

LAKE LURE TOWN COUNCIL REGULAR MEETING PACKET

Tuesday, March 9, 2021



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

TOWN OF LAKE LURE

Town Council Regular Meeting

Tuesday, March 09, 2021 – 5:00 PM

Meeting held virtually via Zoom



Agenda

Zoom Meeting Link: <https://us02web.zoom.us/j/82201320044>

Phone Number: 1-312-626-6799

Meeting ID: 822 0132 0044

I. Call to Order

II. Agenda Adoption

III. Mayor's Communications

A. Resolution No. 21-03-09 Honoring Max Lehner

IV. Town Manager's Communications

-Dam Update
-Sewer Update
-Dredging Update
-Water Update
-Hydro Update

V. Public Hearing

G.S. 166A-19.24 requires the public body to allow for written comments on the subject of the public hearing to be submitted between publication of any required notice and 24 hours after the public hearing for public hearings during a remote meeting.

A. Request from Brian and Jennifer Lail to Rezone Property Located at 506 Memorial Hwy from R-1 Residential to CG Commercial General

VI. Council Liaison Reports and Comments

VII. Public Comment

The public is invited to speak. Please keep comments limited to five minutes or less. If you wish to speak, wait for the Mayor to ask if anyone would like to make a comment and then unmute your phone or mic and state your name and address. Comments may also be submitted in writing to the Town Clerk, townclerk@townoflakelure.com, at least one hour prior to the meeting.

VIII. Consent Agenda

- A. Adoption of the February 5, 2021 Special Town Council Minutes, the February 9, 2021 Regular Town Council Minutes, The February 10, 2021 Special Town Council Minutes, and the February 24, 2021 Special Town Council Minutes
- B. Budget Amendment #298 - Schnabel Engineering Invoice
- C. Budget Amendment #299 - Public Works Fence
- D. Budget Amendment #300 - Conceptual Dam Design
- E. Resolution No. 21-03-09A Amending Article VII of the Personnel Policy

IX. Unfinished Business

- A. Public Works CIP Review

X. New Business

- A. Golf Course Property Appraisal RFP Review and Discussion
- B. PANGAEA Agreement Review

XI. Closed Session

In accordance with G.S. 143-318.11(a)(3) for attorney client privilege or legal claims.

XII. Adjournment

III MAYOR'S COMMUNICATIONS

- Resolution No. 21-03-09 Honoring Max Lehner

IV

TOWN MANAGER'S COMMUNICATIONS

- Dam Update
- Sewer Update
- Dredging Update
- Water Update
- Hydro Update



Town Manager's February Report – Completed March 9, 2021

- Met with HR to prioritize actions per WR Report, 2/2
- Participated in meeting with CRV, 2/3
- Met with HR re follow-up on WR Report actions, 2/5
- Attended special meeting with Town Council & Schnabel, 2/5
- Attended meeting between LaBella & DEQ, 2/5
- Attended meeting to discuss mutual aid, 2/8
- Attended weekly meeting re sewer w/LaBella, 2/9
- Attended Town Council Meeting with Schnabel and DEQ, 2/9
- Attended meeting with RBR representative to discuss mutual aid, 2/12
- Participated in meeting with WR to discuss FFC Water Interconnect, 2/12
- Attended meeting with LaBella, 2/15
- Weekly Meeting with LaBella, 2/16
- Discussed Golf Course with Byon Morrissey, 2/16
- Participated in meeting with CRVFD & CRV to discuss mutual aid, 2/17
- Participated in Quarterly Mayor-Manager Meeting, 2/18
- Attended meeting with Tim Shellenberger and others to discuss dredging, 2/19
- Met with Amy to discuss action items relative to WR Report, 2/19
- Participated in Special Work Group Meeting of Town Council, 2/24
- Attended ribbon cutting at Kiwanis Park in Rutherfordton, 2/25

C. Shannon Baldwin 3/9/21

Town Manager

Date

Town of Lake Lure

67%



Monthly Financial Summary Report as of: 2/28/2021

Revenues in excess of Expenditures

General Fund					General Fund					General Fund	
	Annual	Month	Annual	Y-T-D %		Annual	Month	Annual	Y-T-D %	Annual Budget	
Revenues:	Budget:	To Date:	To Date:	Collected	Expenditures:	Budget:	To Date:	To Date:	Spent	Month To Date	
Taxes	\$ 3,511,722	\$ 561,460	\$ 3,307,885	94.20%	Governing Body	\$ 32,300	\$ 3,135	\$ 19,675	60.91%	Annual To Date	\$ 1,518,015
State Shared Revenues	\$ 2,511,788	\$ 108,858	\$ 1,213,853	48.33%	Administration	\$ 1,003,897	\$ 70,952	\$ 655,806	65.33%		
Lake & Tours	\$ 673,550	\$ 90,841	\$ 312,593	46.41%	Central Services	\$ 99,300	\$ 7,181	\$ 59,014	59.43%		
Beach & Marina	\$ 316,500	\$ 462,060	\$ 372,377	117.65%	Police	\$ 826,340	\$ 55,494	\$ 549,513	66.50%		
*Miscellaneous Revenues	\$ 144,207	\$ 2,248	\$ 106,189	73.64%	Fire	\$ 902,434	\$ 42,469	\$ 631,522	69.98%		
Land Use Fees	\$ 27,600	\$ 2,990	\$ 22,772	82.51%	Sanitation	\$ 229,400	\$ 18,995	\$ 151,745	66.15%		
Loan Proceeds	\$ 146,500	\$ 97,905	\$ 97,905	66.83%	Public Works	\$ 511,652	\$ 35,361	\$ 313,755	61.32%		
Transfers	\$ 181,458	\$ -	\$ -	0.00%	Economic Development	\$ 105,417	\$ 7,164	\$ 55,375	52.53%		
Total:	\$ 7,513,325	\$ 1,326,362	\$ 5,433,574	72.32%	Community Development	\$ 202,788	\$ 17,730	\$ 104,512	51.54%		

*Miscellaneous Revenues

Interest, Beer & wine, Fire Tax, ABC
Facilities Rentals, Grants, Sale of
Assets, Misc., Town Promo, Copies
Recycling Collections

Received-Not Posted Yet

Beach and Marina	\$ 17,500	\$ 2,296	\$ 6,587	37.64%
Golf	\$ 106,000	\$ -	\$ 100,480	94.79%
Parks, Rec., Lake	\$ 910,555	\$ 80,929	\$ 603,640	66.29%
Capital Outlay	\$ 1,359,288	\$ 35,978	\$ 353,200	25.98%
Debt Service	\$ 333,062	\$ 5,590	\$ 165,627	49.73%
Non Governmental	\$ 158,500	\$ -	\$ 145,108	91.55%
Transfers	\$ 529,181	\$ -	\$ -	0.00%
DAMWatershed	\$ 185,711	\$ -	\$ -	0.00%
Contingency Reserve	\$ -	\$ -	\$ -	#DIV/0!
Total:	\$ 7,513,325	\$ 383,274	\$ 3,915,559	52.11%

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	\$ 1,540,000	\$ (276)	\$ 991,895	64.41%	Water	\$ 138,925	\$ 4,662	\$ 88,567	63.75%	Annual To Date	\$ 398,415
Taps & Connection fees	\$ 10,000	\$ -	\$ 2,244	22.44%	Sewer	\$ 678,425	\$ 29,232	\$ 521,145	76.82%		
Interest & Transfer Fees	\$ 7,750	\$ -	\$ 13,367	172.48%	Capital Projects	\$ 206,000	\$ 3,750	\$ 3,750	1.82%		
Water Tank Rental	\$ 12,360	\$ 1,030	\$ 8,240	66.67%	Debt Service	\$ 128,975	\$ -	\$ 3,869	3.00%		
Transfer from Fund Balance	\$ 133,658				Transfer to Fund	\$ 551,443	\$ -	\$ -	0.00%		
Total:	\$ -	\$ -	\$ -	#DIV/0!	Total:	\$ 1,703,768	\$ 37,644	\$ 617,331	36.23%		
	\$ 1,703,768	\$ 754	\$ 1,015,746	59.62%							

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	\$ -	\$ 475,152	79.19%	Operations	\$ 555,600	\$ 25,924	\$ 195,138	35.12%	Annual To Date	\$ 101,766
Interest	\$ 1,500	\$ -	\$ 47	3.13%	Transfer to General Fund	\$ -	\$ -	\$ -			
FEMA Reimbursement				#DIV/0!	Transfer to Silt Fund Reser	\$ -	\$ -	\$ -	#DIV/0!		
Transfer from Fund Balance	\$ 188,375	\$ -	\$ -	0.00%	Cap. Outlay/Special Proj.	\$ 234,275	\$ -	\$ 178,295	76.11%		
Total:	\$ 789,875	\$ -	\$ 475,199	60.16%	Total:	\$ 789,875	\$ 25,924	\$ 373,433	47.28%		

Cash & Investment Position			Capital Funds			Comments / Items of note		
United Bank								
General Fund	\$	3,768,253	Capital Res. Fund			Balance to Date		
Water & Sewer	\$	849,318	Silt Res. Fund			\$ 179,532		
Includes Low Pressure			Marina Brdwa			\$ 64,265		
Hydro	\$	(247,456)	Bridge Pres. Fund			\$ 16,818		
Total:	\$	4,370,115				\$ 75,000		
NC Capital Management Trust								
General (Cash)	\$	95,536						
Water & Sewer	\$	(779)						
Hydro	\$	(9,899)						
Total:	\$	84,858						
Total Cash and Investments:	\$	4,454,973						



NAME:
Assistant Community Development Director, Mitchell Anderson
Development and Environmental Review Specialist, Michael Williams

DEPARTMENT:
Community Development

REPORT DATE:
March 1, 2021

PREPARED FOR
Town Manager/Town Council

I. REOCCURRING WORK ACTIVITIES

1. Zoning Administration/Code Enforcement

Certificate of Zoning Compliance Issued	9
Certificates of Zoning Compliance Denied	0
Certificates of Occupancy Issued.....	5
Vacation Rental Operating Permits Issued.....	2
Permanent Sign Permits Issued (1) Temporary (0)	0
Complaints Logged	2
Complaints Investigated	1
Notices of Violation Issued	0
Civil Penalties Issued	0
Stop Work Orders Issued.....	0
Improperly Posted Address Notifications Issued	0
Abandoned/Dilapidated Structures Cases Open.....	0 (0 closed by demo)
ZnP Hearings Processed.....	1
BOA Hearings Processed	0
Demolition Permits Issued	0
VROPs Active to Date.....	378

2. House/Modular/Heavy Load Moves Through Town

3. Environmental

Land Disturbance Permits Issued.	5
Complaints Logged	1
Complaints Investigated	1
Stop Work Orders Issued.....	0
Floodplain Development Permits Issued.....	4

4. Lake Structures/Shoreline Stabilization

Lake Structure Permits Issued	2
Shoreline Stabilization Permits Issued	0
LSAB Hearings Processed	0

5. Subdivision Administration

Preliminary Plat:	0
Final Plat	0
Minor Subdivisions:	0
Exempt Plat Reviews:	2

Lots Approved	0
Review Officer (per GS 47-30):	
Plats Reviewed:	2
Plats Approved:	2

II. PROJECTS UPDATE

Review of Town Ordinances on Vacation Rental Operating Permit– CDD staff have reviewed UNCSONG documents evaluating the impacts of a Superior Court Judge’s decision to strike down the city of Wilmington’s whole-house lodging ordinance on short term rentals. This decision may impact the Town’s vacation rental ordinance. A memo on this topic was provided to the Zoning and Planning Board. **Update:** The Zoning and Planning Board has reviewed the information and have requested advice from the Town’s attorney on the matter. Staff are currently waiting for any appeals of the decision.

Floodplain Management CAV -

The Community Development Department will be participating in a Community Assistance Visit (CAV) conducted by North Carolina Division of Emergency Management. This is a major component of the National Flood Insurance Program's (NFIP's) Community Assistance Program (CAP). The CAV is a visit to a community by NCDEM on behalf of FEMA that serves the dual purpose of providing technical assistance to the community and assuring that the community is adequately enforcing its floodplain management regulations. Generally, a CAV consists of a tour of the floodplain, an inspection of community permit files, and meetings with local appointed and elected officials. FEMA or the State will work with the community to help ensure their program is in compliance with NFIP requirements.

Phase 1 Sewer Database and Map – CDD staff have compiled parcel data, street data, sewer customer data, and topographic data. This data has been analyzed for topographic and geographic relevance to Phase 1 of the sewer system. Maps and data layers are being updated to reflect changes in project scope to align with information released by engineering firms. **Update:** Current maps have been shared with the Town’s engineer.

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

CDD staff have received plan revisions from Odom Engineering for the upper slope failure repair. **Update:** Staff have reviewed the plan revisions and coordinated revision comments with NCDEQ and USACE. These comments have been shared with Odom Engineering and the Highlands POA. Staff are currently waiting for final plan revisions.

N.C. G.S. 160D – North Carolina passed new statutes that affect how local municipalities can regulate land use. These updates will become effective on July 1, 2021. Staff with assistance from Isothermal Planning and Development Commission are reviewing Town ordinances in preparation for the 160D update required before July 1, 2021.

Update: Staff has received a preliminary audit of the Town's Ordinances identifying the area's requiring text amendments to comply with G.S. 160D. Staff and a member from IPDC will present recommended changes to the Zoning and Planning Board.

Town Policy for Compliance with Title VI of the Civil Rights Act of 1964 – Town Staff has contacted Ashley Council, Title VI Officer/ ADA Specialist with North Carolina Department of Transportation/ Office of Civil Rights [accouncil@ncdot.gov]. With assistance from Amy Wright and the use of examples from other jurisdictions, the CDD Staff have created a non-discrimination policy that satisfies the requirements for Title VI. This document will be shared with William Morgan for review. Once reviewed and approved by Mr. Morgan, an adoption resolution and document will be presented to Town Council. A copy of the drafted Title IV was shared with Isothermal Planning & Development Commission for comment. Staff are currently working on incorporating their recommendations.

Update: Requests for access to the survey of compliance have been submitted to NCDOT. Staff are currently waiting for a response.

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 provided technical expertise required to host 2 meetings via Zoom this month. Staff also recorded, edited, and published one meeting and two videos for viewing by the general public. This task required staff time for setup, hosting and monitoring during the meetings, and for post-production and publishing after the meetings.
- 2) Staff have been attending meetings with Advance Data & Networking Solutions to collect information about their restructuring, as it impacts their services provided to the Town. Staff also took the opportunity to request long term goals and performance standards from ADNS. ADNS have provided a list of current computers and identified devices they recommend replacing. A request for ADNS to track ping with the use of their ping plotter server. This will identify lag within the Town's internet service. ADNS was tracking downtime within the network, but smaller delays and drops in connectivity were not captured. CDD staff are waiting for the results.
Update: No results from the connectivity have been received at this time.
- 3) Community Development Staff has provided assistance to other departments in the following ways:
 - a. Produced maps of the Municipal Golf Course
 - b. Performed NCDOT permit and Rutherford County Building Inspections Permit requirements for wooden walkway replacement.

- c. Created and printed hazard signs for PRL Department
- 4) Staff Training/ Updates
- a. Mitchell Anderson, the Assistant Community Development Director has attended required training courses to secure certification credits to maintain the NCCZO Certification.
 - b. Mike Williams, the new Development and Environmental Review Specialist is receiving in-house training on Town ordinances and procedures. In house training will continue over the next few months. Mr. Williams attended required training courses to secure certification credits to maintain the NCCZO Certification.
 - c. Meeting assistance was provided to the ABC board to ensure connectivity over zoom for the February meeting. Auxiliary training was also provided to 2 board members.

Overall, the Community Development Department is working towards completing larger projects while focusing on current permitting demands, and training new department staff. The CDD has experienced a significant increase in permitting demands. This is a trend that is being experienced throughout Western North Carolina over the past year.



