



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

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

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

ABSENT: N/A

I. CALL TO ORDER

Mayor Carol C. Pritchett called the meeting to order at 5:00 p.m. and gave the invocation. Council members led the pledge of allegiance.

II. APPROVE THE AGENDA

Commissioner David DiOrio made a motion to add golf course transition under new business and an additional session item regarding personnel matters under G.S. 143-318.11(a) (6). Commissioner Patrick Bryant made a motion to approve the Agenda, as amended. Commissioner David DiOrio seconded and the motion carried 4-0.

III. MAYOR'S COMMUNICATIONS

Mayor Carol C. Pritchett welcomed all and announced that Town meetings will return to in-person in December. Mayor Pritchett noted that the lake is currently down seven feet and will eventually be down 12 feet, and that many projects will be taking place during this year's drawdown period. Mayor Pritchett thanked those who voted and announced two new commissioners who will join the council on December 14th. She recognized the services of Commissioner John Moore and Commissioner John Kilby as their terms will be ending in December. Mayor Pritchett also recognized Town Manager Shannon Baldwin as her is set to retire on December 1, 2021.

IV. TOWN MANAGER COMMUNICATIONS

Town Manager Shannon Baldwin noted the many accomplishments that have taken place during his time as manager and thanked staff and department directors. Manager Baldwin wished the Town well.

V. PUBLIC HEARING

Commissioner DiOrio made a motion to move into public hearing. Commissioner Bryant seconded and the motion passed 4-0.

A. ORDINANCE NO. 21-11-09 - AN ORDINANCE AMENDING CHAPTER 92 ZONING REGULATIONS OF THE TOWN OF LAKE LURE CODE OF ORDINANCES CONCERNING REVISIONS TO 92.042(D) (SEC. 4) (7) TO ADDRESS CURRENT ENGINEERING STANDARDS FOR CONSTRUCTING CELL TOWERS THAT IN CASE OF STRUCTURAL FAILURE WILL FALL WITHIN A CONFINED AREA

Mayor Pritchett deferred to Community Development Director Michael Williams. Director Williams explained that the current ordinance is outdated and that discussions have led to the determination that the town is not within engineered fall zone and that the ordinance will put the town within current engineering standards of 110 percent of the engineered fall zone. Commissioner John Moore noted that this has been unanimously approved by the Zoning and Planning Board. Commissioner Williams confirmed and noted the Town issue regarding service and the difficulty finding a carrier.

Maureen Bay, Lake Lure resident, asked Director Williams if the fall zone would interfere with other park plans.

Director Williams explained that the project will remain the same and that the only change occurring is the addition to the Tower being located in park.

B. ORDINANCE NO. 21-11-09A - AN ORDINANCE AMENDING CHAPTER 92 ZONING REGULATIONS OF THE TOWN OF LAKE LURE CODE OF ORDINANCES CONCERNING REVISIONS TO 92.062(A) TO WAIVE A ZONING REVIEW FEE STRUCTURE FOR HOME OCCUPATION PERMIT APPLICATIONS DUE TO THE REQUIREMENT TO HAVE THE BOARD OF ADJUSTMENT APPROVE SUCH APPLICATIONS AS A SPECIAL USE, RATHER THAN ADMINISTRATIVE APPROVAL

Director Williams explained that with a rise in home occupation participation there is a need for this. Director Williams also explained that there is currently two required permits (zoning

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review and special) that staff finds to be an unnecessarily high of a fee. Director Williams noted that the Zoning and Planning board reviewed and recommended the approval of the ordinance.

There was no public question or comment regarding this matter.

C. ORDINANCE NO. 21-11-09B - AN ORDINANCE ADOPTING THE TOWN OF LAKE LURE BOY'S CAMP ROAD PARK MASTER PLAN, AND TO INCORPORATE A COMMUNICATIONS TOWER INTO THE PARK PLANNED FOR PARCEL #1655367

Director Williams provided Council and attendees with a visual regarding the master plan with the incorporation of a cell tower. Director Williams noted that the Zoning and Planning Board recommended the approval of this ordinance.

There was no public question or comment regarding this matter.

Attorney William Morgan noted that the public hearing 48 hour rule established by the state due to COVID no longer applies and that immediate action may be taken regarding the matters discussed during public hearing.

Commissioner John Kilby made a motion to end the public hearing. Commissioner Bryant seconded and the motion passed 4-0.

VI. COUNCIL LIAISON REPORTS & COMMENTS

Commissioner John Kilby reported that the ABC Board and the Lake Advisory Board did not meet during October.

Commissioner DiOrio reported the activities of the Utilities Advisory Board.

Commissioner John Moore reported the activities of the Zoning and Planning Board.

