



**MINUTES OF THE REGULAR WORK GROUP MEETING OF THE LAKE LURE TOWN COUNCIL HELD WEDNESDAY, AUGUST 25, 2021, 8:30 A.M. AT THE LAKE LURE MUNICIPAL CENTER-CONFERENCE ROOM**

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

Shannon Baldwin, Town Manager

**ABSENT:** Commissioner Patrick Bryant

**I. CALL TO ORDER**

Mayor Carol Pritchett called the meeting to order at 8:32 a.m.

**II. APPROVE THE AGENDA**

Commissioner David DiOrio made a motion to approve the agenda, as presented. Commissioner John Kilby recommended the addition of a discussion regarding employees benefiting to public contracts. Commissioner John Moore seconded the motion as amended. The motion carried 3-0.

**III. TOWN MANAGER UPDATE**

Town Manager Shannon Baldwin updated the Council on a piece of property that was discussed in a closed session at a Council meeting in April. Mr. Baldwin explained that the property became available next to the public works campus and that the property owner had reached out to Mr. Baldwin. The Town Manager explained that the Town had negotiated on the property and discussed making purchase during the April closed session. Manager Baldwin stated that on June 1<sup>st</sup> an email was received that John H. Moore agreed to sale the property and the Town Attorney William Morgan and Mr. Moore acted in good faith. Mr. Baldwin provided Council and staff members in attendance with a packet regarding this matter. Mr. Baldwin Provided an email from June 1<sup>st</sup> to go on the record as follows:

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**From:** Shannon Baldwin

**Sent:** Tuesday, June 1, 2021 10:37 AM

**To:** William Morgan

**Cc:** David Arrowood; Carol Pritchett; John Moore; John Kilby; Chris Patrick Bryant; David DiOrio

**Subject:** FW: Offer to Purchase

William,

I just spoke with Suzanne Eddy this morning with David Arrowood in my office. When asked, she confirmed John H. Moore agreed to sell the property for \$80,000. She also said she sent the offer to purchase contract to John as he requested. She said she hasn't heard anything back from him since she sent the contract (created by you) to John.

I let Suzanne Eddy know that want to be helpful and will provide any additional information she needs (although I am not sure what else we can do at this point). However, she did say she understood and would let us know if there was anything she (or John Moore) needed from the Town.

David Arrowood was in the office and can confirm Suzanne Eddy stated these things to me this morning over the telephone.

Please keep in mind that it was Suzanne Eddy who approached the Town about the Town buying the John H. Moore property next to our Public Works site. We came to an agreement regarding the price after a couple of phone calls as both parties (Town & Moore's agent) acted in good faith. Surprisingly, it has been absolutely radio silence since we met with Town Council (in closed session) about the potential purchase and Town Council approved the purchase price.

### Summary/Facts

- Moore approached the Town via Suzanne Eddy (a realtor acting on behalf of John H. Moore)
- Both parties (Town and Moore) negotiated in good faith. This took place between Suzanne Eddy and the Town Manager.
- Both Parties (Town and Moore) came to a verbal agreement. Again, this took place between Suzanne Eddy and the Town Manager
- Town Manager apprised Town Council of the verbal offer and acceptance
- Town Council approved funds (agreed upon amount) for purchase
- Town Attorney drafts offer to purchase contract

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- Town Manager forwards the offer to purchase contract to Suzanne Eddy.
- Suzanne Eddy confirmed she will send the offer to purchase contract to John H. Moore.
- Radio silence
- Town Manager calls Suzanne Eddy today with David Arrowood in the office.
- Suzanne Eddy re-confirmed she spoke with John Moore who agreed to sell the property for \$80,000.
- Suzanne Eddy re-confirmed she sent the offer to purchase contract to Moore

The ball is clearly in John H. Moore's court.

Thank,

Shannon

Director Arrowood provided input on the matter. Commissioner Moore also provided feedback on the issue. Manager Baldwin confirmed that the property is owned by another buyer now.