Mitchell Anderson,
Assistant Community Development Director



Dean Givens; Parks, Recreation, and Lake Director

DEPARTMENT: Parks, Recreation, and Lake

REPORT DATE:

PREPARED FOR:

February 25, 2021

Town Manager

I. ACCOMPLISHMENTS

Current Parks, Recreation, and Lake Projects:

1. Boy's Camp Rd. Campground – <i>Not selected for PARTF funding – Reapplying during next grant cycle</i>	2. Luremont Trails – <i>Trail scouted; permits filed; Plan approved by Parks and Rec. Board, legal opinion received; next steps being discussed</i>	3. Marina Phase II and Amphitheater Funding – <i>Working with TDA/ Rutherford Bound to keep projects moving forward</i>
4. Monetization Schedule for P&R Assets and Facilities – <i>New ideas being considered</i>	5. Updating Parks and Recreation Open Space Plan	6. Morse Park Walking Path Expansion Grant – <i>To expand the pavement back to town hall</i>
7. Landscaping at Boardwalk/Marina – <i>Large trees/shrubs installed. Small plants being installed now.</i>	8. CRSP Ingress/Egress – <i>Meetings planned to discuss how this is going to be done</i>	9. Seeking Grants for Buffalo Creek Park parking lot expansion – <i>Applying for RHI Legacy Grant</i>
10. Permit for Filling in Half of Pond in Morse Park – <i>According to the Morse Park master plan</i>	11. Deep Water Launch – <i>Create for allowing equipment to launch during lake drawdown</i>	12. Morse Park Parking Expansion – <i>Working on plan to create more parking</i>
13. Naming Rights – <i>Working to update policy</i>	14. Grant for Dredging – <i>Awarded \$637,500</i>	15. Golf Course Plan – <i>Golf Course study</i>

PR&LD ACTIVITIES:

1. Oversaw daily operations for Parks, Recreation, & Lake Department
2. Attended multiple staff/public meetings
3. Attended multiple project meetings
4. Worked on multiple projects:
 - Dredging
 - Deep water launch
 - Island Creek road property
 - Beach house roof replacement
 - Beach storm water issue
 - Boardwalk/paver walkway repair
 - Golf Course RFP
 - Dredge Grant budget
 - Dredging calendar
 - Mining permit amendment
 - 2021-22 CIP and operating budget
 - Boys Camp rd. Camp Ground
 - Chapel Point rd. Lake access point
5. Boat maintenance
6. Preparing for spring maintenance
7. Police in-service training

PR&TC ACTIVITIES:

1. Attended Basic Law Enforcement Training 5 nights a week (20 - 25 hrs/week)
2. Began updating the Parks and Recreation Open Space Plan
3. Began filling out the paperwork for the Two for the Trails grant that may provide some funding for pedestrian bridges/picnic tables for the Luremont Trail
4. Checked Buffalo Creek Park, Dittmer-Watts Nature Trails, and Weed Patch Mountain for damage
5. Led Dittmer-Watts Nature Trail workday on 2/9 to remove a fallen tree and repair trail tread – 6 volunteers; 21 volunteer hours
6. Organized Weed Patch Mountain Trail workday on 2/16 – 5 volunteers; 15 volunteer hours
7. Recruited volunteer for Buffalo Creek Park trail inspection – 1 volunteer; 4 volunteer hours
8. Organized Buffalo Creek Park workday on 2/23 to repair eroded areas – 5 volunteers; 25 volunteer hours
9. Helped with layout for marina landscaping; smaller plants being installed now
10. Recruited volunteers to help install some of the marina landscaping plants on 2/16, 2/24, and 2/26 – 2 volunteers; 10 volunteer hours
11. Planned upcoming trail maintenance days and recruited volunteers to help
12. Continued working on packet for RHI Legacy Foundation grant for potential funding for BCP parking lot expansion and, possibly, the pedestrian bridge for the Luremont Trail
13. Updates/revisions are in progress for the Lake Lure Naming Rights Policy
14. Checked trail counters and reported numbers
15. Recruited volunteers to collect water samples – 2 volunteers; 14 volunteer hours
16. Utilized a total of 89 volunteer hours
17. Attended several meetings

P&R Maintenance Activities:

1. Performed regular ground maintenance activities at all areas
2. Cleaned parks, boat ramp, and marina
3. Trimmed trees/brush around Lake Operations Building
4. Completed planting, mulching, and rock installation for landscaping on beach side of marina
5. Continued installation of marina landscaping near Washburn Marina
6. Sprayed playground equipment and picnic tables with bleach

Lake Activities:

1. Dredging
2. Sewer line location

1. FOLLOW UP

1. Luremont Trail: Plan has been approved by Parks and Recreation Board; legal opinion received; next steps being discussed
2. Boys Camp Road: We were not selected for PARTF funding this year; reapplying in 2021
3. Dredging Grant: \$637,500 grant awarded, working to finalize budget
4. Naming Rights Policy: Continuing to gather information for Naming Rights Policy for Town properties
5. Lake Lure Trails: Work days held on Lake Lure trails each month to ensure they are properly maintained

2. OTHER

1. Marina Slips Available: 13

Town of Lake Lure Hydroelectric Plant Monthly Report



January Report 2021

Contents:

1. Revenue
2. Gen Run Time
3. Lake Levels/Gates
4. Significant Weather Events
5. Scheduled Maintenance and Improvements

1. Revenue

Top 5 Months Revenue			
Rank	Year	Month	Revenue
1	2016	January	\$124,215
2	2013	July	\$114,057
3	2013	August	\$109,521
4	2019	January	\$108,199
5	2019	February	\$107,935

2020 Budget Year Revenue		
July	577,540 Kwh	\$48,599.59
August	795,732 Kwh	\$63,539.87
September	1,025,676 Kwh	\$72,635.46
October	1,111,524 Kwh	\$70,302.00
November	Kwh	\$75,250.00
December	980,440 Kwh	\$80,561.96
January	865,620 Kwh	\$63,354.91
February	89,019 Kwh	\$4809.97
March		
April		
May		
June		
Total:		

Blue Highlights are current revenue

Red Highlight off Peak Months

- Revenue. [\$4809.97]
- Kilowatts Produced.[89,019 Kwh]

2. Gen Run Time

Big Unit:

Small Unit: 240 hrs.

3. Lake Levels

- Full Pond: **24**
- Min Recorded Lake Call in Level: **105.27**
- Max Recorded Lake Call in Level: **24.57**
- Max Gate Opening: **18 inches**
- Min Gate Opening **0**

4. Significant Weather Events and Rain Accumulation

Between the 12th and 16th we have received around 1.85 inches of rain raising the lake levels from 53.47 to 31.71. We are now back into normal operating ranges for the lake (24 – 33)

5. Scheduled Maintenance and Improvements

- The Main Thrust bearing on Generator #2 has been damaged and being repaired
- New Brushes have been installed on Both Generator.
- Removed large floating debris from in front of the tainter gates.
- Sump Pump replaced in WWTP Chemical room and cleaning is underway



Name: Dustin Waycaster

Department: Fire

REPORT DATE:

February 28, 2021

PREPARED FOR:

Town Manager

I. ACCOMPLISHMENTS

- 2/1 Monthly Drug date checks in our Medical Bags.
- 2/2 Filled spare air cylinders. RIT Pack training and went over how to hook the pack into our newest packs.
- 2/3 Heart Problems call at Vista Apartments. Monthly check on our BLS medical bags.
- 2/4 Fire Alarm on Quail Ridge in RBR. Worked on the primer and heater on the Fire Boat.
- 2/5 Found leak on the pump of our pumper/tanker and will make repairs.
- 2/6 Repairs to station.
- 2/8 Public Assistance call at LLCA (Student with finger stuck in ring). Rope Training.
- 2/10 Stranded Boat Call. Worked on fire pump on the Fire Boat.
- 2/11 AEMT in-service training. Elevator Rescue training. Business and Training meeting for the whole department.
- 2/12 Public assistance on Deerwood Dr. Tree Down on Buffalo shoals. Fire Alarm.
- 2/13 MVC Memorial Hwy with injuries. Tree Down on Buffalo Shoals. Fire Alarm.
- 2/15 Monitored river levels and notified downstream folks that we would be operating the tainter gates due to the incoming water. Done Maintenance on FMVFD's AED have it back in working condition.
- 2/16 Medical call at Blueridge Health. Charged station generators' battery.
- 2/17 64/74A public assistance with a flat tire. Prepared for winter storm that was forecast (chained some of the apparatus). Planned with public works and Communications director about storm response.
- 2/18 Setup sign at Boys Camp for Road delays on 2/19. Station Generator maintenance.
- 2/19 House move on Boys Camp Rd. Staged engine at the end of Boys Camp to respond if there was any incident out there. Inspections of all our ATV's/UTV's. Tree/Power lines involved on Buffalo Shoals. Tree took out all lines going up Buffalo Shoals and broke two poles. Duke Energy had to replace poles and wires. Buffalo Shoals was shut down until repairs could be made.
- 2/20 Retrieved equipment that was used on buffalo creek to assist Duke Energy. Returned the equipment back to Fairfield Fire Department that was theirs. Reported later that the

roadway was back open and notified Communications Center. Dispatched to a Fire Alarm communications advised wrong district.

2/21 Inventoried all medical supplies.

2/22 Returned EM sign that was put in service on Boys Camp Rd to warn property owners of the traffic delay on Friday the 19th. Roster maintenance/ Updated all current rosters. Went to college to pick up paper work for Loss Control Class. Taught the first night of Loss Control Class. (Salvage and overhaul tech, cause and origin fire investigation training.)

2/23 Removed old nonfunctioning washer. Changed oil in three of our trucks. Also got the dump truck from public works to assist us in building/repairing a training prop.

2/24 Installed new washer at the fire station. Assisted public works with Old Sand Branch road inspection. Medical bag inspections for pediatrics. Held Loss Control class 2/25

Highland medical blood draws for physicals. Inspection at the new Bear Den restaurant in RBR

2/25 highland medical associates came to do blood draws on our employees for their annual physicals. Fire Inspection on the Fire Suppression system over at RBR Bears Den restaurant.

2/26 Hauled shingles and building materials from training prop to dump. Returned borrowed equipment back to public works.

2/28 Public Assistance call Marina Dr.

II. FOLLOW UP

- 1. Lake Lure Fire had 260 total hours of training for the month of Feb.**
- 2. Lake Lure Fire ran 16 Fire/Medical/ Rescue calls**
- 3. Wrote 16 Burn permits.**

OTHER



eso



ANALYTICS
Station Report

75%

FIRE
Percentage of Total Incidents

25%

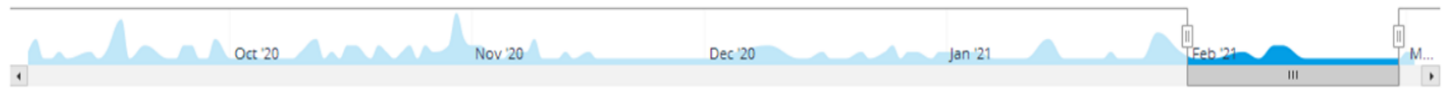
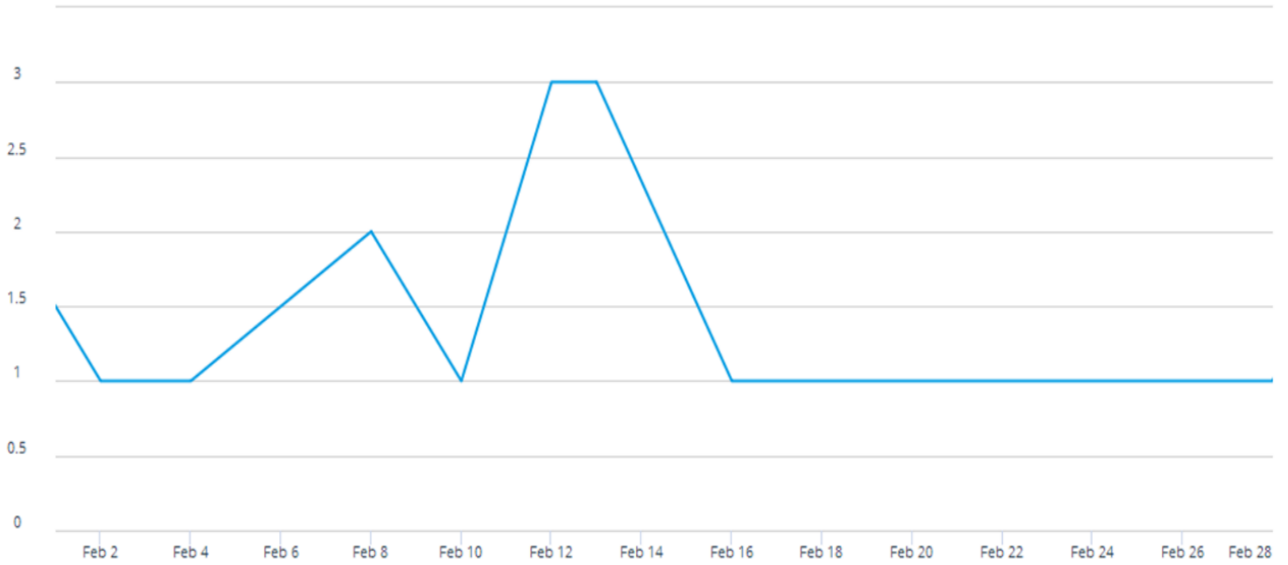
EMS
Percentage of Total Incidents

16

INCIDENTS
In Selected Time Slice

28

DAYS
In Selected Time Slice





Name: David Arrowood

Department: Public Works

REPORT DATE:

February 28, 2021

PREPARED FOR:

Town Manager

I. ACCOMPLISHMENTS

1. We finished installing 2" waterline on Gottlieb Getaway.
2. We are 99% finished with our SDS Sheets for the Public Works Dept.
- 3.

II. FOLLOW UP

- 1.
- 2.
- 3.

III. OTHER

2-2-21 We met property owner at 123 Anglers way about connecting to sewer.

2-2-21 We removed a broken tree hanging over Boys Camp Road today.

2-3-21 Started reading water meters.

2-4-21 Started installing water meter at Sea Wish Way.

2-5-21 We got measurments for manholes that we want to install in Morris Park.

2-8-21 We made a 2" water tap on Gottlieb Getaway. Installed 40' of pipe.

2-8-21 I started getting fence pricing for Public Works.

2-9-21 Attended weekly sewer meeting. Also board meeting.

2-9-21 We installed waterline on Gottlieb Getaway. Installed 200' of pipe.

2-10-21 Worked installing more pipe on Gottlieb Getaway.

2-12-21 We removed trash and debris away from our shop.

2-15-21 We worked on shoulders at guardrail on Boys Camp Rd.

2-16-21 Worked on Shoulders on Boys Camp Rd.

2-16-21 We checked a complaint on Abbott Rd about a retaining wall damaging road. The road is fine.

2-17-21 We got trucks ready for bad weather and pre-treated road ahead of storm.

2-17-21 I got quotes for Wells to be drilled at Fire Fly Cove.

2-17-21 We replaced a hose on our backhoe.

2-18-21 Went to CWS to look at treatment of wells that have contamination.

2-18-21 I talked to homeowner at 158 Pierpoint Drive about sewer availability.

2-18-21 We worked on water line on Gottlieb Getaway.

2-19-21 We went out on lake and started inspecting manholes for leaks. # 1-7 were inspected.

2-19-21 We removed sand spreaders from trucks after storm.

2-22-21 and 2-22-21 We worked on Waterline on Gottlieb Getaway. 2-23-21 Same.

2-23-21 I took Tim Edwards out on Westend Connector to Price building road from RBR to Old Sand Branch Road. He said he Thought 50-75 k to build road.

2-24-21 and 2-25-21 Finished installing the 700' of waterline on Gottlieb Gataway. We installed this line for less than 2k in house. If we had bid this job out we would have paid a contractor 40-50k for this project per Reese from Labella.

2-25-21 Worked with Reese getting flow info from CRV flow meter. Also we looked at manholes below dam.

2-26-21 We installed flow meter in manhole beside ABC store.



NAME: SEAN HUMPHRIES

Department: LAKE LURE POLICE DEPT

REPORT DATE:

CLOSE OUT MONTH:

PREPARED FOR:

3/1/2021

February 2021

Town Manager

I. ACCOMPLISHMENTS & CALLS

- 1. Feel Good Story – Our department along with Hickory Nut Gorge Outreach helped a lost, confused individual who was distraught over the recent loss of his wife. He strayed from his home in Hendersonville and ended up lost, cold and wet from rain, two days later in Lake Lure. We were able to get him medical attention and alert his family of his whereabouts. Definitely a community coming together.**
- 2. Our newest SUV (2020 Purchase) was finally fully equipped and road worthy this month. It is now one of our two unmarked vehicles.**
- 3. Our department received the final ‘all is well’ report concerning our FBI/SBI 2020-2021.**
- 4. We continue to have record amounts of unused drugs disposed of in our Medicine Drop Box. February’s drop filled up the box within inches from the top.**
- 5. As residents and VRBO’s begin to come back into town, our Alarm Activation calls have increased. All calls have been unfounded, wind set off or human error.**

Total Police Activities for Month: 267 (Partial Break-down below)

1	Breaking/Entering/Larcenies	3	Traffic Stops
4	Citations	0	Warning Citations
1	Verbal Warnings	2	Accidents
0	Total Arrests	44	Business Checks
0	Lake – Patrols/Permit Checks	0	Lake – Total Hours Patrolling
0	Motorcycle Mufflers Checked	16	Residential Alarms Activated
3	Follow up Investigations	0	Special Event/School/Town/Chamber
3	Welfare Checks	2	Noise Complaints

Citations – Cumulative Total of Citations: 4 (Hard Copies) (1 Citation may include 2 charges): (3) Other Misdemeanor infractions, (1) Driving While License Revoked

Charges Total: 4

Arrests – Cumulative Total of Arrests: 0 (1 Arrest may include several charges) NO ARRESTS

Charges Total:

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

Name: Laura Krejci

Department: Communications\Events\Grants

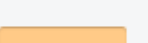
REPORT DATE: MARCH 1, 2021

PREPARED FOR: TOWN MANAGER

I. ANALYTICS

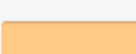
1. Facebook Analytics

a. Posts:

Published	Post	Type	Targeting	Reach	Engagement
02/24/2021 6:56 PM	 2/24/21 COVID-19 UPDATE: There have now been (168) Total Positive			662 	7 1 
02/24/2021 11:50 AM	 MAKING IT EASIER TO PAY UTILITY BILLS: The Town of Lake			682 	4 1 
02/23/2021 11:28 AM	 RUTHERFORD COUNTY COVID-19 TESTING UPDATE: There will be no			699 	3 2 
02/22/2021 4:45 PM	 REMINDER - BUFFALO CREEK PARK WORKDAY ON 2/23/21:			645 	0 2 
02/22/2021 4:10 PM	 2/22/21 COVID-19 UPDATE: There have now been (168) Total Positive			613 	5 1 
02/22/2021 4:01 PM	 Town of Lake Lure, NC 2020 Annual Report: Dear Lake Lure Tax Payers,			1.9K 	67 20 
02/19/2021 10:34 PM	 Temporary Road Block Due To Power Outage: Buffalo Shoals Rd is			1.1K 	72 9 
02/19/2021 5:47 PM	 Vaccine Weather Delay Update: The NC Department of Health and			881 	16 9 
02/19/2021 5:43 PM	 2/19/21 COVID-19 UPDATE: There have now been (167) Total Positive			759 	6 4 
02/17/2021 6:21 PM	 2/17/21 COVID-19 UPDATE: There have now been (167) Total Positive			754 	4 1 
02/17/2021 6:01 PM	 Delayed Opening for Lake Lure Town Hall on 2/18/21: The Lake Lure Town			647 	2 0 
02/17/2021 5:55 PM	 2/17/21: Rutherford County Vaccine Schedule Change: Due to the			583 	2 0 
02/17/2021 3:29 PM	 WINTER WEATHER POWER UPDATE: The Duke Energy team is			1.8K 	122 17 