Commissioner Patrick Bryant reported the activities of the Parks and Recreation Board and noted that the Board of Adjustment/Lake Structure Advisory Board did not meet.

VII. PUBLIC COMMENT

Mayor Carol C. Pritchett invited the audience to speak and no comments from the public were made.

VIII. CONSENT AGENDA

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

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

- A. Adopt the October 12, 2021 Regular Meeting Minutes, and the October 27, 2021 Special Meeting Minutes
- B. Resolution No. 21-11-09 - Appointing Wendy Terry Deputy Town Clerk
- C. Budget Amendment #314 to cover expenses associated with workplace investigation research/report
- D. Budget Amendment #315 for Schnabel work order #8 - Conceptual design of a replacement Dam.
- E. Budget Amendment #316 for Manhole Rehabilitation Project
- F. Resolution No. 21-11-09A - Honoring The Dedicated Service of Public Works Director David Arrowood

IX. UNFINISHED BUSINESS

- A. ORDINANCE NO. 21-11-09C – AN ORDINANCE ADOPTING AND ENACTING THE TOWN OF LAKE LURE CODE OF ORDINANCES RECODIFICATION**

Town Clerk Olivia Stewman explained that this item was approved via motion under consent agenda during the October Council meeting. Clerk Stewman was made aware that the recodification should be adopted via ordinance and she had added it to this meeting's unfinished business section for this purpose.

Commissioner Moore made a motion to adopt Ordinance No. 21-11-09C. Commissioner DiOrio seconded and the motion passed 4-0.

X. NEW BUSINESS:

A. ORDINANCE NO. 21-11-09 - AN ORDINANCE AMENDING CHAPTER 92 ZONING REGULATIONS OF THE TOWN OF LAKE LURE CODE OF ORDINANCES CONCERNING REVISIONS TO 92.042(D) (SEC. 4) (7) TO ADDRESS CURRENT ENGINEERING STANDARDS FOR CONSTRUCTING CELL TOWERS THAT IN CASE OF STRUCTURAL FAILURE WILL FALL WITHIN A CONFINED AREA

Mayor Pritchett asked if there was any further discussion regarding this matter.

Town Attorney William Morgan noted that a motion should be made in addition that state proposed changes are consistent with the comprehensive plan and why. Attorney Morgan noted that a motion would be reasonable and for public benefit. Baldwin noted that a statement may take a neutral position.

Commissioner DiOrio made a motion to adopt Ordinance No. 21-11-09. Commissioner Bryant seconded and the motion carried 4-0.

Commissioner DiOrio made a motion to deem Ordinance No. 21-11-09 to be consistent with the comprehensive plan because it adopts modern engineering practice into the Town of Lake Lure Code of Ordinances. Commissioner Kilby seconded and the motion carried 4-0.

Commissioner DiOrio motioned to deem Ordinance No. 21-11-09 to be reasonable and in the public interest because it adopts modern safety standards to protect the public. Commissioner Bryant seconded and the motion carried 4-0.

X. NEW BUSINESS:

B. ORDINANCE NO. 21-11-09A - AN ORDINANCE AMENDING CHAPTER 92 ZONING REGULATIONS OF THE TOWN OF LAKE LURE CODE OF ORDINANCES CONCERNING REVISIONS TO 92.062(A) TO WAIVE A ZONING REVIEW FEE STRUCTURE FOR HOME OCCUPATION PERMIT APPLICATIONS DUE TO THE REQUIREMENT TO HAVE THE BOARD OF ADJUSTMENT APPROVE SUCH APPLICATIONS AS A SPECIAL USE, RATHER THAN ADMINISTRATIVE APPROVAL

Commissioner DiOrio made a motion to adopt Ordinance No. 21-11-09A. Commissioner Kilby seconded and the motion carried 4-0.

Commissioner DiOrio made a motion to deem Ordinance No. 21-11-09A to be consistent with the comprehensive plan because it updates procedures that will facilitate home occupation. Commissioner Bryant seconded and the motion carried.

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Commissioner DiOrio motioned to deem Ordinance No. 21-11-09A to be reasonable and in the public interest because facilitates the ability for residents to obtain home occupation permits. Commissioner Kilby seconded and the motion carried 4-0.

X. NEW BUSINESS:

C. ORDINANCE NO. 21-11-09B - AN ORDINANCE ADOPTING THE TOWN OF LAKE LURE BOY'S CAMP ROAD PARK MASTER PLAN, AND TO INCORPORATE A COMMUNICATIONS TOWER INTO THE PARK PLANNED FOR PARCEL #1655367

Commissioner DiOrio made a motion to adopt Ordinance No. 21-11-09B. Commissioner Bryant seconded and motion carried 4-0.