Town Engineer Kurt Wright discussed the Firefly Cove water system. Mr. Wright explained that a drawdown will be implemented on wells one and two because they are within 100 feet of each other and one is not actively functioning. He stated that he is not sure why this issue occurred. Director Arrowood directed Camp and Kurt to discuss solutions. Mr. Wright explained that by following appropriate procedures both wells can be activated with minimal costs. Mr. Wright noted that the risk factor is low. Council members asked if there is a reservoir for this and Mr. Wright confirmed that there is. Mr. Wright explained that he has a proposal for Director Arrowood for the purpose of fixing the tank and that it seems all that is needed is an altitude valve. Commissioner Kilby questioned state regulations on the reservoir and Mr. Wright gave details on these regulations. Town Manager Baldwin asked if this could resolve water issues and Mr. Wright confirmed that it could. Commissioner Kilby asked who owns the system and Mr. Wright stated that the Town owns it. Director Arrowood informed council on the issue. Commissioner DiOrio explained that this would allow building construction on Firefly Cove without restrictions, build assets, and extension. Mr. Wright suggested that at some point a calibrated water hydraulic system should be installed. Mr. Baldwin questioned why the Town has waited and Mr. Wright explained that a result of waiting on the US Fish and Wildlife review and interagency confusion. Mr. Wright discussed that the next step is a public hearing. Commissioner DiOrio stated that the Town must go through the Fonzie process. Manager Baldwin explained that no actions can be taken at this meeting and that he would like to speak with LaBella associates and that the issue should be addressed quickly. There was discussion of the Engineering Report/Environmental Information Document (ER/EID). Manager Baldwin asked for clarification that approval was not granted from

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the State because of confusion with the Federal statement. Mr. Wright confirmed that this was accurate. Commissioner DiOrio explained that he sees no issue with working on drawdown and Mr. Wright agreed.

Public Works Director David Arrowood discussed manhole rehabilitation. Director Arrowood stated that he spoke with Senior Civil Engineer Maurice Walsh and concluded that the project is about 90 percent complete. He provided an update that he had spoken with contractors for a future field review and is hoping to make a bid in 35 to 40 days. Director Arrowood explained that if the Town would like to be reimbursed, it cannot be done unless the ER/EID has been approved. Commissioner Moore asked what would be reimbursed. Director Arrowood explained that the entirety of the manhole project would be reimbursed. Commissioner DiOrio explained funds and that the Town must spend state funded money. Commissioner DiOrio expressed his approval to complete the project using ARK funds. Director Arrowood suggested contacting Mr. Walsh and Town Manager Baldwin agreed. Commissioner DiOrio asked Finance Director Sam Karr if the money will be lost if it is not spent. Mr. Karr explained that the Town has until 2024 to spend the money. Commissioner DiOrio proposed that LaBella should continue planning and drawing bids. Mr. Wright suggested that Mr. Walsh continue with the project, but check in with Council. Mr. Baldwin also proposed that the manhole project should be continued as quickly as possible. Council members agreed. Director Arrowood discussed electronic water meters. He explained that he has received a quote that is within budget. Manager Baldwin explained that electronic meters would save staff time and Town money. Director Arrowood also explained that electronic meters would be more efficient and should be implemented soon. Director Arrowood discussed that Chimney Rock Ridge Homeowners Association has discussed property right of ways and gravel access on the road(s) near public works. He continued to explain that this would include cost of gravel and signage, and that the HOA has agreed to pay half. Director Arrowood suggested surveying. Chimney Rock Ridge HOA members attended the meeting and spoke about the issue. Commissioner DiOrio asked who owned the road. Mr. Baldwin explained that it is public property controlled by the Town and this can be added to the Powell Bill if gravel is laid. Commissioner Kilby and Commissioner Moore expressed support. Manager Baldwin explained that this issue will be addressed during the September 14 Regular Council Meeting.

Parks, Recreation, and Lake Director Dean Givens explained that the debris boom failed. He explained that there is no way of testing these booms until a storm occurs. Director Givens noted that staff and Tim Edward's employees have been cleaning lake and trails since the large storm that occurred last week. Commissioner Moore questioned if information could be received from the company that the boom was bought from if there are more efficient options. Director Givens had spoken with the company and that heavier steel anchors could be a solution. Commissioner Moore asked if Mr. Wright would examine this and he agreed. Town Manager Baldwin directed Director Givens and Mr. Wright to work together to resolve this issue. Director Givens explained that the dredge plan for 2021-2022 will be addressed at the September 14 regular Council meeting. Director Givens noted that dredging should take place starting in September. Commissioner Moore asked if the Town goal would be met and Director Givens expressed that he feels that it would be met. Director Givens explained that the deep water launch is waiting on permitting and that Mr. Walsh with LaBella is working to get the Island Creek Road Spoils Site

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permitted. Director Givens continued to explain that he and Mr. Walsh are trying to get in contact with the property owner to get permission to use their roads, they agreed to a right of way and they are working on this document to send to Attorney Morgan and get signed. He stated that this process should expedite the permitting process. Manager Baldwin asked about capacity and Commissioner Moore asked about bids.