1. Facebook Analytics

a. Posts: Continued

Published	Post	Type	Targeting	Reach	Engagement
02/17/2021 1:04 PM	 WINTER STORM WARNING REMAINS IN EFFECT FROM 7 PM			2.1K 	78 75 
02/15/2021 7:15 PM	 REMINDER: This is a reminder that the Weed Patch workday is			1.2K 	8 11 
02/15/2021 4:57 PM	 2/15/21 COVID-19 UPDATE: There have now been (166) Total Positive			770 	6 0 
02/15/2021 4:45 PM	 NC VACCINE UPDATE: The NC Department of Health and Human			961 	25 1 
02/15/2021 1:47 PM	 BEARS - Plan Now, Prevent Problems Later: Are you wondering if			2.5K 	126 54 
02/15/2021 11:22 AM	 WELCOME BACK LAKE LURE! The Town of Lake Lure, NC is pleased to			3.3K 	161 160 
02/12/2021 5:04 PM	 Potential Road Closure Notification - 2/19/21 8:00 AM – 9:00 AM: Please			1.9K 	29 20 
02/12/2021 5:01 PM	 LAKE LURE IS BACK! The Town of Lake Lure, NC began raising the lake			1.3K 	83 40 
02/10/2021 10:43 AM	 REMINDER: There will be FREE drive-thru COVID-19 testing today,			756 	10 10 
02/08/2021 5:47 PM	 REMINDER: LAKE LURE TOWN COUNCIL MEETING: Town Council			826 	19 7 
02/08/2021 5:23 PM	 2/8/21 COVID-19 UPDATE: There have now been (162) Total Positive			840 	8 2 
02/07/2021 9:24 AM	 CHECKING THE ROADS: Lake Lure crews are out checking and cleaning			2.7K 	118 100 
02/05/2021 7:46 PM	 NC COUNTY COVID-19 ALERT SYSTEM UPDATES: The COVID-19			1K 	17 4 
02/05/2021 7:30 PM	 2/5/21 COVID-19 UPDATE: There have now been (158) Total Positive			654 	7 1 
02/05/2021 6:34 PM	 PREPARATION AND TIPS FOR WINTER WEATHER: We know most			685 	7 2 

1. Facebook Analytics

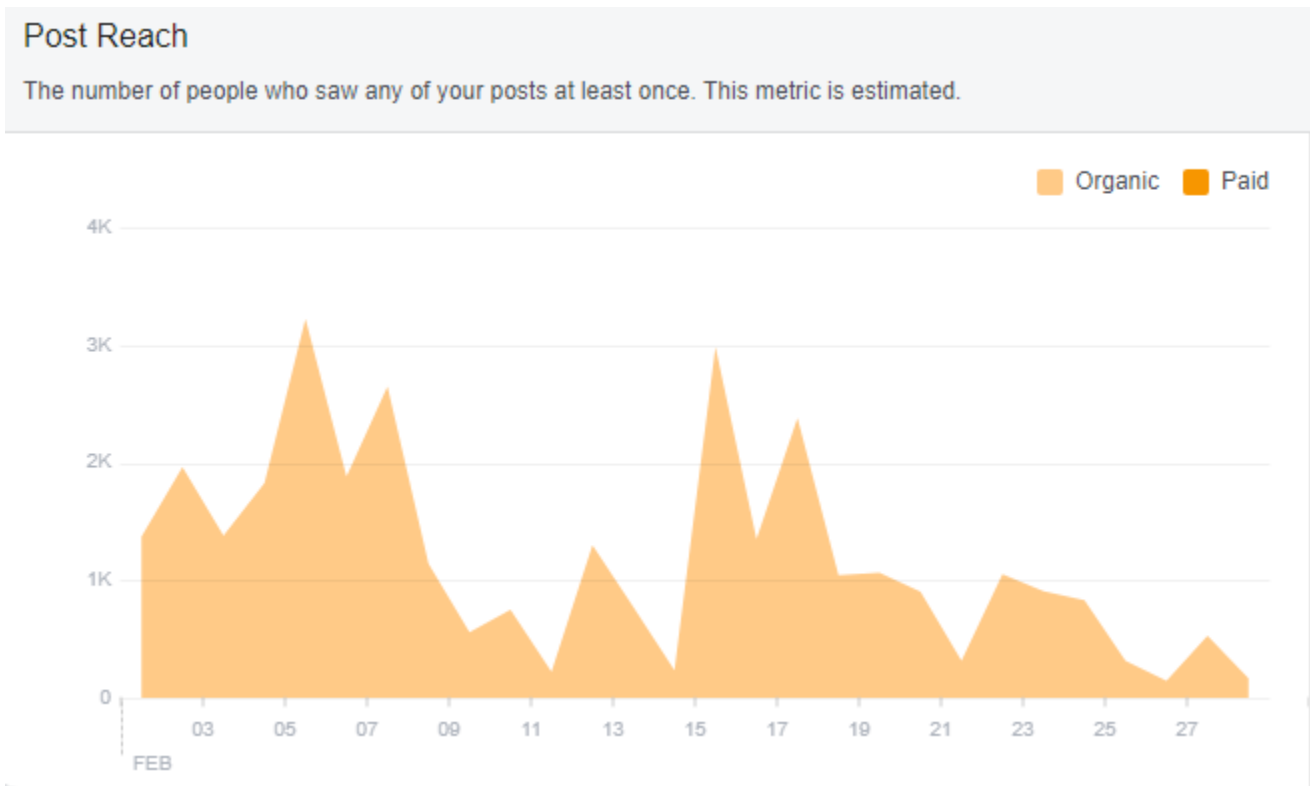
a. Posts: Continued

Published	Post	Type	Targeting	Reach	Engagement
02/05/2021 4:51 PM	 WINTRY PRECIPITATION LIKELY RETURNING TO THE NC			1.8K 	39 47 
02/05/2021 1:23 PM	 LAKE LURE RECEIVES DREDGING GRANT FROM THE NC			3.3K 	360 158 
02/04/2021 10:36 AM	 THE SUN IS RISING...AND SO IS LAKE LURE! Lake Lure is			2.9K 	35 162 
02/03/2021 7:42 PM	 2/3/21 COVID-19 UPDATE: There have now been (154) Total Positive			783 	7 0 
02/03/2021 12:54 PM	 FREE COVID-19 TESTING REMINDER: Free drive thru COVID-			503 	1 0 
02/03/2021 12:50 PM	 RUTHERFORD COUNTY COVID-19 VACCINE UPDATE: The COVID			647 	9 0 
02/02/2021 8:16 PM	 Wind Advisory Issued 2/2/21 Until 2/3/21 At 7:00am. * What...Northwest			788 	4 3 
02/02/2021 5:41 PM	 AFRICAN AMERICAN HISTORY MONTH - FEBRUARY 2021: The			553 	2 0 
02/01/2021 8:04 PM	 2/1/21 COVID-19 UPDATE: There have now been (151) Total Positive			980 	20 7 
02/01/2021 9:34 AM	 CAUTION - ROAD DELAYS ON BOYS CAMP ROAD 2/1/21: Please			1.1K 	9 16 

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): **We had an 8% increase this month over this same time last year with 16,339 followers as of 2/28/21**, compared to 15,068 on 2/28/20.
- b. Likes** (When someone “likes” a page, they’re showing support for the page and indicating they want to see content from the page): **We had an 8% increase this month over this same time last year with 16,009 likes as of 2/28/21**, compared to 14,807 on 2/28/20.

1. Facebook Analytics
c. Reach:



2. Website Analytics:

- **Users:** There were 8,142 website users in February 2021, an 8% increase over February 2020.
- **New Users:** There were 7,722 new users in February 2021, a 10% increase over February 2020.
- **Sessions:** There were 10,083 website users in February 2021, a 6% increase over February 2020.
- **Page Views:** There were 20,701 website users in February 2021, a 7% increase over February 2020.
- **Inquiries:** All web inquiries were answered timely by the Customer Service Specialist.

3. Events:

a. Upcoming Events:

1. We are tentatively planning the ribbon cutting ceremony for the Boardwalk and Marina on 5/14/21 at 11:00. We are working with the Rutherford County TDA to plan this event.
2. Other scheduled events are as follows:



Town Council
Town of Lake Lure, NC
12 Dates - Jan 12 - Dec 14



Town of Lake Lure and ROC Workday at Weed Patch Mountain
Buffalo Creek Park, Lake Lure NC
Thu Mar 18, 8:00am



Town of Lake Lure and ROC Workday at Buffalo Creek Park
Buffalo Creek Park, Lake Lure NC
Tue Mar 23, 8:00am

III. GRANTS

1. **FEMA High Hazard Potential Dam (HHPD) Grant Award:** The 2020 Grant application was submitted for the design work related to the reservoir drain. The total project cost is **\$185,710**. We applied for the FEMA HHPD grant to cover 65% of this project and were advised that the Town has been awarded **\$121,000**. The Town must contribute 35% (**\$64,998.50**) to support completion of this project. The FEMA HHPD grant contract was reviewed and approved by the Town attorney and signed and forwarded to NC DENR for their signature. Note that the FEMA grant process now requires expensive reporting which has been completed including:
 - Prescriptive coversheet and amendment package outlined below.
 - Quarterly Summary Report including the following:
 - ✓ Scoping Narrative with key staff/contractors/sub-recipients
 - ✓ Objectives to be achieved
 - ✓ Alignment with performance measures
 - ✓ Milestones to be accomplished during period of performance);
 - Workplan Table with Milestone Schedule over 12 quarters (PoP);
 - Budget;
 - Conflict of Interest document

Update 12/30/20: All of these documents were forwarded to the Department of Environmental Quality (DEQ) Dam Safety Office (DSO) for review/approval and were then forwarded to the national FEMA office for their approval.

- Once FEMA approves our amendment package, we will receive a formal letter confirming the amount of the grant.
- We have received an email advising us that we have been awarded \$121,000.
- I have checked with the DSO every week since our award was announced to confirm if we may proceed in signing the work order for the design of the reservoir drain.
- As of 12/16/20, George Eller advised that we should await the official letter to sign the work order. The letter may not come until January, given the holidays.

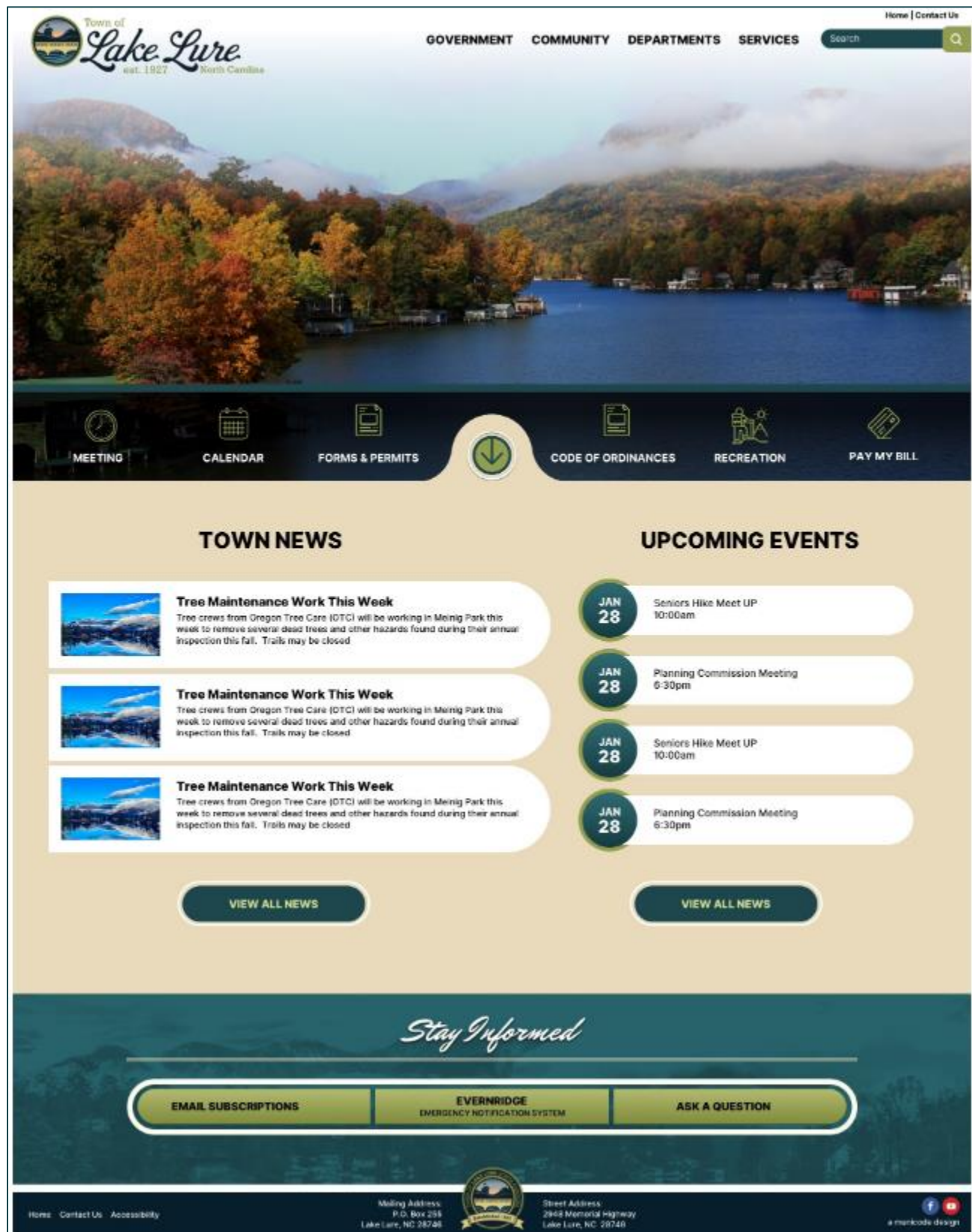
Update 1/31/21: Submitted a quarterly report for this grant award which is pending approval. Per the DEQ Dam Safety Office, the contract is in the second round of review in the national FEMA office.

Update 2/28/21: Submitted an updated budget narrative (2/5/21), a historical preservation checklist (2/5/21), two floodplain management plan letters (2/19/21 and 3/1/21), an amended HHPD grant checklist (2/24/21) for this grant which is pending approval. Per the DEQ Dam Safety Office, the next step in the process is the historical preservation review.

2. **Facebook Grant:** Worked with the Police Chief and the Fire Chief to submit a grant application for additional radios for the Police Department and the Fire Department. We hope to utilize the power of technology offered by the APX 4000 radio to better serve the community. These upgraded radios will allow first responders to connect with their colleagues, enhancing response time and safety. The cost of the radios is \$31,670.50. Grant recipients will be announced in the spring 2021.
3. **Asset Inventory and Assessment Grant Program:** The purpose of this grant is to support developing asset inventories, condition assessment of critical assets, and other components of a comprehensive asset management programs. LaBella Associates will take the lead in applying for this grant in 2021.
4. **Grants Database:** We continue to update the Grants Database as new information becomes available.

IV. COMMUNICATIONS

1. **Website Transition:** The following is a snapshot of the new website layout. Photos will change with the seasons. I am working with department heads and key staff to ensure each page is updated. We are allotted 100 pages and will use all of this space. We are working to add an online work order system, an online facility reservation system, a parks/trails system, and a newsletter subscriptions to our Town News.



V

PUBLIC HEARING

- Request from Brian and Jennifer Lail to Rezone Property Located at 506 Memorial Hwy from R-1 Residential to CG Commercial General

Note: NCGS 166A-19.24(e) adds a requirement that written comments may be submitted at any time between the notice of the public hearing and 24 hours after the public hearing. A consequence of this requirement is that the public body will not be able to take action on the matter immediately following the public hearing. Action must be taken at a later meeting or the meeting can be recessed long enough to comply with the 24-hour requirement.

LAKE LURE TOWN COUNCIL
REQUEST FOR BOARD ACTION
Meeting Date: March 9, 2021

SUBJECT: RZ-2020001, Rezoning Request from R-1 and CG to CG Zoning District

AGENDA INFORMATION:

Agenda Location: Public Hearing
Item Number: A
Department: Community Development
Contact: Mitchell Anderson, Community Development Director
Presenter: Mitchell Anderson, Community Development Director

BRIEF SUMMARY:

A request to rezone approximately 0.26 of a 0.29 acre parcel from R-1 Residential to CG Commercial General District. The parcel is located at 506 Memorial Hwy, owned by Brian and Jennifer Lail, and is identified with Tax Pin 227629.

RECOMMENDED MOTION AND REQUESTED ACTIONS:

To (adopt/deny) Ordinance No. 21-03-09, amending the Zoning map of the Town of Lake Lure to rezone parcel # 227629 from the R-1 Residential District and CG Commercial General District to CG Commercial General District, such act being inconsistent with the adopted Policy LU-1-1.2 and Figure 8, the Future Land Use Map, as included and also adopted in the Town of Lake Lure 2007-2027 Comprehensive Plan.

As this rezoning request is inconsistent with the Comprehensive Plan, a statement of reasonableness must be written into the minutes of this meeting in accordance with G.S. 160D-605.

A statement of reasonableness needs to be provided when approving or denying this rezoning request. This statement of reasonableness may consider, among other factors, (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment

FUNDING SOURCE: N/A

ATTACHMENTS:

A: Application RZ_2020001
B: Staff Presentation and Documentation
C: Zoning and Planning Board Recommendation

STAFF'S COMMENTS AND RECOMMENDATIONS:

Town Council must wait a minimum of 24 hours to vote on a decision to allow adequate time for written public comment. This meeting should be recessed to a later date and not closed.

A decision must be made within 60 days of the public hearing.

This matter came before the Lake Lure Planning and Zoning Board on February 16, 2021 on the application of Brian and Jennifer Lail.

The Lake Lure Planning and Zoning Board has provided the following Statement of Reasonableness and Comprehensive Plan Consistency:

The rezoning of the R-1 Residential zoned portion of the Lail's property is inconsistent with the 2007-2027 Comprehensive Plan, as the Future Land Use Map indicates the Lail's parcel to be zoned for future residential use only. The rezoning of the R-1 residential portion of the parcel would not align with the current neighborhood character in this area, which is primarily used for residential single family dwellings. Further, the parcel's current dimensions would not comply with § 92.040 Building Site--Minimum Dimensional Requirements of the Town's Zoning Regulations and would not easily accommodate required off-street parking for commercial uses.

Accordingly, the Lake Lure Zoning and Planning Board hereby recommends to the Lake Lure Town Council that the request for a map amendment to rezone the above parcel be denied based on the above Statement of Reasonableness and Comprehensive Plan Consistency.

The Town Council does not have to follow the recommendation of Zoning and Planning Board and may adopt Ordinance No 21-03-09. A statement of reasonableness must be written into the minutes of this meeting.