Commissioner DiOrio made a motion to deem Ordinance No. 21-11-09B to be consistent with the comprehensive plan because it is a direct update to the master plan. Kilby seconded and the motion carried 4-0.

Commissioner DiOrio motioned to deem Ordinance No. 21-11-09B to be reasonable and in the public interest because it improves public safety and provides broadband, internet, and cellular connectivity to the residents of the Town of Lake Lure. Commissioner Bryant seconded and the motion carried 4-0.

X. NEW BUSINESS:

D. FEMA GRANT FUNDING – SCHNABLE WORK ORDER #8 – CONCEPTUAL DESIGN FOR THE DAM REHABILITATION

Communications Specialist Laura Krejci announced the approval of the FEMA grant purposed for conceptual design for the dam rehabilitation. Specialist Krejci noted that approval would allow Schnabel to proceed with the conceptual design.

Commissioner Bryant made a motion to approve the FEMA grant. Commissioner DiOrio seconded and the motion passed 4-0.

X. NEW BUSINESS:

E. COMMUNICATIONS TOWER AGREEMENT UPDATE

Director Williams provided an update that the communications tower agreement is advancing and that tonight's meeting allows for additional progression. Director Williams mentioned that an AT&T representative is present tonight. Manager Baldwin stated that the remainder of the progress will be between staff and AT&T. Director Williams explained that AT&T will be applying for permits for setbacks and will be doing a balloon test. Director Williams noted that the contract is ready to proceed and that a report based on indoor reception indicates that four or five bars of service will be available to all main channels on the lake and that other locations will have service as well.

Commissioner DiOrio noted that it is a streamline design monopole and that it will not be a nuisance or cause any view obstructions.

X. NEW BUSINESS:

F. CERTIFIED PUBLIC SAFETY PERSONNEL COMPENSATION AND BUDGET AMENDMENT # 317

Commissioner DiOrio explained that there has been research regarding the pay of the Lake Lure certified public safety personnel and that surrounding jurisdictions are offering higher wages. Commissioner DiOrio noted that research shows that the Town of Lake Lure is underpaying certified public safety personnel. Commissioner DiOrio also noted that hard work and phenomenal attitudes of Lake Lure fire and police.

Commissioner DiOrio proposed a wage and salary increase for certified public safety personnel of 5 percent for police and 8 percent for fire.

Commissioner DiOrio made a motion to approve certified public safety personnel compensation along with budget amendment #317. Commissioner Moore seconded and the motion carried 4-0.

X. NEW BUSINESS:

G. MANHOLE REHABILITATION PROJECT BID AWARD

Maurice Walsh, PE, explained the manhole rehabilitation project bid process and announced that the responsible low bidder was CTR Utility Rehabilitation, LLC with a bid of

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474,375. Mr. Walsh noted that this is a good number and recommended awarding the contract and allowing CTR to begin working in December.

Commissioner Kilby made a motion to approve the award of contract to the apparent responsible low bidder to complete the manhole rehabilitation project. Commissioner DiOrio seconded and the motion carried 4-0.

<p style="text-align: center;">X. NEW BUSINESS:</p> <p style="text-align: center;">H. GOLF COURSE</p>

Commissioner DiOrio proposed that the Town designate the golf course grounds as green space, notify the public that it will be open for enjoyment on January 1, 2022, and that the standard of maintenance be consistent with trail maintenance of other municipal parks. Commissioner Bryant seconded and the motion passed 4-0.

Commissioner Bryant noted that the Parks and Recreation Board had discussed the future possibility of obtaining a new concessionaire to remain a golf course but with the removal of tax subsidies. Commissioner Bryant also noted that Parks, Recreation, and Trails Coordinator Dana Bradley had explained that the Town is planning to subsidize for additional maintenance.

<p style="text-align: center;">XI. CLOSED SESSION</p>
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Commissioner Kilby made a motion to go into closed session in accordance with G.S. 143-318.11(a) (3) for the purpose of discussion attorney client privilege and G.S. 143-318.11 (a) (6) for the purpose of discussing personnel matters. Commissioner DiOrio seconded and the motion carried 4-0.

During Closed Session, Council discussed legal claims and personnel matters.

Commissioner John Kilby made a motion to return to open session. Commissioner David DiOrio seconded and the motion carried 4-0.

<p style="text-align: center;">XII. ADJOURN THE MEETING</p>
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With no further business, Commissioner Kilby made a motion to adjourn the meeting at 7:30 p.m. Commissioner Moore seconded and the motion carried 4-0.

ATTEST:

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Olivia Stewman,
Town Clerk

Mayor Carol C. Pritchett