Commissioner DiOrio pointed out that the Town is not in a position at this point to provide funds for this project and made the following motion:

Commissioner DiOrio moved to postpone the traffic study estimate and not appropriate any funds towards the study at this time. Commissioner Bryant seconded and the motion carried 4-0.

Town Manager Shannon Baldwin provided an update on a cell tower in the Town Center. The type of tower being offered to consider is akin to a large flagpole, which would be aesthetically appealing. He stated he would ask for some proposals to bring to Council and seek the direction of Council for next steps. The tower would be located in Morse Park, which is being discussed with AT&T. A timeline has not yet been provided for this project.

Town Manager Shannon Baldwin reported on the Public Works site fence. The property has been surveyed and estimates for a new fence are being solicited. Mr. Arrowood added that he has reached out to several fencing companies and has only heard back from one so far. Commissioner Kilby asked if the drawings are available from the surveyor. Mr. Baldwin conveyed that he would share the plat from the surveyor with Council once received.

Town Clerk Michelle Jolley provided an update on the current status of the Town Code recodification project. Ms. Jolley stated that she provided Municode with a copy of the Town Code and Municode's code attorneys reviewed it in its entirety. She stated that she will be meeting with the Town Attorney and Dan Walker, Municode's Senior Code Attorney, on Thursday to review and discuss these documents. She also stated that, with the addition of the Town's new website through Municode, Municode Meetings (MM) will be implemented to help with agendas, minutes, and packets. This will help streamline the process in creating these documents and will create uniformity with all boards so that all minutes, agendas, and packets are in the same format and look the same.

Town Manager Shannon Baldwin reviewed the major projects memorandum and conveyed that he is seeking approval for the major projects prioritization and funding objectives/requests. The three projects prioritized in the memo are: 1 – Lake Lure Dam Design - \$6.5 million for design of a new dam; 2 – Lake Lure Wastewater Collection and Treatment - \$8 million for Phase 2 of the Sewer Collection System; 3 – Lake Lure Dam Construction - \$60 million for a new dam. This project is beyond the capacity of the approximately 1,200 residential property owners in Lake Lure. \$10 million in matching funds toward the dam construction phase would be extremely beneficial.

Commissioner DiOrio made a motion to approve the memorandum for major projects prioritization and funding objectives/requests and the amounts depicted in the memorandum. Commissioner Bryant seconded and the motion carried 4-0.

Commissioner DiOrio explained that this is a framework to provide to the state representatives who have requested our top three items for their review.

FY2019-2021 AUDIT PRESENTATION

(Presentation attached)

Justin Allen with Marin Starnes & Associates conducted a presentation on the FY2019-2020 audit.

COUNCIL LIAISON REPORTS & COMMENTS

Commissioner DiOrio reported the activities of the Utilities Advisory Board.

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

Commissioner John Moore reported that the Zoning and Planning Board did not meet.

Commissioner Patrick Bryant reported the activities of the Parks and Recreation Board, the Board of Adjustment and the Lake Structure Appeals Board meetings.

PUBLIC FORUM

Mayor Carol C. Pritchett invited the audience to speak.

Moe Bay, 193 Deer Trail, stated she's a fairly new board member of the Lake Lure Flowering Bridge and announced that the Flowering Bridge has decided to have a sale of the pathway bricks which are placed along the edge of the Bridge. They're normally \$200 but will be sold at \$160 until March 8th. The price includes shipping and installation and the order form can be found on the Flowering Bridge's website. She noted that three symbols can be included on the brick. She provided this information to Communications Specialist Laura Krejci who put it on the Town's website.