ORDINANCE NUMBER 21-03-09

**AN ORDINANCE AMENDING THE ZONING MAP OF
THE TOWN OF LAKE LURE BY REZONING A
PORTION OF ONE PARCEL FROM R-1, TO CG, AS
REQUESTED BY REZONING PETITION RZ-2020001.**

WHEREAS, Brian and Jennifer Lail are the owners of the parcel identified by tax Parcel Identification Numbers (PIN) 227629, Map 504/Block 1/Lot 114 on the Rutherford County Tax Map; and,

WHEREAS, the current zoning of the above referenced parcel is R-1 Residential District and CG Commercial General District; and,

WHEREAS, Brian and Jennifer Lail have petitioned to have this parcel rezoned to CG Commercial General District, as described with petition numbers RZ-2020001; and,

WHEREAS, the Lake Lure Zoning and Planning Board, after due consideration on the 16th of February, 2021, found the request to be inconsistent with the Lake Lure 2007-2027 Comprehensive Plan and does not recommend approval of this petition; and,

WHEREAS, the Lake Lure Town Council, after due public notice, conducted a public hearing on the 9th day of March, 2021, on the question of amending the zoning map in this respect and, after further consideration, determined that the rezoning is in the best interests of the Town of Lake Lure;

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

SECTION ONE: The zoning map referenced in Chapter 92 of the Lake Lure Code of Ordinances is hereby amended to change the lot having County tax PIN 227629, from R-1 Residential District and CG Commercial General District to CG Commercial General District.

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

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

ORDINANCE NO. 21-03-09
Rezoning Petition RZ-2020001
March 9, 2021
Page 2

Adopted this 9th day of March, 2021.

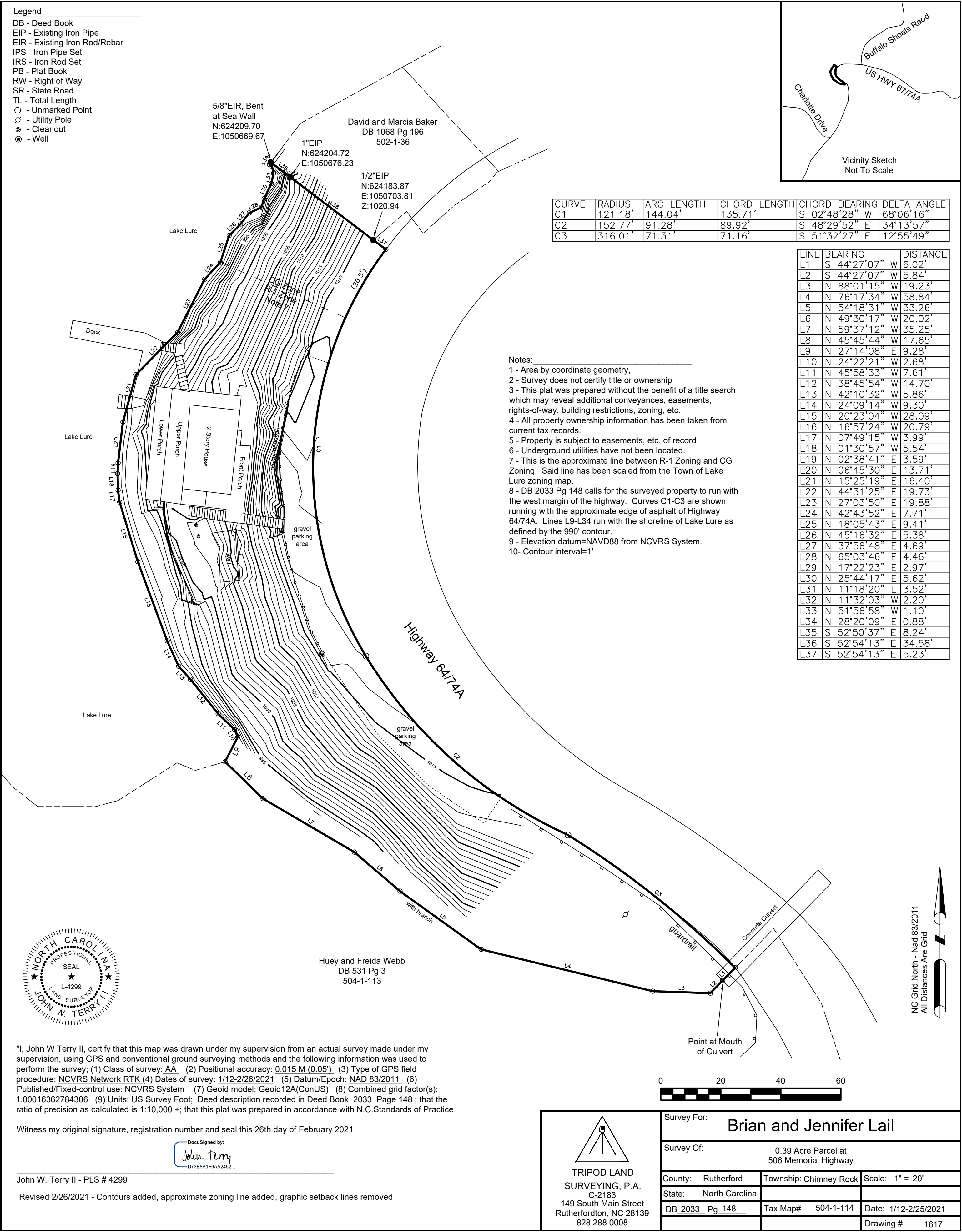
Attest:

Michelle Jolley
Town Clerk

Carol C. Pritchett
Mayor

Approved as to Form:

William C. Morgan, Jr.
Town Attorney



TOWN OF LAKE LURE
PETITION FOR REZONING

PAID

NOV 10 2020

Application Fee: \$510.00 (see attached)

Petition No. RZ - 2020001

Z & P Board Recommendation:	Action by Town Council:
Date: _____	Ord. No. _____ Date: _____

APPLICANT:

(Check one) Owner: ☒ Agent: _____ (If applicant is not the owner, attach authorization to act as agent)Name: Brian & Jenny Lail Date of Application: 10/23/20

PROPERTY:

Property located at: 506 Memorial HwyLegal Description (attach if necessary) PARCEL # 227629Map Page 504 Block 1 Lot 114 Tax PIN 0652046062

THE PETITION:

To rezone the above described property from the R1/C6 zone district to the C6 districtThis property is designated for R1/C6 use on the future land use map in the Town of Lake Lure 2007-2027 Comprehensive Plan.

<u>Brian Lail</u> Signature of applicant	<u>Jenny Lail</u> Signature of owner if not applicant
<u>150 Neighborhood Drive</u> Street or P.O. Box	<u>_____</u> Street or P.O. Box
<u>LAKE LURE, NC 28746</u> City, State, Zip	<u>_____</u> City, State, Zip
<u>828-289-0315 / 828-817-4686</u> Daytime telephone number	<u>_____</u> Daytime telephone number

See attached for information regarding rezoning process.



Major Highways

Roads

Parcels

County Lines



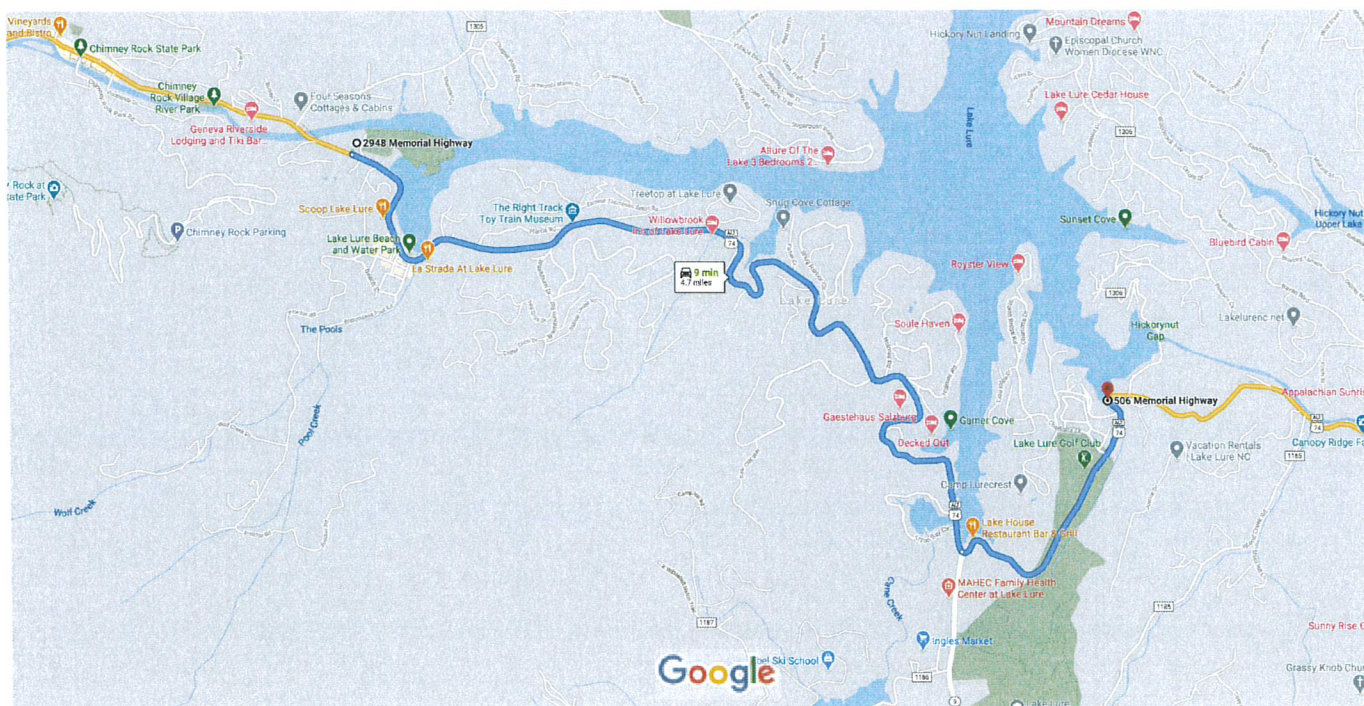
1 : 47 Feet

Rutherford County Geographic Information Systems (GIS) Data Distribution Disclaimer The County of Rutherford acquires, develops, maintains and uses GIS data in support of its internal business functions and for the public services it provides. The GIS data which Rutherford County distributes and to which it provides access, may not be suitable for other purposes or uses. It is the user's responsibility to verify any information derived from the GIS data before making any decisions or taking any actions based on the information. Rutherford County shall not be held liable for any errors in the GIS data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. Source information used for this data may have been collected at different scales, times or definitions, resulting in inconsistencies among features represented together on this map. In no event shall Rutherford County become liable to users of these data, or any other party, for any loss or direct, indirect, special, incidental or consequential damages, including but not limited to time, money or goodwill, arising from the use or modification of the data. The Geographic Information System (GIS) Data made available on the GIS website does not represent legally recorded maps or surveys and is not intended to be used as such. The information contained in GIS data is dynamic and constantly changes over time. This data is not better than the original sources from which they were derived. GIS data should not be used for navigational, tracking or any other purpose requiring exact measurement of distance or direction or precision in the depiction of geographic features. Nor should it be used for making financial or any other commitments. The maps/data provided herein are for illustration purposes only and are not suitable for site-specific decision making. Parcel data was prepared for the visual representation of real property found within Rutherford County, and is not necessarily accurate by surveying standards. If absolute accuracy and detail is required, the deeds, plats and other related records on file



2948 Memorial Hwy, Lake Lure, NC 28746 to 506 Memorial Hwy, Lake Lure, NC 28746

Drive 4.7 miles, 9 min



Map data ©2021 1000 ft

2948 Memorial Hwy

Lake Lure, NC 28746

1. Head east on US-64 E/US-74 ALT E toward Morse Park Trail
Pass by Lake Lure ABC Store (on the left in 0.6 mi)
3.7 mi
2. Slight left to stay on US-64 E/US-74 ALT E
Destination will be on the left
1.0 mi

506 Memorial Hwy

Lake Lure, NC 28746

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.



TOWN OF LAKE LURE
Community Development Department

STAFF REPORT

TO: Town Council

FROM: Community Development Department

DATE: March 3, 2021

RE: RZ-2020001: Rezoning Request from R-1 and CG to CG Zoning District

APPLICANT/ OWNER: Brian and Jennifer Lail

REQUEST:

A request to rezone approximately 0.26 of a 0.29 acre parcel from R-1 Residential to CG Commercial General District. The parcel is located at 506 Memorial Hwy, owned by Brian and Jennifer Lail, and is identified with Tax Pin 227629.

PROJECT DESCRIPTION:

Address: 506 Memorial Hwy

Existing Zoning: R-1 Residential/ CG Commercial General

Land Use Designation per the Future Land Use Map: R-1 Residential

Existing Use: Single Family Residential and permitted Residential Vacation Rental

Adjacent Zoning Districts:

East: R-1 Residential

West: L-1 Lake, R-1 Residential

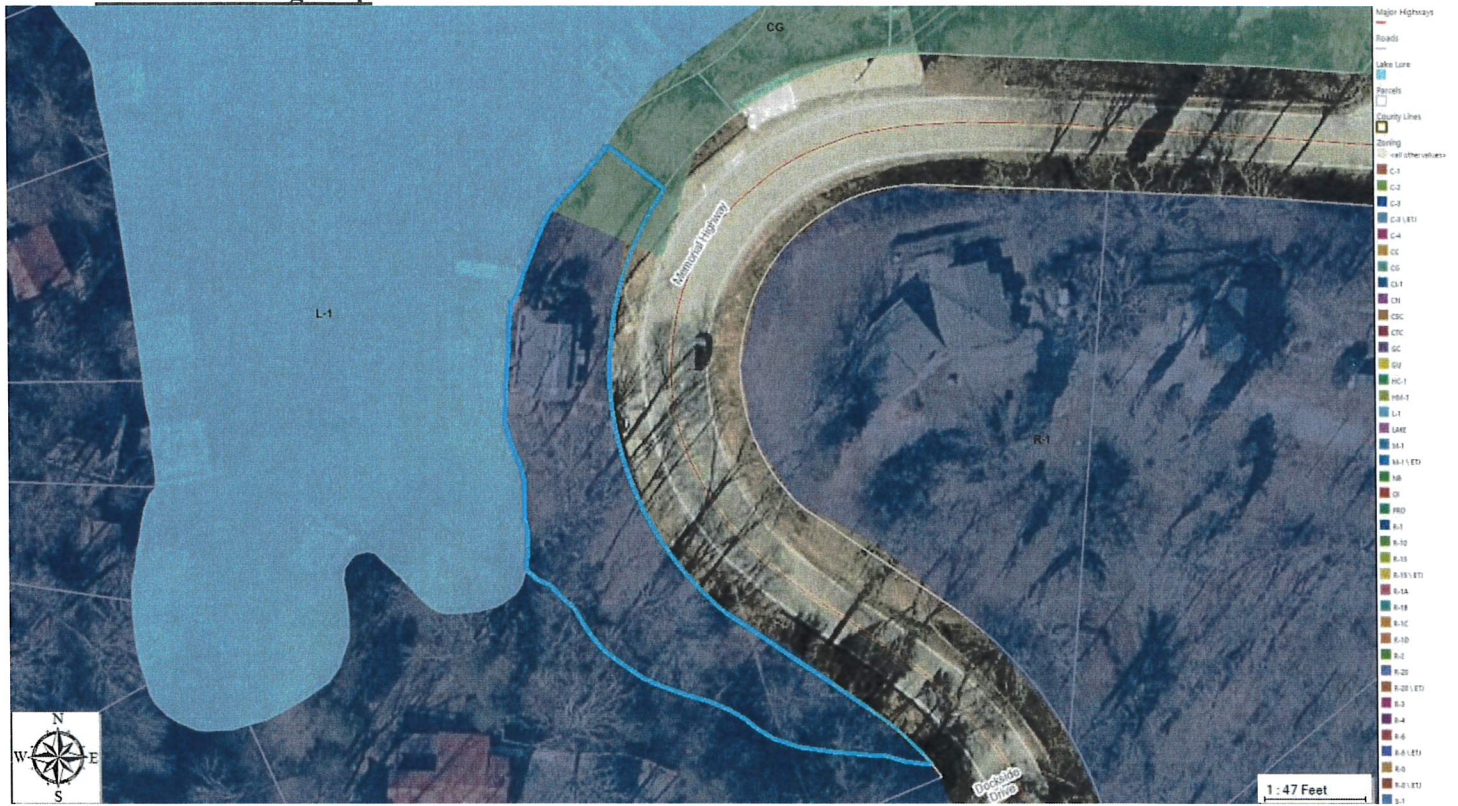
North: L-1 Lake, CG Commercial General

South: R-1 Residential

SUMMARY

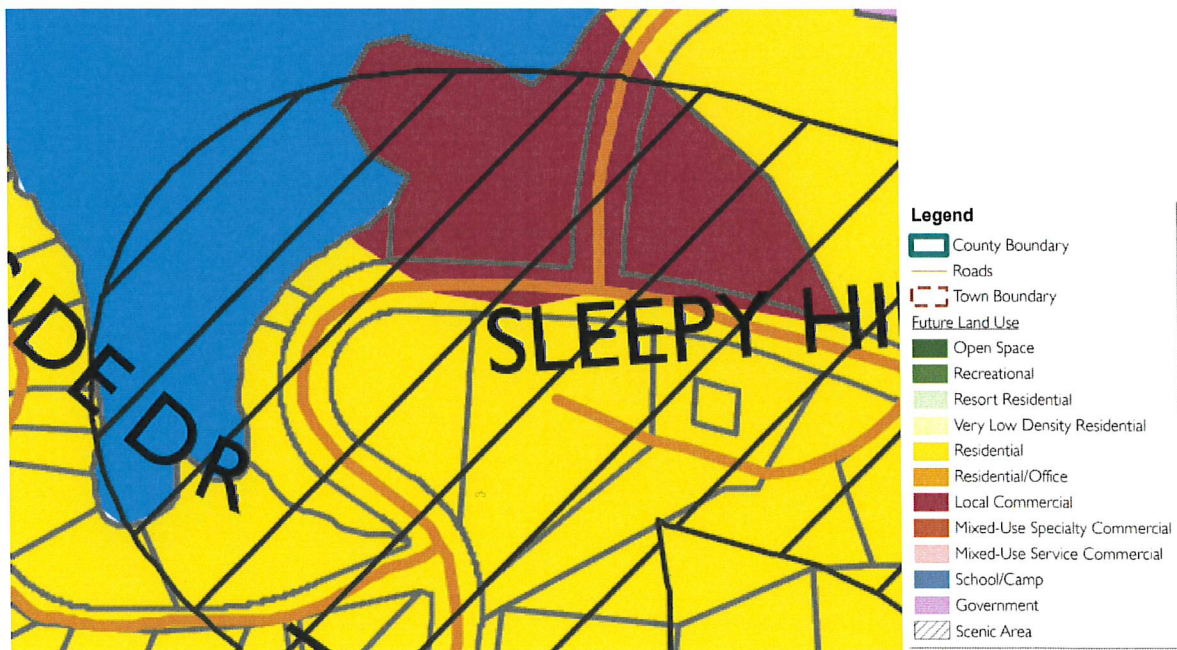
The applicant is requesting the R-1 Residential zoned section of parcel 227629 be rezoned to CG Commercial General. The parcel is currently split zoned as R-1 and CG.