Dam, Hydroelectric, and Wastewater Treatment Plant Director Dean Lindsey explained that generator two is running and the small generator is being evaluated. Director Lindsey stated that after the evaluation of the small generator, generators will be back at 100 percent capacity. Director Lindsey discussed the chemical room up-fit project and stated that the contract will be changed when contractor gets materials. Director Lindsey informed the Council that the automation project is now in contract and work is scheduled to begin in June 2022. He detailed that he is working on tearing apart the mixer and preparing to reconfigure with flash mixer repair. Manager Baldwin asked Director Lindsey to explain the chemical change and he explained the Town is now contracting with a new company called Hawkins Chemicals.

Finance Director Sam Karr reported that training is going well with Assistant Finance Director Steve Ford and Human Resources/Customer Service Specialist Jennifer Duncan. Director Karr stated three types of audits based on revenues and grants; standard, yellow-book, and single. Director Karr detailed that the green-line project invoices are complete and the project is ready to be continued. He explained that ARC money has been received and the rest will be received next year. Manager Baldwin asked Director Karr to update Council on the bank closure in October. Director Karr explained the bank closure and state laws on deposits. Commissioner Kilby mentioned the possibility of changing branches if needed. Assistant Director Ford updated that his training is going well.

Town Manager Baldwin discussed that Chimney Rock Village is working with state and local agencies to gain property on Boys Camp Road to exchange with the Town. Community Development Director Michael Williams explained that AT&T is still on board with the tower construction. Director Williams reiterated the change in jurisdiction and explained that zoning would be put in effect. Director Williams noted that there will be a setback established per government use property zoning. Manager Baldwin explained that a certificate could be presented to have a more adequate setback. Manager Baldwin explained that rezoning should be prepared for when the tower bill is passed. Commissioner Moore asked if the zoning and planning board asked if they needed to wait. Manager Baldwin stated that there needed to be a public hearing. Commissioner Kilby asked about opposition and Director Williams said there has been none. Manager Baldwin explained that two public hearings are required, one to rezone and one for the purpose of the tower. Director Williams will keep council informed on this matter. Director Williams explained that AT&T is working on changing jurisdictions. Director Williams discussed Lake Structure Inspections Programs and an ordinance for maintaining and repair. He stated that inspections will be done on the basis of continued enforcement of new permit, referrals for town observations, referrals from LaBella, and complaints from the public. Director Williams described that needs someone to ensure structural soundness aside from himself as LaBella could not agree to do this. He suggested a contractor, building inspector, or engineer. Director Williams continued

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to discuss that the second piece of this would be enforcement. He outlined the process which is to notify, allow opportunity to appeal, and enforcement. Commissioner Kilby asked if new structures would be inspected under Rutherford County. Director Williams answered yes, but explained that the Town is doing extra. Manager Baldwin noted that no staff members are certified to inspect, so standards should be made clearer for staff. Director Williams noted that there is a program that is not being used because it is no longer practical or sustainable. Director Williams reported that Development and Environmental Review Specialist Rick Carpenter is doing well, has great experience, a great understanding and he is doing most of the permitting and communicates often.

Manager Baldwin explained structure and value of structure of new fire substation. Fire Chief and Emergency Management Director Dustin Waycaster explained that the best-use is being evaluated. It saves time and allows the Town to take full coverage of limits. It is noted that conversations in action. Director Waycaster announced that construction and gas, heating and air has been in discussion. He also reported that Walker Construction expressed their own time issues. Director Waycaster working on site plan with Mr. Boyer. Director Waycaster concluded by stating that permits may be the next step for community development.

Commissioner Kilby suggested consideration of an evaluation of Boys Camp Road. He noted has been issues with this area with trees, slides, and power. It is suggested that an evaluation and project could improve area. Manager Baldwin stated that he will follow up with Craig from Duke Energy. Commissioner Kilby mentioned the State owns a lot of the property and that should be considered.