CONSENT AGENDA

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

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

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- A. Adoption of the January 12, 2021 Regular Meeting Minutes, and the January 27, 2021 Special Meeting Minutes
- B. Adoption of Resolution No. 21-02-09 Deputy Town Clerk

**RESOLUTION NO. 21-02-09
RESCINDING RESOLUTION NO. 19-12-10
DEPUTY TOWN CLERK APPOINTMENT**

WHEREAS, Town Council appointed the current Administrative Support Specialist (Sha'Linda Pruitt) as Deputy Town Clerk on December 10, 2019; and

WHEREAS, said appointment and function/duties of said appointee are recognized on Page 25 of the WithersRavenel Report entitled "Town of Lake Lure Administration Department, Process Improvement Project" dated December 2020; and

WHEREAS, a recommendation is made on Page 17 of said WithersRavenel Report to move title/function/duties of the current Deputy Town Clerk from the Administrative Support Specialist to the Human Resource Specialist (Amy Wright); and

WHEREAS, Town Council now desires to rescind the appointment of the current Administrative Support Specialist as Deputy Town Clerk and appoint the current Human Resource Specialist (Amy Wright) as the new Deputy Town Clerk in keeping with said WithersRavenel Report; and

WHEREAS, the Deputy Town Clerk shall perform the duties/functions of the Town Clerk in those rare occasions and unusual instances when the duly appointed Town Clerk is unavailable to serve; and

NOW, THEREFORE, BE IT RESOLVED that on behalf of the Lake Lure Town Council and the citizens of the Town of Lake Lure, the Lake Lure Town Council rescinds Resolution No. 19-12-10 and appoints Amy Wright as the new Deputy Town Clerk in keeping with this Resolution. This Resolution shall become effective on the date of adoption.

READ, APPROVED AND ADOPTED, this 9th day of February, 2021.

- C. Approval of a Contract with Martin Starnes & Associates, P.A. to Audit Accounts
- D. Appointing Mayor Carol Pritchett and Finance Director Sam Karr to the Lake Lure Fire Department Relief Fund Board

UNFINISHED BUSINESS:

There was no unfinished business to discuss.

NEW BUSINESS:

A. REQUEST TO REMOVE A TREE WITHIN THE LAKE BOUNDARY

Town Manager Shannon Baldwin explained the request from Brian and Jenny Lail to remove a tree within the Lake boundary. Section 94.15 of the Town's Lake Structure Regulations requires Council approval for the cutting of standing trees at or below the lake boundary. The removal of the tree will not disturb more than 10% of the trout buffer and will not require a Trout Buffer Variance.

Commissioner David DiOrio made a motion to approve the request from Brian and Jenny Lail to remove a tree within the Lake boundary. Commissioner John Kilby seconded and the motion carried 4-0.

NEW BUSINESS:

C. ADOPTION OF DREDGING BUDGET TO COMPLY WITH GRANT RECEIVED FROM NCDEQ

Parks, Recreation, and Lake Director Dean Givens and Mayor Pritchett thanked Parks, Recreation, and Trails Coordinator Dana Bradley on her work in submitting the dredging grant application in which the Town received \$637,000 to be used for dredging needs.

Commissioner John Kilby made a motion to adopt the Dredging Budget to comply with the grant received from NCDEQ. Commissioner DiOrio seconded and the motion carried 4-0.

CLOSED SESSION

Commissioner John Moore made a motion to go into Closed Session in accordance with G.S. 143-318.11(a)(3) for the purpose of discussing attorney client privilege or legal claims and with G.S. 143-318.11(a)(5) for the purpose of discussing property acquisition or employment contracts. Commissioner David DiOrio seconded and the motion carried 4-0.

During Closed Session, Council discussed pending cases and a piece of property that is for sale.

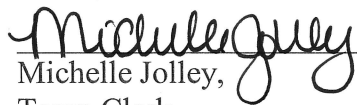
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Commissioner John Moore made a motion to leave Closed Session. Commissioner David Diorio seconded and the motion carried 4-0.

ADJOURN THE MEETING

With no further business, Commissioner John Moore made a motion to adjourn the meeting at 6:25 p.m. Commissioner Patrick Bryant seconded and the motion carried 4-0.




Michelle Jolley,
Town Clerk


Mayor Carol C. Pritchett