Current Zoning Map



Town of Lake Lure Comprehensive Plan/ Future Land use Map

https://www.egovlink.com/public_documents300/lakelure/published_documents/Departments/Community_Development/2007-2027%20Comprehensive%20Plan/Maps/Figure%208%20-%20Future%20Land%20Use%20Map.pdf



Staff Comments/ Recommendation

Staff have observed that the current zoning map identifies this parcel as split zoned, with both CG and R-1. The future land-use map indicates this parcel is planned to be zoned residential. It would be beneficial to have a consistent zoning across the entire parcel. Rezoning the entire parcel as CG will change the permitted and conditional uses for this section of the parcel.

The current use of the structure on this parcel is single family residential and a permitted Residential Vacation Rental. These uses are also permitted within the CG Commercial General zoning district.

Parcel dimensions:

Lot Area: approximately 12,600 sf
Lot With at Building Site: approximately 50 ft
Lake Front

Minimum Dimensional Requirements for R-1 zoning district:

Lot Area: 10,000 sf
Lot With at Building Site: 100 ft
Front Yard Setback: 40 ft from the centerline of the street (no closer than 10 ft to a right-of-way)
Lake Front Yard Setback: 35 ft
Side Yard Setback: 10 ft

Minimum Dimensional Requirements for CG zoning district:

Lot Area: 21,780 sf
Lot With at Building Site: 100 ft
Front Yard Setback: 10 ft measured from right-of-way or 25ft from the centerline of the street
Lake Front Yard Setback: 35 ft
Side Yard Setback: 12 ft

The current structure and parcel are legal non-conformities that existed before the Town's current regulations. The current structure encroaches into the lake front and front yard setback, and does not meet the lot width at building site required by the R-1 Zoning District.

If this section of the parcel is rezoned to CG, the current structure will still be considered legal non-conforming. The structure will still encroach into the lake front yard setback, the front yard setback, and will not meet the lot width at site requirement for the CG district.

Further, the parcel is too small to meet the current lot area requirements of the CG zoning district.

The Lake Lure Zoning and Planning Board has provided the attached Statement of Reasonableness and Comprehensive Plan Consistency for Town Council's consideration.

Written comment on whether the proposed action is or is not consistent with the Comprehensive Plan and Future Land Use map and a statement of reasonableness needs to be provided when

approving or denying this rezoning request. This statement of reasonableness may consider, among other factors, (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

Town Zoning Ordinances for CG, Commercial General Zoning District

(Attached below)

ZONING REGULATIONS

of-way or six feet from the edge of the pavement, whichever is greater, and shall extend a minimum of two feet toward the front of the structure. The area shall be planted and maintained with grass, flowers, and/or shrubs not high enough to obstruct a driver's view of traffic.

- (G) Frontage. All lots must have 50 feet of frontage on a street. For purposes of this section, all sites that are double frontage lots or corner lots shall be deemed to have frontage on all such streets. All fronts must adhere to ingress/egress requirements.
- (H) Parking. All parking and loading must be in compliance with §§ 92.102 through 92.104, provided that public on-street and off-street parking spaces may be counted to meet the number of spaces required so long as such spaces are located within 900 feet, via pedestrian routing, from the entrance of the property to be served; and further provided that the number of spaces required shall be as follows:
- (1) Multiple family dwellings One space for each dwelling unit
 - (2) Hotels, motels and the like One space for each accommodation
 - (3) All other uses One space for each 400 square feet of gross floor area

Public parking spaces may be used to meet the requirements of more than one use at the same time.

- (I) Building Height. Notwithstanding the provisions of § 92.040 concerning building height, no structure shall exceed a height of 45 feet as measured from the average finished grade at building foundation line. **(Adopted 2-9-99)**

§ 92.031C CG, COMMERCIAL GENERAL DISTRICT

- (A) Intent. These commercial districts are established as districts in which the principal use of land is for retail sales and services to the consumer. The districts are intended to be located in high traffic areas along major thoroughfares. Because these commercial districts are located on the major thoroughfares of the Town and are subject to the public view, which is a matter of important concern to the whole community, they should provide an appropriate appearance, ample parking, controlled traffic movement and suitable landscaping.
- (B) Permitted Uses. Within the CG Commercial, General District buildings or land shall be used only for the following purposes:
- (1) Medical and dental services or clinics animal hospital, and veterinary clinic. **(Amended 06-12-18)**
 - (2) Real estate, financial institutions, business and professional offices including but not limited to insurance broker, travel agent, stock broker, attorney, and physician. **(Amended 06-12-18)**

ZONING REGULATIONS

- (3) Post offices, fire stations, police station, rescue squad, libraries, art galleries, museums, churches, public and private schools, public utilities and support facilities, and other similar cultural, civic and governmental buildings. **(Amended 06-12-18)**
- (4) Retail sales such as ABC stores, convenience stores (without gasoline sales), feed and seed stores, pet supply stores, antique stores, consignment shops, gift shops, outdoor vending machines, appliance stores, florist shops, book stores, clothing stores, sporting goods and equipment stores, jewelry stores, hardware stores, (provided open storage of supplies is screened from public view), grocery stores, drug stores, musical instrument sales, and video sales and rentals, but not excluding other similar uses. **(Amended 06-12-18)**
- (5) Consumer services such as banks, funeral homes, personal care services (nails, tanning, weight loss) restaurants, dry cleaning stores, coin laundries, tailoring shops, barber and beauty shops, indoor theaters, indoor game rooms, pet grooming establishments, taxidermy operations, bowling alleys, health and indoor exercise physical fitness facilities, but not excluding other similar uses. **(Amended 06-12-18)**
- (6) Hotels, motels, lodges, inns, bed and breakfast establishments, **(Amended 4-13-10)**
(Amended 06-12-18)
- (7) Single and multi-family dwellings.
- (8) Live-work units **(Adopted 3-10-09)**
- (9) Residential vacation rentals subject to special requirements contained in §92.042, below. **(Adopted 10-13-09, Effective 01-01-10)**
- (10) Child Care Centers **(Adopted 6-14-11)**
- (11) Brewpubs, micro-breweries, micro-distilleries, micro-wineries, and nano-breweries subject to special requirements contained in §92.042, below. **(Adopted 10-14-14)**
- (12) Customary accessory buildings incidental to single and multi-family residential buildings including non-commercial greenhouses, workshops, and private garages. **(Adopted 7-14-15)**
(Amended 06-12-18)
- (13) Temporary structure used in conjunction with the construction of a permanent building. **(Amended 06-12-18)**
- (14) Telecommunications Facilities and Antennae (see 92.042(D)) **(Amended 02-12-19)**

This section specifically prohibits out-of-building display of merchandise for sale, rent and unscreened open storage of vehicles, motorized equipment, boat storage facilities, construction equipment and supplies. Wrecked vehicles, inoperable vehicles, discarded tires or auto parts, and inoperable machinery are prohibited; businesses which sell, rent, or display obscene materials as defined in the town's code of ordinances are excluded from this district, in addition to tattoo

ZONING REGULATIONS

parlors; mobile homes; moveable storage facilities; and manufacturing employing ten or more persons. Notwithstanding the above, on rental boat per commercial property is allowed to be displayed out of the building as an accessory use. **(Amended 06-12-18)**

- (C) Conditional use permit. The following uses require a conditional use permit subject to a finding by the Board of Adjustment that all applicable provisions of §§ 92.045 through 92.059 have been met:
- (1) Gasoline service or filling stations, including accessory auto repair in completely enclosed buildings.
 - (2) Produce stands.
 - (3) Automobile and/or boat sales lots for the retail sale of new and used automobiles and/or boats, but excluding wholesale sales lots of any description and vehicle fix-up shops.
 - (4) Outdoor recreational facilities, excluding campgrounds.
 - (5) Planned unit developments.
 - (6) All telecommunications tower requirements listed in § 92.026(C)(7).
 - (7) Marinas.
 - (8) Adult entertainment establishments, provided no such use shall be located on property which lies within:
 - (a) 1000 feet, as directly measured, of any property on which there is any other adult entertainment establishment;
 - (b) 1000 feet, as directly measured, of any property used as a school or place of worship;
 - (c) 400 feet, as directly measured, of any property zoned for residential purposes. **(Amended 4-13-99)**
 - (9) Marine Sales and Service Facilities, provided any portion of such facilities which are not fully enclosed shall be separated from any adjacent land by a solid fence or wall not less 6 feet high or an opaque landscaped buffer not less than 6 high and 10 feet in width. Portions of such facilities used for the repair of boats and motors shall be located not less than 50 feet from any adjacent land zoned or used for residential purposes. **(Amended 1-9-01)**
 - (10) Accessory Residential Event Venue. In issuing a conditional use permit for an accessory residential event venue, the Board of Adjustment may impose reasonable conditions, including a maximum number of events per year and a maximum number of attendees which shall be based on the availability of parking, safe ingress and egress, sanitary facilities, potential impacts to adjacent properties and similar site specific conditions. **(Adopted 4-10-12)**

ZONING REGULATIONS

- (11) Primary Event Venue. In issuing a conditional use permit for a primary event venue, the Board of Adjustment may impose reasonable conditions, including a maximum number of events per year and a maximum number of attendees which shall be based on the availability of parking, safe ingress and egress, sanitary facilities, potential impacts to adjacent properties and similar site specific conditions. **(Adopted 4-10-12)**
- (12) All new commercial buildings; new building additions with a gross floor area of 1000square feet, or more, to an existing commercial building; or any new addition to an existing commercial building where the building facade length, as existing on December 2005, will be increased by more than 50% as a result of an addition or multiple additions. **(Adopted 11-15-05)**
- (13) Common amenities for residential developments provided that they are situated within the residential development so as not to adversely impact existing and/or reasonably foreseeable uses on adjoining properties. Such amenities shall be set back a minimum of 30 feet from such adjoining properties and a minimum of 60 feet from Lake Lure. Buffering may be utilized to assure compatibility with adjoining uses. **(Adopted 1-8-08)**
- (14) Distilleries, regional breweries, and wineries. **(Adopted 10-14-14)**
- (15) Campgrounds **(Adopted 7-14-15)**
- (16) Carwash **(Adopted 06-12-18)**
- (17) Pet Boarding Operations **(Adopted 06-12-18)**
- (D) Site Requirements. All sites must have a minimum of 21,780 square feet.
- (E) Front, Rear, and Side Yard Requirements.
 - (1) For lots which abut the street, the building setback shall be not less than 10 feet from the street.
 - (2) For lots which abut the lake, the building setback shall be not less than 35 feet from the lake shoreline, provided that buildings for marinas shall be set back not less than ten feet from the lake shoreline.
 - (3) Side yards shall be not less than 12 feet in depth.
 - (4) Rear yards shall be not less than 15 feet.
 - (5) Where the lot abuts upon property used for residential purposes, a buffer strip shall be provided along the side and/or rear lot line of such abutting residential use(s). If a fence or wall is used, such fence or wall shall be opaque and not less than eight feet in height. If a planted buffer is used, such buffer strip shall be not less than eight feet in width and shall be composed of evergreen trees or shrubs which at planting will be at least four feet high and at

ZONING REGULATIONS

maturity will be not less eight feet high. This requirement may be modified by the Board of Adjustment where sufficient natural buffering exists.

- (F) (1) Ingress/Egress. All uses in this district abutting the major thoroughfares, being U.S. Highway 64/74, N.C. Highway 9, or Buffalo Creek Road, shall have access only from such thoroughfares and shall be allowed only one means of ingress/egress for each 150 feet of frontage or fraction thereof. All ingress/egress openings, for both one-way or two-way traffic, shall be a minimum of 15 feet wide and a maximum of 30 feet wide, measured at the road right-of-way line, unless otherwise required by the N.C. Department of Transportation.
- (2) Landscaping. Landscaped traffic delineators are required within the front yard of the commercial site extending the full width of the front yard excepting to allow for entrances and exits. Delineators shall begin at the edge of the right-of-way or six feet from the edge of the pavement, whichever is greater, and shall extend a minimum of two feet toward the front of the structure. The area shall be planted and maintained with grass, flowers, and/or shrubs not high enough to obstruct a driver's view of traffic.
- (G) Frontage. All lots must have 100 feet of frontage on a street. Lots which abut the lake must have 100 feet of frontage on the lake. For purposes of this section, all sites that are double frontage lots or corner lots shall be deemed to have frontage on all such streets. All fronts must adhere to ingress/egress requirements.
- (H) Parking. All parking and loading must be in compliance with §§ 92.102 through 92.104. **(Adopted 2-9-99)**

§ 92.031D CSC, COMMERCIAL SHOPPING CENTER DISTRICT

- (A) Intent. This district is intended to encourage the development of planned commercial facilities with depth rather than strip type commercial development. Commercial activities that have an adverse effect on adjacent or adjoining properties, or on shopping centers themselves, are prohibited. Rezoning of additional lands to Commercial Shopping Center classification requires a showing of public and economic need for the establishment of new commercial areas outside existing commercial areas. It is further intended that the district shall be used for the purpose of providing a variety of goods and services and not used for single purpose activities.
- (B) Permitted Uses. Within the CSC Commercial, Shopping Center District buildings or lands shall be used only for the following purposes:
 - (1) Retail outlets for sale of food, wearing apparel, home furnishings and appliances, office equipment, hardware, toys, gift sundries and notions, flowers, books and stationery, leather goods and luggage, jewelry, art, cameras, photographic supplies, alcoholic beverages for off-premises consumption, sporting goods, musical instruments, pets, garden supplies, pharmaceuticals, and similar products in completely enclosed buildings.

STATE OF NORTH CAROLINA
RUTHERFORD COUNTY

BEFORE THE LAKE LURE
TOWN COUNCIL
CASE NO. RZ-2020001

IN RE THE APPLICATION OF BRIAN AND JENNIFER LAIL FOR A PETITION OF REZONING

CERTIFICATE OF SERVICE

I certify that I have on this date notified, in addition to the applicant and/or the property owner, the following persons of the hearing before Town Council in the above referenced case by means of first class mail:

Parcel Number	Owner Name	Owner Mailing Address	Owner Mailing City	Owner Mailing State	Owner Mailing Zip	Property Address
1632534	BRAMAN, JACK KENNETH;BRAMAN, LEAH MARIE	963 WOODS LOOP	WAXHAW	NC	28173	144 DOCKSIDE DR
219390	BAKER, DAVID L;BAKER, MARCIA T	3736 VERBENA WAY	CLEMMONS	NC	27012	0 MEMORIAL HWY
221951	SKIDMORE, RAY E JR TRUSTEE;RAY E SKIDMORE JR TRUST	920 37TH AVE SOUTH	NORTH MYRTLE BEACH	SC	29582	114 BASSWOOD DR
222829	WEBB, HUEY;WEBB, FREIDA	P O BOX 2000	SHELBY	NC	28150	102 DOCKSIDE DR
231079	HARRIS, ELIZABETH P. REVOC TRUST	22 ASTER TERRACE	KEY WEST	FL	33040	120 BASSWOOD DR
220948	CRAIG, CLIFTON M JR;CRAIG, SANDRA E	1132 S CENTER RD	DARLINGTON	SC	29532	156 SLEEPY HILL
218762	WILSON, ALFRED C;WILSON, MARION W	126 BASSWOOD DR	LAKE LURE	NC	28746	126 BASSWOOD DR
217886	CAUTHREN, GLENN;CAUTHREN, TERESA	3207 MEMORIAL HWY	LAKE LURE	NC	28746	108 BASSWOOD DR
226758	HUNT, JOHN J;HUNT, RUBY	BOX 277	LATTIMORE	NC	28089	470 MEMORIAL HWY
227629	LAIL, BRIAN L;LAIL, JENNIFER K	150 NEIGHBORLY DR	LAKE LURE	NC	28746	506 MEMORIAL HWY
232096	SHIRLEY, DAVID ARNOLD;SHIRLEY, AMBER MELISSA	595 SUGAR TREE DR	ROCK HILL	SC	29732	160 DOCKSIDE DR



Mitchell Anderson, CZO

Assistant Community Development Director

Town of Lake Lure

828-625-9983 Ext. 107

manderson@townoflakelure.com

2948 Memorial Highway Lake Lure, NC 28764

February 23, 2021

STATE OF NORTH CAROLINA
RUTHERFORD COUNTY

BEFORE THE LAKE LURE
ZONING AND PLANNING BOARD
CASE NO. RV-2020001

IN RE THE REQUEST OF BRIAN AND JENNIFER LAIL,
FOR DETERMINATION OF ZONING CONSISTENCY AND RECOMMENDATION
TO TOWN COUNCIL

STATEMENT OF THE CASE

This matter came before the Lake Lure Planning and Zoning Board on February 16, 2021 on the application of Brian and Jennifer Lail. The Lails have requested a rezoning of a portion of their parcel, located at 506 Memorial Hwy (Tax Pin 227629), currently zoned R-1 Residential (Section 92.026 of the Town of Lake Lure Zoning Regulations) to CG Commercial General (Section 92.031C of the Town of Lake Lure Zoning Regulations).

Statement of Reasonableness and Comprehensive Plan Consistency

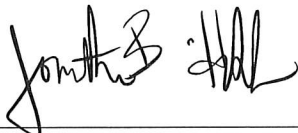
The Lake Lure Planning and Zoning Board has provided the following Statement of Reasonableness and Comprehensive Plan Consistency:

The rezoning of the R-1 Residential zoned portion of the Lail's property is inconsistent with the 2007-2027 Comprehensive Plan, as the Future Land Use Map indicates the Lail's parcel to be zoned for future residential use only. The rezoning of the R-1 residential portion of the parcel would not align with the current neighborhood character in this area, which is primarily used for residential single family dwellings. Further, the parcel's current dimensions would not comply with § 92.040 Building Site--Minimum Dimensional Requirements of the Town's Zoning Regulations and would not easily accommodate required off-street parking for commercial uses.