Manager Baldwin discussed recent conversation that has been taking place between staff regarding social media comments. He explained to Council that all comments must be maintained for public record. Some staff members advised no comments prior to this meeting. Manager Baldwin noted that there is a link for one-way comment on website. Director Waycaster expressed his concerns regarding the allowance Facebook comments. Commissioner Moore suggested only one avenue for comments is needed. Communication Specialist Laura Krejci asked that research be conducted on how other municipalities are handling the situation. Council agreed that this issue could be researched more.

Communications Specialist Krejci provided an update on the new website feedback that she is working on. Ms. Krejci also mentioned community forums and round-table discussion. She noted that she is working to get the real estate meeting schedule. Ms. Krejci concluded by giving an update on grants that she is currently working on.

Commissioner Moore asked Director Givens if there was a plan on collecting resident data. Director Givens stated the data should come in by November 1<sup>st</sup> and if residents do not supply data, they will not be able to get a permit next year. Commissioner Moore also mentioned that notices were sent out in the past. Director Givens stated that notices will be sent out.

Mayor Pritchett called for a five minute break.

**IV. TOWN MANAGER SELECTION PROCESS**

Mayor Pritchett began discussing the Town Manager Selection Process. Attorney William Morgan has communicated with Council about his research with companies and comments. Attorney Morgan asked council if he should begin interviews. Mayor Pritchett suggested that the Council discuss transition planning first and then continue based on the discussion.

**V. TRANSITION PLANNING**

Commissioner Diorio explained that a new town manager is wanted by December 1<sup>st</sup>. Commissioner DiOrio explained that he was in favor of the Mercer Group hiring agency because of their experience NC. The council discussed that both a town manager and project manager are needed to move forward, especially with the dam project. Commissioner DiOrio explained that the project manager should have a direct link to Council, but should not infringe upon the town manager. It is noted that the Myer and Novak Group might be able to recruit both. Commissioner DiOrio explained that a project manager will be needed around later spring of 2022. Commissioner DiOrio questioned how to have a plan and build momentum if a manager is not hired by December 1<sup>st</sup>.

Commissioner Kilby asked Attorney Morgan to research if a councilmember could work with the Town under contract. Commissioner Kilby suggested the idea of Commissioner DiOrio working on this project through contract. Attorney Morgan had explained that this is possible with restrictions including the inability to be full-time. Commissioner DiOrio confirmed that he would agree to be a liaison for Council and the project manager and could oversee the project. Commissioner DiOrio asked for recommendations from Council. Commissioner Moore expressed his support and recommended that Attorney Morgan be in communication with Council often regarding this subject. The Council concluded that Attorney Morgan should receive feedback regarding hiring firms and once a contract is signed, Council will take over.

Mayor Pritchett expressed that the job descriptions be detailed thoroughly. Commissioner DiOrio explained when money actions begin to take place for the project manager there will be regular audits and he questioned if the project manager will ensure that task orders and contracts are adequate, but not financial related actions. Commissioner DiOrio asked Director Karr if he notices any issues with executing the plan as the project manager being a third party with Commissioner DiOrio as an interim. Director Karr explained that in history there has been third parties paid as a contract. Manager Baldwin stated that General Statues prohibits council members to be an interim. Commissioner DiOrio expressed his support for a contract employee rather than a Town employee. Mayor Pritchett stated there is money in the budget for an engineer. Commissioner DiOrio suggested contracting with someone who has a background in engineering but not necessarily someone that has an engineer stamp. Full time equivalent (FTE) is suggested. Manager Baldwin asked if Council is expecting the project manager to move and how long since

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it is a long term project. Commissioner DiOrio explained the ability to get a subcontractor, an independent agent or a straight hire of a self-employed individual with an LLC.

Commissioner DiOrio expressed his concern with transitioning to a new manager that directs the interim. Commissioner DiOrio stated that if he is the interim is he would step aside from his council roles pertaining to the project specifically. Council will be in contact with Attorney Morgan.

**VI. PUBLIC EMPLOYEES BENEFITING FROM PUBLIC CONTRACTS DISCUSSION**

Details regarding this conversation were discussed under the transition planning item.

**VII. ADJOURN THE MEETING**

With no further business, Commissioner John Moore made a motion to adjourn the meeting at 11:07 a.m. Commissioner David DiOrio seconded and the motion carried 3-0.

ATTEST:

\_\_\_\_\_  
Olivia Stewman,  
Town Clerk

\_\_\_\_\_  
Mayor Carol Pritchett