Recommendation

Accordingly, the Lake Lure Zoning and Planning Board hereby recommends to the Lake Lure Town Council that the request for a map amendment to rezone the above parcel be denied based on the above Statement of Reasonableness and Comprehensive Plan Consistency.

Done this 16th day of February, 2021



Jonathan Hinkle, Vice Chair

Mitchell Anderson

From: Alfred WILSON <apexwilsons@bellsouth.net>
Sent: Tuesday, March 2, 2021 10:23 AM
To: Mitchell Anderson
Subject: Rezoning of property on 506 Memorial Hwy.

We are against the rezoning of the property. We already have two major commercial properties on the lake in our cove. The Dam Marina, otherwise known as the town dump, with the contractors, their boats, barges and sinking boat, and Adventure Tours' with all the traffic their two ski boats, five rental pontoons and one small personal boat create, not to mention their paddle boards and kayaks.

Are these the pertinent facts that your looking for? If you want us to appear please let us know.

Fred and Marion Wilson
828-625-1159
126 Basswood Drive

Mitchell Anderson

From: David Baker <davidlbaker6411@bellsouth.net>
Sent: Saturday, February 13, 2021 5:41 PM
To: Mitchell Anderson
Subject: Zoning and Planning Board Meeting

Mitchell,

My wife and I plan on driving up and being present for the Zoning and Planning Board Meeting Tuesday morning. We own the lake front property next door to the Lail's property that is requesting rezoning. Our property is zoned CG and we would like to have it rezoned R-1. Obviously we are not in favor of the Lail property being rezoned CG even though we know a small sliver of the property is currently zoned CG.

In reviewing Lake Lure's Comprehensive Plan/ Future Land Use, our property and the Lail's property is listed as residential which we feel is in keeping with the other residences in that cove. For that reason we plan to immediately start working on getting our property rezoned R-1.

Look forward to meeting you on Tuesday,
David Baker

Sent from my iPad

VI
COUNCIL LIAISON
REPORTS AND
COMMENTS

VIII

CONSENT AGENDA

- Adoption of the February 5, 2021 Special Town Council Minutes, the February 9, 2021 Regular Town Council Minutes, the February 10, 2021 Special Town Council Minutes, and the February 24, 2021 Special Town Council Minutes
- Budget Amendment #298 – Schnabel Engineering Invoice
 - Budget Amendment #299 – Public Works Fence
- Resolution No. 21-03-09A Amending Article VII of the Personnel Policy



**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

Page 2- Minutes of the February 9, 2021 Regular Council Meeting

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.

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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:

Page 5- Minutes of the February 9, 2021 Regular Council Meeting

- 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.

ATTEST:

Michelle Jolley,
Town Clerk

Mayor Carol C. Pritchett



MINUTES OF THE SPECIAL WORK GROUP MEETING OF THE LAKE LURE TOWN COUNCIL HELD WEDNESDAY, FEBRUARY 24, 2021, 10:30 A.M. MEETING HELD 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
Shannon Baldwin, Town Manager

ABSENT: N/A

I. CALL TO ORDER

Mayor Carol Pritchett called the meeting to order at 10:30 a.m.

II. APPROVE THE AGENDA

Mayor Pritchett proposed moving the discussion with PANGAEA as the first item on the agenda to accommodate the two PANGAEA representatives attending the meeting.

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

III. DISCUSSION WITH PANGAEA REGARDING SERVICE AND CORRESPONDING AGREEMENT

Ron Walters, Executive Director with PANGAEA, provided historical background and history with the Town. PANGAEA is a 501(c)(3) non-profit corporation incorporated in 2003 which provides a fiber optic network to both Polk and Rutherford County. In 2009 they invested around \$27,000 to extend their fiber from the former Larkins on the Lake Restaurant west to the Chimney Rock Fire Department. They established a Memorandum of Understanding with the Town in return for use of the equipment space in Town Hall. Mr. Walters reported that they have had over a quarter of a million uses since the network has been built. They provide free fiber transport equipment and network, through grants and partner sharing, at no cost as part of their nonprofit community focus mission. In 2016, PANGAEA entered into a service agreement with the Town, which will be expiring in April. They agreed to provide 5 MB service but has since

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provided four free upgrades. The Town now gets 100 MB download and upload via dedicated fiber connection from their network at no charge. They provide dedicated fiber transport connection at Town Hall to connect to the Dam, Fire Department, Water Tower, and the Public Works building as well as free public Wi-Fi. Mr. Walters stated since 2009, they have provided fiber internet service to the Town at a value of almost \$300k as part of their nonprofit community focus. In return, the Town provided PANGAEA an exclusive license and use of the Town Hall building to house their equipment. For any third parties to use equipment rooms, the equipment room owner and PANGAEA must approve and the third party must sign a Non-Compete Agreement. Mr. Walters explained that in the last two years they have implemented some network enhancements to attempt to address concerns the Town had. Since 2018 they've had a diverse fiber route located at Hwy 9 and Memorial Highway to Columbus and an emergency route from Hwy 9 and Memorial Highway to Rutherfordton. He reported that PANGAEA received a request from Skyrunner last year for a diverse route up towards Bat Cave. They worked with Skyrunner who wanted a connection at the Gateway building across from Town Hall. They provided this network and now the Town also has a diverse route going towards the northwest. Mr. Walters stated that he understands the Town's concern with the Exclusive License Agreements and can address those but will begin charging for the services that they've been providing since 2009. He stated that he could put a proposal together that removes the exclusivity and itemizes the services for the Town.

Mr. Walters mentioned that PANGAEA is an internet service provider as well and purchases their internet feeds. One internet feed is in Columbus and another is one they have purchased to have fiber all the way to Charlotte. He stated that they have the best network around in terms of internet connectivity. Commissioner DiOrio expressed that the Town does not consistently get reliable internet service at 100 MB and questioned why service fluctuates. Ken Griffin, Operations Director, did not believe this was an issue on their end and explained that every customer has a dedicated fiber strand. Mr. Baldwin recommended that Mr. Griffin and Community Development Director Mitchell Anderson work together to assess the problems the Town is experiencing and Mr. Griffin agreed to do so. Mr. Walters explained that their connection is either on or off. If their fiber connection is established, the Town should be getting the maximum speed they've set our connection up for. He stated that if we're not, 99% of the time it's associated with the Town's equipment. The Town's dedicated fiber is not shared with anyone else in the area. He stated that Mr. Griffin would be glad to come up and do a speed test. Commissioner DiOrio expressed the need to have a redundancy.

Community Development Director Mitchell Anderson explained the latency issues he's experienced with the Town's internet mentioning that he is coordinating with ADNS, the Town's IT support, for a ping test to try and isolate the issues. Mr. Griffin reported that he worked with ADNS in the past when the Town was experiencing latency issues and found that the problems were not related to PANGAEA fiber. Mr. Baldwin asked that Mr. Anderson follow up with ADNS and expressed the importance of the Town having a redundant internet source. Commissioner DiOrio asked if the Town could use the line across the street from Town Hall as a redundant internet source and Mr. Griffin stated yes. Commissioner DiOrio asked why there is an exclusivity clause from PANGAEA in the Agreement if redundancy is available. Mr. Walters

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stated that Skyrunner and the Town would have to sign a non-compete clause with PANGAEA. Mr. Baldwin stated that he was not made aware of the Skyrunner connection that was established from Town Hall to the Gateway Building that could serve as a backup connection for the Town. He expressed the need for better communication from PANGAEA.

Mr. Baldwin asked who PANGAEA's board of directors are. Mr. Walters stated the current board of directors are Polk County Manager Marche Pittman, Rutherford County Manager Steve Garrison, Joe Crowder in Columbus (a veteran of the hospital industry), Russ Pitts, Jim Edwards (past executive director of IPDC), and Harry Grimes (VP with Integra Bank which is now First Citizens). Mr. Baldwin asked if the Town had a representative from the Town in the past. Mr. Walters stated that previous Town Manager Chris Braund was on the Board and Ron Nalley worked closely with them also but was not on the Board. He pointed out that PANGAEA has a technical committee which includes many of their key customers. The Committee is led by Mr. Griffin and meets twice a year to discuss recommended network enhancements and network design. The Board agreed to have PANGAEA provide a new proposal to the Town with and without the exclusivity clause.

Commissioner DiOrio stated that the first step is to reconfirm the redundant internet line to Town Hall that the Town could connect to as a redundant internet capability. Mr. Anderson will also work with ADNS on investigating the latency issues the Town has been experiencing. Commissioner Moore recommended a new contract with PANGAEA to address some of the concerns raised. Mr. Walters stated he would put together the framework for a new contract with and without the exclusivity language. He pointed out that the current agreement ends on April 15th and would automatically renew for a year. Commissioner DiOrio added the need to define what the redundant feature is and what is allowable to add to the agreement. Mr. Walters asked that the Town contact Mr. Griffin of any issues that may come up so that they can try and identify them.

IV. PUBLIC WORKS/WATER/SEWER CIP DISCUSSION

(PowerPoint Presentation attached)

Public Works Director David Arrowood explained that Firefly Cove, a residential community off of Boys Camp Road, has a water system that is separate/independent from all other Town water systems and is currently reliant on a single well as the water source for the entire community. The original Firefly Cove developer drilled 5-6 wells that resulted in one good well that does not produce a lot of water. Wells in Firefly Cove were shut down because of contamination and left one good well. There are approximately 40 homes in Firefly Cove community and a well failure or contamination would leave those homes without water. NC DEQ reported that the current well could only service 49 homes. There is an interconnection that exists but is not functional because a valve between the two systems is closed. Mr. Arrowood pointed out that Carolina Water Systems (CWS) is spending \$500k to treat contamination in one well and another \$500k is needed to treat another well that has newly discovered contamination.

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CWS has to pump and haul the contaminated waste away at approximately \$500 per week. Constructing a booster pump station in Firefly Cove would begin the process to become independent of Chimney Rock Village system. He suggested the Town consider installing an interconnect on NC9 with Polk County to buy bulk water and eliminate wells. A booster pump station in Firefly Cove would be compatible with this long term goal.

Jacob Gray, project manager with WithersRavenel, discussed a few alternatives to provide an additional water source to Firefly Cove community. Alternative #1 would be to construct additional wells to provide redundant water supplies. This is a budget-friendly option but prior attempts have been made in the area and were unsuccessful due to low yield or contamination. This option also does not address long term goals due to expected low yield. Alternative #2 would be to install a booster pump station. WithersRavenel is currently under contract to develop this project. A booster pump station would provide a reliable method to fill the Firefly Cove tank and serve the area. It would also give the Town operational flexibility for future planning. The Town would be able to serve or expand its system independent of the Chimney Rock

tank. The booster pump station comes at a high cost due to increased flow rate and overcoming significant elevation, lack of 3-phase power at site necessitating oversized equipment, and due to the current bidding environment which could mean higher bids. He noted there would be an additional cost to use Kimball Communications to tie in all of the components into a controlled scheme. He estimated the cost of a pump station at around \$400k, depending on the flow rate the Town chooses. Alternative #3 would be to restore the interconnection between the two systems. This alternative entails inspecting the condition of the existing interconnect and opening the valve between the two systems, serving the lower Firefly Cove homes from the Chimney Rock tank. Some homes within the lower area may need individual booster pumps to provide pressure. Additionally, a long term solution to the high-elevation homes still served by the single well needs to be developed. Some concerns were noted in regards to utilization of the tank and water age if the Firefly Cove tank only serves a couple homes. This option does not address long term planning and feasibility of this option would need to be investigated (pressure concerns, especially under fire flows). Hydrant flow testing would provide baseline data.

Town Engineer Kurt Wright mentioned that in addition to costs, the options available need to be evaluated based on consequence of failure and likelihood of failure and a decision should be based on risks. Mr. Wright stated that installing a booster pump station has high costs but would solve all the problems, eliminating risk and consequence of failure of the existing well. He mentioned that the initial cost to drill new wells would be much lower but the risks are high in that the area has radionuclides based on known and previous wells drilled. There would be high costs associated with upfront equipment costs and ongoing treatment. Mr. Wright also noted that opening valves would come in at an even lower cost but would not solve the problem for 100% of the Firefly Cove community. It would only serve as an emergency backup if the existing well went out and doesn't provide independence from the Chimney Rock Village water system.

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Commissioner DiOrio mentioned that investigating and testing the private wells in the Firefly Cove community might provide a good indication of a location for a new well. Mr. Arrowood pointed out that the Town has a large well located behind the Public Works building that feeds the Chimney Rock tank and other tanks closer to Town. The tanks within Town likely supply enough pressure to supply water to the Town's system and the Firefly Cove interconnect independent from the Chimney Rock system. He felt that a long term solution would be to tie all of the water systems into one system and buying bulk water. Commissioner DiOrio asked about the pressure of the Firefly Cove system with the tank at 500 feet above the main Firefly Cove service area. Mr. Gray stated the Firefly Cove system is about a 200 pound system and the Chimney Rock tank is around 90-100 psi to the same area under zero flow and as flow increases the pressure goes down due to an increase in headloss. Commissioner DiOrio suggested an operational test of the hydrants to isolate the Firefly tank and to see what the pressure is in Firefly Cove to know if we have a redundant capability for the lower Firefly Cove area through the existing interconnect. Mr. Gray noted we would overflow the Chimney Rock tank without the PRV unless we had a check valve. He pointed out that if the Chimney Rock tank did not supply the pump station and other sources in Town supplied the pump station, we would need to have enough pressure from the tanks within Town. Mr. Arrowood stated that the tanks within Town have enough pressure to supply Firefly Cove. He noted the Town lost the reservoir that was off of Bottomless Pools and no longer has one. Commissioner DiOrio expressed that we need to know the pressure at Pool Creek. He noted that we would open up the interconnect if there was a failure but the pressure is not known. This could be a redundant source except for the higher elevation houses in Firefly Cove. Mr. Gray stated that the higher houses would need separate solutions, possibly an individual booster pump. We have to provide 30 psi at the meter to provide a water source and 20 psi at the meter during fire flow situations to comply with Code. Commissioner DiOrio also stated that the interconnect from Chimney Rock Village, in order to augment the low flows from the tank, customers on that line could continue to be serviced if we had a more permanent solution with the interconnect by opening the valve and not the booster pump. There could still be some fire flow issues but we would not be bound by the same restrictions with NC DEQ regarding supply from the well. Mr. Arrowood reported that the tank at Pool Creek gives off 200 psi and the one near their shop has around 95-100 psi, in an 8 inch pipe. Mr. Gray stated this likely would give enough capacity and pressure to get water from Town to the interconnection or to the booster pump station.

Commissioner DiOrio mentioned that there is a redundant capacity now for the main Firefly community and we can augment as necessary for further development. He noted that if there is a flow issue, Firefly Cove could be split and a different pressure zone could be made so that most homes are served from Firefly Cove's tank and a smaller number served from the Firefly Cove tank. Mr. Wright noted this would require some piping. Mr. Gray expressed concern with the flow of aging water. Mr. Wright noted another alternative would be to investigate well water in Firefly Cove and suggested bringing in a consultant with the Asheville Regional Office to come in and give us some information about hydrofracking. Commissioner DiOrio felt that we need to get some data on the Chimney Rock system to find out the flows. He also suggested possibly performing an operational check by opening the valve and isolating the Firefly tank and see what happens as a test to get data on flow rates. He also suggested exploring

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sites for a potential new well as a second short-term option and then revisit this discussion once more. Mr. Baldwin noted that a new scope of work would be needed as this is outside the current contract.

Mr. Arrowood pointed out that the reservoir to Firefly Cove must be shut off before opening the valve between the Town system and Firefly Cove to not over-pressure the line. However, he stated he has not yet found a cutoff valve on the system yet except at the tank and has put in a call to Odom Engineering. He will need to investigate a way to isolate the tank before opening the valve for the interconnect. Mr. Wright explained that planning is needed before opening the valve which has not been operational for many years and residents in Firefly Cove should be notified that this is happening. He also pointed out that the valve could be damaged and we need to be prepared for a backup plan. Mr. Gray stated he would not trust the PRV there and we would want to know we could isolate the tank without cutting off flow to some of those higher houses. Mr. Baldwin asked that Mr. Gray work with Mr. Arrowood and Mr. Wright on a plan before moving forward. Mr. Wright suggested meeting on site with the ground water engineer from the Asheville Regional Office.

Commissioner DiOrio asked if the pump station could be designed in series so it's expandable. Mr. Gray stated that they originally considered a duplex station but are not exploring a triplex system, two in operation and one in standby could be explored and could get a space for a fourth in that enclosure. There are a lot of options to make expandable. Commissioner DiOrio stated we need data first and then move slowly. Mr. Wright recommended a water masterplan to look at the global system and global risks. He added that the option to have an agreement with Polk County to get water from them from Broad River Water Supply is a strong alternative. Mr. Arrowood reported that the agreement between the Town and Chimney Rock Village is up for renegotiation in 2023. Mr. Gray mentioned we need one data point on what happens when we open the valve between the two systems.

Mr. Arrowood briefly discussed the need for a new fence at the Public Works facility and stated he is recommending fencing only a portion of the site. He received an estimate for \$21,320 for a black coated 7' chain link fence with slats. If a windscreen on the front and back were used instead of slats, the estimate was \$19,400. He recommended slats over a windscreen for aesthetic reasons. The price includes removal of the existing fence and installation of the new fence. Council unanimously agreed that Mr. Arrowood bring back a budget amendment for approval at the next meeting.

IV. ADJOURN THE MEETING

With no further business, Commissioner Patrick Bryant made a motion to adjourn the meeting at 10:30 a.m. Commissioner David DiOrio seconded and the motion carried 4-0.

ATTEST:

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Michelle Jolley,
Town Clerk

Mayor Carol Pritchett

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

Meeting Date: March 9, 2021

SUBJECT: Budget Amendment #298 to cover costs of an outstanding invoice for Schnabel Engineering.

AGENDA INFORMATION:

Agenda Location: Consent
Item Number: B
Department: Public Works
Contact: Sam Karr, Finance Director
Presenter: Sam Karr, Finance Director

BRIEF SUMMARY: Task Order #4 Was approved by Town Council last fiscal year; however, Schnabel Engineering didn't bill the town until now. In order to make payment, we will need a budget amendment to cover the cost.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Approve Budget Amendment #298 to cover costs of an outstanding invoice for Schnabel Engineering.

FUNDING SOURCE:

ATTACHMENTS: Budget Amendment #298

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff recommends approval of Budget Amendment #298.

**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, 2021:

Department: DAM/Watershed Protection

Purpose: To cover last fiscal year project, billed this fiscal year.

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

Line Item	Account Number	Amount Decrease	Amount Increase	Amended Budget
190	10-473000		\$4,500	\$190,211

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

Account Name: **Transfer from Fund Balance**

Account Number: **10-398604**

Amount: **\$4,500**

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 _____, 2021.

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

Meeting Date: March 9, 2021

SUBJECT: Budget Amendment #299 to cover costs for a new fence at the Public Works Facility.

AGENDA INFORMATION:

Agenda Location: Consent
Item Number: C
Department: Public Works
Contact: Sam Karr, Finance Director
Presenter: Sam Karr, Finance Director

BRIEF SUMMARY: Replace dilapidated wooden fence around Public Works facility.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Approve Budget Amendment #299 to cover costs for a new fence at the Public Works Facility.

FUNDING SOURCE: Fund Balance

ATTACHMENTS: Budget Amendment #299

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff recommends approval of Budget Amendment #299.

**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, 2021:

Department: Public Works-Capital Outlay

Purpose: Replace dilapidated wooden fence around Public Works facility.

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

Line Item	Account Number	Amount Decrease	Amount Increase	Amended Budget
623	10-800000		\$18,000	\$18,000

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

Account Name: **Transfer from Fund Balance**

Account Number: **10-398604**

Amount: **\$18,000**

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 _____, 2021.

G & S FENCE COMPANY

QUOTE

Grindstaff and Sons Fence Company
759 Graphite Rd
Old Fort, NC 28762

DATE: FEBRUARY 25, 2021

TO: Town Of Lake Lure Att: Dave Arrowood

PHONE: 1 800 745 1507 1 828 254 2047

1 828 668 4647

FAX: 1 828 668 4647

QTY

DESCRIPTION

G & S Fence Company proposes to remove 425' of 8' wood and haul off.

To install 425' of 7' high Black Vinyl Chain-link.

With Slats

18,000.00

With Double Windscreen

17,000.00

Quote Good For Two Weeks

ALL POST SET IN CONCRETE

2 Year Warranty on Workmanship

10 Year Limited Mfg. Warranty on Material

Fully Licensed and Insured

WEBSITE: gandsfence.com

EMAIL: gandsfenceco@gmail.com

SUBTOTAL

SALES TAX

TOTAL

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

Meeting Date: March 9, 2021

SUBJECT: Budget Amendment #300 to cover costs for a dam design with 65% FEMA Grant.

AGENDA INFORMATION:

Agenda Location: Consent
Item Number: D
Department: DAM-Watershed Protection
Contact: Sam Karr, Finance Director
Presenter: Sam Karr, Finance Director

BRIEF SUMMARY: Conceptual design of a replacement for the Lake Lure Dam.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Approve Budget Amendment #300 to cover costs for conceptual dam design.

FUNDING SOURCE: Fund Balance (35%) and FEMA Grant (65%)

ATTACHMENTS: Budget Amendment #300

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff recommends approval of Budget Amendment #300.

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

Meeting Date: March 9, 2021

SUBJECT: Budget Amendment #300 to cover costs for a dam design with 65% FEMA Grant.

AGENDA INFORMATION:

Agenda Location: Consent
Item Number: D
Department: DAM-Watershed Protection
Contact: Sam Karr, Finance Director
Presenter: Sam Karr, Finance Director

BRIEF SUMMARY: Conceptual design of a replacement for the Lake Lure Dam.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Approve Budget Amendment #300 to cover costs for conceptual dam design.

FUNDING SOURCE: Fund Balance (35%) and FEMA Grant (65%)

ATTACHMENTS: Budget Amendment #300

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff recommends approval of Budget Amendment #300.

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

Meeting Date: March 9, 2021

SUBJECT: Resolution No. 21-03-09A Amending Article VII Leaves of Absence, Section 4 (f)
Vacation Leave-Adverse Weather of the Personnel Policy

AGENDA INFORMATION:

Agenda Location: Consent
Item Number: D
Department: Administration
Contact: Amy Wright, Human Resources Specialist
Presenter: Amy Wright, Human Resources Specialist

BRIEF SUMMARY: The current policy as written is vague and needs further clarification on employee eligibility and how administrative leave is awarded.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To adopt Resolution No. 21-03-09A amending Article VII Section 4 (f) of the Personnel Policy.

FUNDING SOURCE: n/a

ATTACHMENTS: Resolution No. 21-03-09A

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff recommends adoption of the Resolution amending the Vacation Leave-Adverse Weather section of the Personnel Policy.

RESOLUTION NO. 21-03-09A
A RESOLUTION TO AMEND THE EXISTING PERSONNEL
MANUAL FOR THE TOWN OF LAKE LURE

WHEREAS, the Town of Lake Lure has a Personnel Manual adopted November, 2001, which has been subsequently amended; and

WHEREAS, the Personnel Manual shall apply to conditions of employment of the employees of the Town of Lake Lure; and

WHEREAS, updates have been recommended to the Manual in order to provide further clarification on employee eligibility and administrative leave; and

NOW, THEREFORE BE IT RESOLVED, the Town of Lake Lure Personnel Manual be amended a follows:

Note ~~strikeouts~~ for deletions and underline for additions.

Article VII, Leaves of Absence, Section 4(f), Vacation Leave-Adverse Weather

Section 4(f). Vacation Leave-Adverse Weather

Only the Town Manager may declare when administrative leave will be given to regular full time employees for adverse weather conditions. Since the Town provides significant essential services, it will be necessary to keep the Town operating whenever possible. Department heads shall determine which of the required functions of their departments must continue during the adverse weather event. No employee is expected to work risk their safety to commute to work when roads are unsafe and compensatory time or vacation days will be granted approved for those employees who need to be absent for this reason.

Employees required to report to work will record actual hours worked as regular time on the time sheet. If actual hours worked for the designated day is greater than the employee's normal work day, the employee will not receive administrative leave. If an employee is already on vacation or other approved leave, the employee will remain in leave status and is not entitled to administrative leave.

An employee scheduled to telework on the day(s) of the weather event is expected to work the regularly assigned hours and will not be eligible for the administrative leave.

If an employee does not report to work when a delayed opening is called, the employee will not be entitled to administrative leave and should use compensatory time or vacation leave to receive pay for that entire work day. Employees shall be paid based on the Fair Labor Standards Act.

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

ATTEST:

Michelle Jolley, Town Clerk

Mayor Carol C. Pritchett

IX UNFINISHED BUSINESS

- Public Works CIP Review

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Departmental Priority:

Fence Replacement at Public Works Facility
Public Works

1

1

Renovation/Replacement



Expansion

This is to remove old and install new fence around our shop:

The old fence is very rotten and breaking off at ground. We have tried to patch it but its to old.

Picture/Graph/Chart

Unfunded

Partially Funded

☐

Funded

☐

Unappropriated Subsequent Years								
Total Appropriations To Date	Budget Year 1 2021-22	Year 2 2022 - 2023	Year 3 2023 - 2024	Year 4 2024 - 2025	Year 5 2025 - 2026	Future Years	Total Requested Funds	Total Project Cost
	\$ 60,000						\$ 60,000	\$ 60,000

Project Title: Fence Replacement at Public Works Capital Improvement Plan - Project Summary Form

Milestones:

	2021 - 2022	2022 - 2023	2023 - 2024	2024 - 2025	2025 - 2026	2026 - 2027	2027 - 2028	Operating Budget Impact	
Planning/Preliminary Design	☐	☐	☐	☐	☐	☐	☐	2021 - 2022	2022 - 2023
Engineering/Arch. Services	☐	☐	☐	☐	☐	☐	☐	2023 - 2024	2024 - 2025
Land/ROW/Acquisition	☐	☐	☐	☐	☐	☐	☐	2025 - 2026	Future Years
Award of Contract	☒	☐	☐	☐	☐	☐	☐		
Construction/Purchase	☒	☐	☐	☐	☐	☐	☐		

Operating Budget Impact:

Salaries/Benefits	☐	Utilities	☐	Departmental Expenses	☒
Professional Services	☐	Maintenance/Repair	☒	Capital Outlay	☐

Project Costs:

Planning/Design/Engineering
Land/ROW Acquisition
Construction
Equipment
Hardware/Software

Current Estimated Cost	Prior Year Costs	Budget 2021 - 2022	Budget 2022 - 2023	Budget 2023 - 2024	Budget 2024 - 2025	Budget 2025 - 2026	Future Years	Project Total
\$ -	\$ -	\$ 60,000						\$ -
\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
\$ -	\$ -	\$ 60,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 60,000

Total Project Costs:**Total Operating Budget Costs:****Total Project Estimated Costs:****Source of Funds:**

Current Revenue
Bonds
Assessment
Lease/Purchase
Grant
Other: _____

Percentage	Budget 2021 - 2022	Budget 2022 - 2023	Budget 2023 - 2024	Budget 2024 - 2025	Budget 2025 - 2026	Future Years	Project Total
100.00%	\$ 60,000						\$ 60,000
100.00%	\$ 60,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 60,000

Total Funding:

Town of Lake Lure

[illegible]

Project Title: Vehicle Replacement Capital Improvement Plan - Project Summary Form

	Recommended Time Schedule							Operating Budget Impact	
	2021 - 2022	2022 - 2023	2023 - 2024	2024 - 2025	2025 - 2026	2026 - 2027	2027 - 2028	2021 - 2022	2022 - 2023
Planning/Preliminary Design	☐	☐	☐	☐	☐	☐	☐		
Engineering/Arch. Services	☐	☐	☐	☐	☐	☐	☐		
Land/ROW/Acquisition	☐	☐	☐	☐	☐	☐	☐		
Award of Contract	☐	☐	☐	☐	☐	☐	☐		
Construction/Purchase	☒	☐	☐	☐	☐	☐	☐		

Operating Budget Impact:

Salaries/Benefits ☐
Professional Services ☐

Utilities ☐
Maintenance/Repair ☒

Departmental Expenses ☒
Capital Outlay ☐

Current Estimated Cost	Prior Year Costs	Budget 2021 - 2022	Budget 2022 - 2023	Budget 2023 - 2024	Budget 2024 - 2025	Budget 2025 - 2026	Future Years	Project Total
		\$ 45,000						\$ -
		\$ 45,000						\$ -
		\$ -						\$ -
		\$ 45,000						\$ 45,000
		\$ -						\$ -
		\$ -						\$ -
		\$ 45,000						\$ 45,000

Project Costs:

Planning/Design/Engineering
Land/ROW Acquisition
Construction
Equipment
Hardware/Software

Total Project Costs:

Total Operating Budget Costs:

Total Project Estimated Costs:

Percentage	Budget 2021 - 2022	Budget 2022 - 2023	Budget 2023 - 2024	Budget 2024 - 2025	Budget 2025 - 2026	Future Years	Project Total
100.00%	\$ 45,000						\$ 45,000
							\$ -
							\$ -
							\$ -
							\$ -
							\$ -
100.00%	\$ 45,000						\$ 45,000

Source of Funds:

Current Revenue ☒
Bonds ☐
Assessment ☐
Lease/Purchase ☐
Grant ☐
Other: ☐

Total Funding:

[illegible]

Departmental Priority:
Organizational Priority:

Manholes in Morris Park
Sewer

Project Title:
Department:
Acct. Number:

Purpose:	Health, Safety and Welfare	Mandate	Renovation/Replacement	Expansion
	☒	☐	☐	☒

Description: This is for installing 2 Manholes in Morris Park. One being near the Basketball Court and One near Rivers edge.

Picture/Graph/Chart

Justification: This will make sewer more accessible to the Welcome Center and also Town Hall. This will also give a entry point

Project Status:	Unfunded	Partially Funded	Funded
	☒	☐	☐

Unappropriated Subsequent Years						
Total Appropriations To Date	Budget Year 1 2021-22	Year 2 2022 - 2023	Year 3 2023 - 2024	Year 4 2024 - 2025	Year 5 2025 - 2026	Total Requested Funds
	\$ 20,000					\$ 20,000
						\$ 20,000

Operating Budget Impact

	2021 - 2022	2022 - 2023	2023 - 2024	2024 - 2025	2025 - 2026	2026 - 2027	2027 - 2028	2021 - 2022
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Operating Budget Impact:

☐		☒	Utilities	☐	
☐		☒	Maintenance/Repair	☐	
☐	Salaries/Benefits				Departmental Expenses
☐	Professional Services				Capital Outlay

Current Estimated Cost	Prior Year Costs	Budget 2021 - 2022	Budget 2022 - 2023	Budget 2023 - 2024	Budget 2024 - 2025	Budget 2025 - 2026	Future Years	Project Total
		\$ 20,000						\$ - \$ - \$ 20,000 \$ - \$ -
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		\$ -	-	\$ -	-	\$ -	\$ -	\$ -
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Total Project Costs:

Percentage	Budget 2021 - 2022	Budget 2022 - 2023	Budget 2023 - 2024	Budget 2024 - 2025	Budget 2025 - 2026	Future Years	Project Total
100.00%	\$ 20,000						\$ 20,000
							\$ -
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							\$ -
100.00%	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000

Source of Funds:

	✓					
Current Revenue						
Bonds						
Assessment						
Lease/Purchase						
Grant						
Other:						

Total Funding:

1000

Street Paving
Street Dept

Expansion

Mandate ☐

5

Health, Safety and Welfare

This is money that is dedicated every year for Street Paving and Maintenance.

This is needed to help get Street Ratings up to a good PCR Rating according to the Street Study.

Picture/Graph/Chart

Unfunded

☐

Partially Funded

Funded

Unappropriated Subsequent Years								
Total Appropriations To Date	Budget Year 1 2021-22	Year 2 2022 - 2023	Year 3 2023 - 2024	Year 4 2024 - 2025	Year 5 2025 - 2026	Future Years	Total Requested Funds	Total Project Cost
	\$ 180,000						\$ 180,000	\$ 180,000

Town of Lake Lure

Electronic Water Meters

Water Dept

713000

Health, Safety and Welfare

Mandate

Renovation/Replacement

Expansion

Departmental Priority:

Organizational Priority:

This project is to install electronic Water Meters on our System.

The way we read meters now cost us a week out of every month and approx 32,000 dollars in man hours.

Unfunded

Partially Funded

Funded

Unappropriated Subsequent Years						
Total Appropriations To Date	Budget Year 1 2021-22	Year 2 2022 - 2023	Year 3 2023 - 2024	Year 4 2024 - 2025	Year 5 2025 - 2026	Total Requested Funds
	\$ 200,000					\$ 200,000
						\$ 200,000

Unappropriated Subsequent Years				
	Year 2 2022 - 2023	Year 3 2023 - 2024	Year 4 2024 - 2025	Year 5 2025 - 2026

Operating Budget Impact

	2021 - 2022	2022 - 2023	2023 - 2024	2024 - 2025	2025 - 2026	2026 - 2027	2027 - 2028	2021 - 2022
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Operating Budget Impact:

☐	Salaries/Benefits	☐	Utilities	☒	Departmental Expenses
☐	Professional Services	☐	Maintenance/Repair	☒	Capital Outlay

Current Estimated Cost	Prior Year Costs	Budget 2021 - 2022	Budget 2022 - 2023	Budget 2023 - 2024	Budget 2024 - 2025	Budget 2025 - 2026	Future Years	Project Total
								\$ -
								\$ -
								\$ -
		\$ 200,000						\$ 200,000
								\$ -
\$ -	\$ -	\$ 200,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 200,000
		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
\$ -	\$ -	\$ 200,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 200,000

Source of Funds:

	✓					
Current Revenue						
Bonds						
Assessment						
Lease/Purchase						
Grant						
Other:						

Percentage	Budget 2021 - 2022	Budget 2022 - 2023	Budget 2023 - 2024	Budget 2024 - 2025	Budget 2025 - 2026	Future Years	Project Total
100.00%	\$ 200,000						\$ 200,000
							\$ -
							\$ -
							\$ -
							\$ -
							\$ -
100.00%	\$ 200,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 200,000

Total Funding:

Milestones:

Planning/Preliminary Design
Engineering/Arch. Services
Land/ROW/Acquisition
Award of Contract
Construction/Purchase

Recommended Time Schedule

	2016 - 2017	2017 - 2018	2018 - 2019	2019 - 2020	2020 - 2021	2021 - 2022	2022 - 2023	Operating Budget Impact	
	☐	☐	☐	☐	☐	☐	☐	2018 - 2019	2019 - 2020
	☐	☐	☐	☐	☐	☐	☐	2020 - 2021	2021 - 2022
	☐	☐	☐	☐	☐	☒	☐	2022 - 2023	Future Years

Operating Budget Impact:

Salaries/Benefits ☐
Professional Services ☒

Utilities ☒
Maintenance/Repair ☒

Departmental Expenses ☐
Capital Outlay ☐

Project Costs:

Planning/Design/Engineering
Land/ROW Acquisition
Construction
Equipment
Hardware/Software

Current Estimated Cost	Prior Year Costs	Budget 2018 - 2019	Budget 2019 - 2020	Budget 2020 - 2021	Budget 2021 - 2022	Budget 2022 - 2023	Future Years	Project Total
					\$ 350,000			\$ -
\$ -	\$ -	\$ -	\$ -	\$ -	\$ 350,000	\$ -	\$ -	\$ 350,000
\$ -	\$ -	\$ -	\$ -	\$ -	\$ 350,000	\$ -	\$ -	\$ 350,000

Total Project Costs:

Total Operating Budget Costs:

Total Project Estimated Costs:

Source of Funds:

Current Revenue ☒
Bonds ☐
Assessment ☐
Lease/Purchase ☐
Grant ☐
Other: ☐

Percentage	Budget 2018 - 2019	Budget 2019 - 2020	Budget 2020 - 2021	Budget 2021 - 2022	Budget 2022 - 2023	Future Years	Project Total
100.00%				\$ 350,000			\$ 350,000
100.00%	\$ -	\$ -	\$ -	\$ 350,000	\$ -	\$ -	\$ 350,000

Total Funding:

1	
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Water Tight Lid for 80k Tank on Washburn Road
Water
713000

Response	Health, Safety and Welfare	Mandate	Renovation/Replacement	Expansion
Renovation/Replacement	☒	☒	☒	☐
Expansion	☐	☐	☐	☒

This project came from a inspection we had with DEQ. During a water inspection. The inspector said we need to replace this hatch.

DEQ said this needs to be replaced.

Picture/Graph/Chart

Unfunded ☐

Unfunded

Partially Funded

Funded

[illegible]

	Recommended Time Schedule							Operating Budget Impact	
	2016 - 2017	2017 - 2018	2018 - 2019	2019 - 2020	2020 - 2021	2021 - 2022	2022 - 2023	2018 - 2019	2019 - 2020
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	☐	☐	☐	☐	☐	☐	☐	☐	☐
Future Years									

Planning/Preliminary Design
Engineering/Arch. Services
Land/ROW/Acquisition
Award of Contract
Construction/Purchase

Operating Budget Impact:

Salaries/Benefits
Professional Services

Utilities
Maintenance/Repair

Departmental Expenses
Capital Outlay

Current Estimated Cost	Prior Year Costs	Budget 2018 - 2019	Budget 2019 - 2020	Budget 2020 - 2021	Budget 2021 - 2022	Budget 2022 - 2023	Future Years	Project Total
\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,000	\$ -	\$ -	\$ -
\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,000
\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,000	\$ -	\$ -	\$ -

Project Costs:

Planning/Design/Engineering
Land/ROW Acquisition
Construction
Equipment
Hardware/Software

Total Project Costs:

Total Operating Budget Costs:

Total Project Estimated Costs:

Percentage	Budget 2018 - 2019	Budget 2019 - 2020	Budget 2020 - 2021	Budget 2021 - 2022	Budget 2022 - 2023	Future Years	Project Total
100.00%	\$ -	\$ -	\$ -	\$ 6,000	\$ -	\$ -	\$ 6,000
100.00%	\$ -	\$ -	\$ -	\$ 6,000	\$ -	\$ -	\$ 6,000

Source of Funds:

Current Revenue

Bonds

Assessment

Lease/Purchase

Grant

Other:

Total Funding:

X

NEW BUSINESS

- Golf Course Property Appraisal RFP
Review and Discussion
- PANGAEA Agreement Review

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

Meeting Date: March 9, 2021

SUBJECT: Golf Course Property Appraisal RFP Map

AGENDA INFORMATION:

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

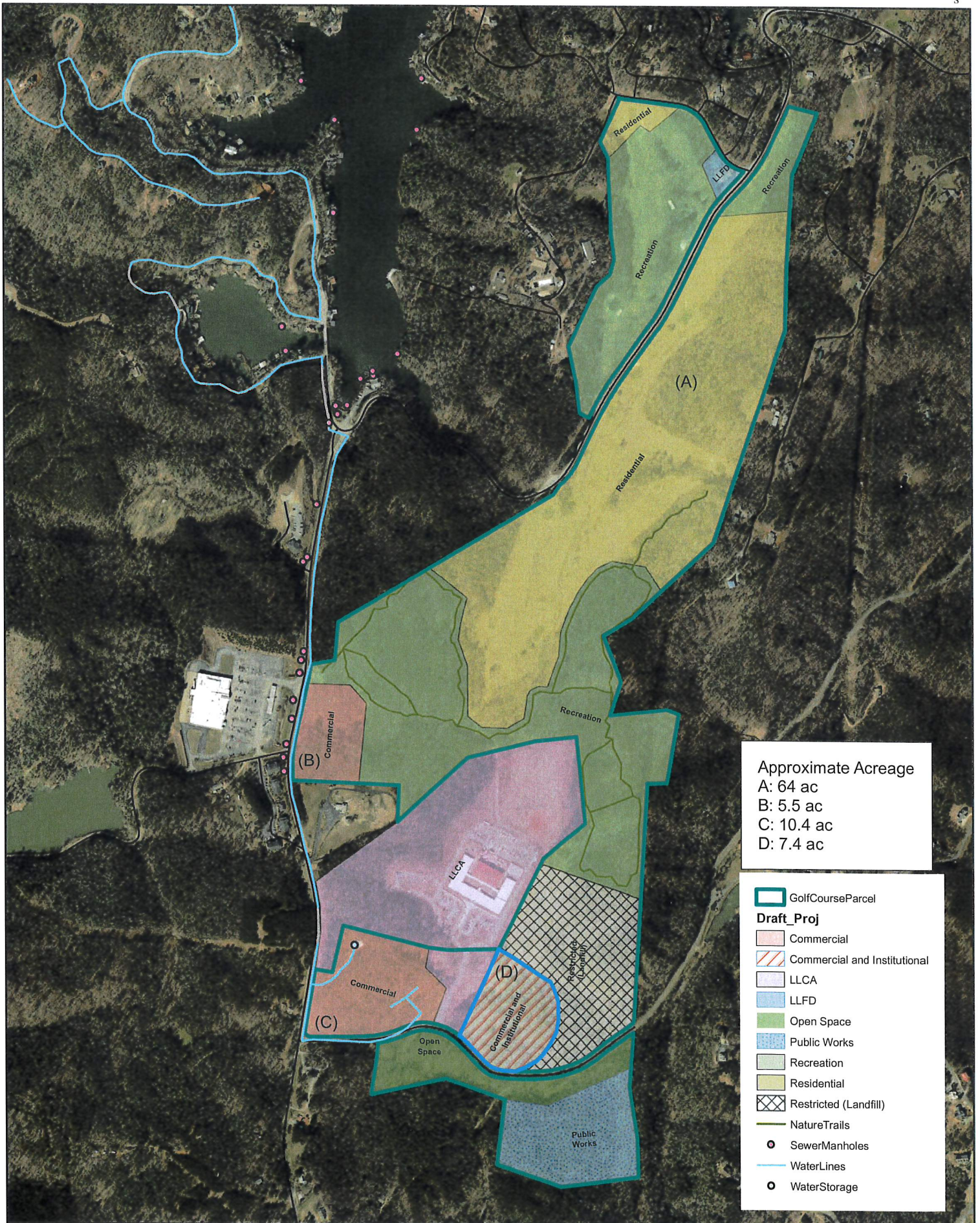
BRIEF SUMMARY: The Parks Recreation, and Lake Department has prepared an RFP for appraisal of the Lake Lure Golf Course. Attached is the map of Town owned land including the Golf Course categorized into residential, commercial and recreation. If approved, this map will be included as "Attachment A" in the RFP.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To approve the map as presented to be included into the Golf Course Property Appraisal RFP as "Attachment A."

FUNDING SOURCE: N/A

ATTACHMENTS: Golf Course Appraisal Map

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff recommends approval of the map to be included as an attachment in the Golf Course property RFP.



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

Meeting Date: March 9, 2021

SUBJECT: PANGAEA Services Agreement Review

AGENDA INFORMATION:

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

BRIEF SUMMARY: Per Council's request, PANGAEA provided a proposed service agreement for the continuation of fiber optic internet services with or without removing the Exclusive Equipment License. Two options were proposed:

Option 1: make no changes to the Agreement and allow the term to renew for additional one year terms as provided in the Agreement

Option 2: remove the Exclusive Equipment License and the Third Party Conditions that are set forth in the Agreement. PANGAEA would begin charging the Town one current rate for services that have been provided at no charge since 2009.

ATTACHMENTS: PANGAEA Services Agreement



March 5, 2021

Shannon Baldwin
Town Manager
Town of Lake Lure
2948 Memorial Highway ("Town Hall")
Lake Lure, NC 28746

Regarding: PANGAEA Services Agreement dated April 15, 2016 and PANGAEA Services Agreement First Amendment dated October 19, 2016

Shannon,

I am replying to your letter dated February 8, 2021. This letter offers two options for the continuation of services that PANGAEA Internet ("PANGAEA") currently provides the Town of Lake Lure ("Town") at Town Hall. These services are described in the PANGAEA Services Agreement ("Agreement") dated April 15, 2016 and the PANGAEA Services Agreement First Amendment ("Amendment") dated October 19, 2016. The initial term of the Agreement and Amendment ends on April 15, 2021.

Option 1: Make no changes to the Agreement or Amendment and allow the term to renew for additional one year terms as provided in the Agreement, paragraph 6(a).

Option 2: Remove the Exclusive Equipment License and the Third Party Conditions that are set forth in paragraphs 2(a) and 2(b) of the Agreement. In that scenario, PANGAEA would begin charging the Town our current rates for services that have been provided at no charge since 2009. Those rates are indicated below.

Service	Description	Pricing
100/100 MB Bandwidth	Download/upload via dedicated fiber connection	\$200/month
Fiber Transport	Four dark fiber strands between Town Hall and the Lake Lure Fire Department, the Lake Lure Water Tower, the Lake Lure Public Works and the Lake Lure Dam	\$420/month
IP Addresses	Static IP Addresses – five addresses in use	\$5/month per IP address

If you select Option 2, please let us know by March 15, 2021 so we can prepare a new agreement before the term ends on April 15, 2021.

Please call me with any questions.

Sincerely,

Ron Walters

Executive Director



TOWN OF LAKE LURE

Community Development Department

MEMORANDUM

TO: Town Manager
FROM: Mitchell Anderson, Community Development Department
DATE: March, 3, 2021
RE: Update on Internet Service Provider for Town Buildings

Contact was made with the following companies on 3/8/21:

- ERC Broadband
- Vyve BroadBand (formerly Northland Cable)
- SkyRunner
- ATT (looking to bring a tower into Morse Park, too).

The following questions were asked:

1. Can you provide service to the following locations?
 - Town Hall
 - Lake Operations/Dam
 - Fire Department
 - Public Works
2. For locations without fiber can you provide point to point internet service?
3. Does your service connection have redundancy?

The following information was gathered:

ERC Broadband (Education and Research Consortium of Western Carolinas, Inc)

ERC Broadband offers fiber internet service and maintains a fiber line that terminates in from of the Town of Lake Lure Municipal Center.

“Mr. Anderson,

Thanks so much for your call earlier this morning. We would love to help the Town of Lake Lure out with fiber internet services. Per our discussion on the phone please send me a list of the addresses that you would like for me to provide pricing for and I will get my engineer to figure up my cost to get to those locations and get back to you with pricing in the next week.

For the Town Hall/Police Department I can offer the following tiers of internet and pricing. We will honor this pricing for either a backup or a primary internet solution for you. Please remember that our services are synchronous and dedicated.

50Mbps \$450- Govt discount \$150=**\$300 monthly**
100Mbps \$550-Govt discount \$150=**\$400 monthly**
200Mbps \$650-Gov discount \$150=**\$500 monthly**
500Mbps \$750-Gov discount \$150=**\$600 monthly**
1Gbps \$1100-Govt discount \$300=**\$800 monthly**
Any of these include 1 static IP ***If more is needed we can provide that but pricing is bases off how many you need***

Install fee \$1250-Govt discount \$800=\$450

I hope you have a great day and please let me know if you have any questions. I look forward to working with you.

Regards,

Tanya Mull
Operations Manager
(828) 350-2415 x111
(828) 691-3635 Cell
“

<https://ercwnc.org/about-us/>

Vyve Broadband (formerly Northland Cable)

Vyve, formerly Northland Cable, offers fiber internet service and maintains a fiber line that is installed through the main corridor of Lake Lure.

Service capabilities and pricing are being currently being determined. Staff are waiting for a response from Kent Johnson regarding available service.

“GM Mitchell,
I was given your contact information regarding 5 locations in Lake Lure that you are considering Vyve Business Fiber.

Please give me a call to discuss.

Thanks

Kent Johnson
Account Manager|Business Solutions
Kent.johnson@vyvebb.com
(864)710-3017
235 N. Creek Blvd
Greenwood SC 29649
“

SkyRunner

Skyrunner is a wireless and fiber broadband internet service provided that leases a network of fiber lines to provide internet service to consumers. An agreement between Skyrunner and Pangea has recently resulted in an interconnect between Skyrunner’s access to the North West ERC fiber line and Pangea’s South East fiber line that provides redundancy to Skyrunner’s network.

A phone conversation with Andrew Haze, Skyrunner’s Vice President of Technology, confirmed that the line entering The Lake Lure Municipal Center is a Pangea owned fiber and is not owned by Skyrunner. Mr. Haze also confirmed that due to an agreement between Skyrunner and Pangea, Skyrunner is unable to provide primary services to the Town without a waiver from Pangea, nor

can Skyrunner install services in Town Hall due to the agreement the Town holds with Pangea. At this time, the Town is not benefiting from the interconnect that was established.

Mr. Haze, also emailed the following statement regarding Skyrunner's ability to provide service to the Town.

"Good Evening Mitchell,

As we discussed on the phone, we would love the opportunity to work with The Town of Lake Lure to provide services at the Town Hall, Lake Ops, Fire Department, and Public Works facilities. We presently have access to dark fiber that has connectivity northwest and southeast on 64-alternate and are able to provide internet connectivity from both directions. Unfortunately, due to the anti-competitive nature of an agreement we have with a regional dark fiber transport provider, at present we require that provider to sign a waiver allowing us to compete for your business.

In order to foster competition, we believe the town should require colocation facilities, pole attachments, and any other access agreements to town properties be carrier neutral. Many, if not all carrier customer agreements are subject to the terms and conditions of it's colocation property owners; If the town access agreements did not allow exclusivity terms among colocating carriers the costs of services and barriers to entry for new carriers would be much less.

Thank you so much for reaching out and I hope the meeting goes well. Hopefully we'll be allowed to provide services to you in the future.

--

*Andrew Hayes
VP Technology*

*Skyrunner Internet
828.436.2413 Direct
828.258.8562 Office
5 Ravenscroft Drive, Suite 207 Asheville, NC 28801
“*

AT&T (American Telephone and Telegraph)

AT&T is working on a preliminary proposal for a cellular tower to be located in proximity to the Lake Lure Municipal Center. Staff expect this tower will require a fiber connection.

A phone conversation with their corporate office resulted in contacting Mr. Paul McClanahan, the Area Manager for Network Services. A voicemail was left for Mr. McClanahan, but no further communication has been conducted.

Update from ADNS on increased latency

Kevin Wilcox is currently reviewing the results of the Ping Plotter software that was installed to track latency. Jon Worley has also designated Alex investigate this matter further. Their email correspondence are below.

Update: Computer Connectivity Issues

--REPLY above this line to respond--

I phoned Mr. Anderson and this has been the ongoing issue of the RDS Server Lagging, intermittently. When it's lagging, they can type out full sentences and not see the results on the screen until several seconds later. Or when trying to open something, they keep clicking the icons but nothing opens for several seconds.

Started researching the pings from our Data Center(RDS Location) to the ToLL public IP.

Refer to: Ticket # 308931

Town of Lake Lure



Kevin Wilcox
828-285-8882 Extension 219



Mon 3/8/2021 11:12 AM

Jonathan Worley <jon@adnsolutions.com>

RE: Ticket #293771

To: Mitchell Anderson; Michael Homlish; Brian Scheewe; Alex Newman

 You replied to this message on 3/8/2021 11:33 AM.

Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

Mitchell,

I have put Alex on assigning a senior level technician to assist and investigate this for you, someone will be in touch shortly.

-Jon

From: Mitchell Anderson [<mailto:manderson@townoflakelure.com>]

Sent: Monday, March 8, 2021 11:00

To: help <help@adnsolutions.com>; Michael Homlish <michael@adnsolutions.com>; Brian Scheewe <brian@adnsolutions.com>; Jonathan Worley <jon@adnsolutions.com>

Subject: RE: Ticket #293771

Hello All,

I was hoping to see the results of the ping plotter installed as discussed below.

The Town is determined to find a solution to reduce network latency experienced with utilizing the remote desktop server.

Also, please let me know of all steps taken by ADNS to resolve any issues on the ADNS side.

I will present this information to Town Council.

Please let me know of anything else that will assist with this issue.

Thank you,
Mitchell Anderson

Mitchell Anderson, CZO

Assistant Community Development Director
Town of Lake Lure
828-625-9983 Ext. 107



Town of

Lake Lure

est. 1927

North Carolina

Mr. Ron Walters
Executive Director
e-Polk, Inc. d/b/a Pangea Internet
P.O. Box 340
Tryon, NC 28782

February 8, 2021

Re: Pangea Services Agreement dated April 15, 2016 and First Amendment to Pangea Services Agreement dated October 19, 2020

Dear Mr. Walters:

I am writing to you in my capacity as Town Manager for the Town of Lake Lure, at the direction of the Mayor and Board of Commissioners. As you know, the initial term of the 2016 Agreement is five years, and the term expires on or about April 15, 2021. Thereafter, there are four successive one year terms. Either party may terminate the agreement by giving at least 30 days written notice to the other party prior to the expiration of a given term.

Pursuant to paragraph 6(a) of the April 15, 2016 Agreement, this letter is to inform Pangea that the Town intends to terminate the Pangea Services Agreement in its current form. The Town is willing to negotiate a new arrangement with Pangea going forward but any new Agreement will need to address a number of important Town concerns including, but not necessarily limited to, the following:

- (1) The "Exclusive Equipment License" set forth in paragraph 2(a) of the April 16, 2016 Agreement, for the term of the agreement, which currently extends to all locations owned by the Town in which Pangea Equipment is or may be located (see paragraph 1 of the October 19, 2016 Amendment).
- (2) The "Third Party Conditions" contained within paragraph 2(b) which prohibits the Town from allowing a third party to house and/or maintain equipment in any Town locations where Pangea's equipment is or may be located.
- (3) The Town's desire to connect to an auxiliary fiber line to promote redundancy and connectivity within its network.

The Town appreciates the services provided by Pangea and values its relationship with Pangea that has continued now in excess of ten years. If an Agreement can be negotiated that adequately addresses the Town's concerns, then the Town looks forward to working with Pangea for many more years. If not, then we will need to collectively determine how to winddown that relationship which will require addressing a number of issues to facilitate the continuity of services and the interests of both parties.

I will await to hear from you regarding how Pangea wishes to move forward at this point. Feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Shannon Baldwin". The signature is fluid and cursive, with the first name "Shannon" and last name "Baldwin" clearly distinguishable.

Shannon Baldwin
Town Manager

cc: Mayor and Board of Commissioners
Town Attorney William Morgan

Package Delivery Notification

FedEx Delivery Notification

Package Information	
Shipped to:	e-POLK, INC. d/b/a PANGEA INTERNET MR. RON WALTERS, EXECUTIVE DIRECTOR <u>75 S TRADE ST STE C</u> TRYON, NC, 28782-3469
Tracking #:	783527208675
Date/time:	2/10/2021 10:20:00 AM
Recipient:	R.WHITESIDE
Notes:	Receptionist/Front Desk

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XI

CLOSED SESSION

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

