

**LAKE LURE TOWN COUNCIL
WORK SESSION MEETING
PACKET**

Wednesday, May 25, 2022
8:30 a.m.



**Mayor Carol C. Pritchett
Mayor Pro Tem David DiOrio
Commissioner Patrick Bryant
Commissioner Scott Doster
Commissioner Jim Proctor**

TOWN OF LAKE LURE

Town Council Work Session Meeting

Wednesday, May 25, 2022 - 8:30 AM

Lake Lure Town Hall



Agenda

- I. Call to Order**
- II. Agenda Adoption**
- III. Equinox Environmental Presentation - Stream Restoration**
- IV. Budget Discussions**
- V. Personnel Policies**
- VI. Communications Plan for the Sewer Replacement Project**
- VII. Utility Advisory Board Discussion**
- VIII. Ordinance Amendments per Senate Bill 300**
- IX. ABC Discussion**
- X. Adjournment**

**LAKE LURE TOWN COUNCIL
WORK SESSION MEETING
Meeting Date: May 25, 2022**

SUBJECT: Equinox Environmental Presentation

AGENDA INFORMATION:

Item Number: III
Contact: Danvey Walsh, Environmental Scientist for Equinox Environmental
Presenter: Danvey Walsh, Environmental Scientist for Equinox Environmental

BRIEF SUMMARY: Danvey Walsh, Environmental Scientist for Equinox Environmental, will present on stream restoration. Equinox is consulting, planning, and design firm that focuses on conservation, sustainability, and environmentally responsible land development. Equinox reached out to the Town of Lake Lure for the purpose of proposing to restore the town-owned stream located on the greenspace property. Equinox will work with state and/or federal entities to restore the stream, at no cost to the Town, which will create a positive environmental impact and diminish the amount of sediment from the stream that ends up in the lake. The Town's obligation is to ensure that the stream and adjacent land is preserved.

ATTACHMENTS: EW Solutions Booklet



EW

SOLUTIONS



David Tuch and Steve Melton - Two of the founders of EW Solutions


At EW Solutions, *our goal is to make these projects as clear and easy for the landowners as possible.*

Imagine if you could make money from your property without selling any of your land — and help repair an entire ecosystem at the same time. This is what's possible through Stream & Wetland Mitigation, which EW Solutions and Equinox help landowners access throughout the Southeast.

If you're holding this booklet, you've probably already spoken with myself or one of our staff members. And it's likely that you have a lot of questions about how this program works, and whether it's the right thing for yourself, your family, and your land. We've created this booklet to answer as many of those questions as we can. Our goal is to make these projects as clear and easy for the landowners as possible. So please don't hesitate to contact me or any member of our team with any other questions you have. One

of the founders of EW Solutions actually had streams on his own farm property restored, so we can speak to the experience from both sides — and are happy to do so candidly.

Whether you're most interested in the financial compensation, a better functioning farm, a more beautiful property, or a healthier environment for all, our team is eager to learn how we can best serve you.

A handwritten signature in black ink that reads "David Tuch". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Sincerely,
David Tuch
Owner & Project Manager
EW Solutions, LLC

Mitigation

What is Stream & Wetland Mitigation?

The Clean Water Act of 1972 requires that governments and companies that create unavoidable impacts to streams and wetlands during construction restore similar ecosystems or streams within the impacted watershed.

What does that mean? It means that if a stream is impacted by construction in one location, then a stream needs to be fixed somewhere else within the same watershed. The entity that does the construction (e.g. a residential developer, a corporation, or a governmental body) is required to pay money into a fund. Those funds are then distributed to restoration companies like EW Solutions, who identify willing landowners with suitable property in those same watersheds. EW Solutions then restores streams or wetlands on those landowners' properties at no cost to the landowners -- and also compensates the landowner with a cash payment.

Eligible areas can include streams that have been straightened or otherwise impaired, as well as wetlands that have been dredged, ditched, or filled.





Grant Ginn - Lead Designer



Before restoration

What are the benefits to landowners?

This is one reason we love these projects — they truly represent a win-win for everyone.

Restored watersheds mean healthier habitats for wildlife, better functioning farms, and cleaner drinking water for the region. Here are the top 5 benefits our participating landowners enjoy:

- 1.) *Financial compensation* :- The entire restoration project is completed at no cost to the landowner and, in addition, the landowner receives a lump sum payment for the purchase of an easement on the area. The compensation varies by project, but fees are generally paid on a per-acre basis and apply to 30-50 feet on either side of the stream.
- 2.) *Improved natural habitat* :- Restored streams make healthier habitats for fish, game, and other wildlife. As a participating landowner, you will retain all rights for passive recreation including hunting, fishing, and hiking. We can also plant certain species that attract specific wildlife (e.g. pollinators, etc.) based on your preferences.

3.) *Beautified property* :— In the design and implementation of restoration projects, we take the landowners' aesthetic preferences into consideration wherever possible. Our mission is to create ecological systems that work well, but also look good.

4.) *Improved farm operations* :— If the land is a working farm, our restoration work can include improvements like fencing, water tanks or wells for livestock, and/or stream crossings — all at no cost to the landowner. We also take great care to balance the farm's functional needs with any ecological precautions, such as placing feeding facilities away from a stream or installing systems for stormwater management. In short, we want to leave you with a better farming operation, and we pay for everything.

5.) *Better quality of life for landowner and others* : Since water runs downhill, everything that happens on your land has effects elsewhere. Restored streams and watersheds mean cleaner drinking water, healthier wildlife habitat, and better recreational opportunities for your neighbors in other parts of your county, state, and region.



Same site after restoration



Post restoration

What's the process?

Any restoration project is made up of three main phases: project development, restoration, and close-out.

The important thing to know is that every phase is carried out by our team, with none of the work or cost falling to the landowner. We will communicate with you every step of the way so you know what to expect on your property, and will take your needs and preferences very seriously throughout the project.

Project Development Phase

- 1.) Property Identification: Using GIS analysis of the impacted watershed, we identify impaired streams or wetlands that would benefit from restoration.
- 2.) Landowner Discussions : We knock on doors and start conversations with potentially interested landowners. At this point we identify interest, rights, and answer any questions about the process.

3.) Property Assessment : Next, we get our boots on the ground to look at the stream in person and assess its condition. We analyse its location, level of impairment, current land use, and other environmental factors to determine whether the property is a good candidate for restoration. These factors also help us determine the cost-per-acre amount that can be paid to the landowner.

4.) Proposal: We create a proposal for the restoration project, which we submit to the state. Because of our exceptional team and our long track record of successful projects, we have a very high rate of winning projects.

5.) Plan Development: We develop a restoration plan that includes desires of the landowner. These might include aesthetic preferences, plantings that will attract specific wildlife species, or upgrades that help a farm function better.

6.) Regulatory Review: Once our plan is completed and reviewed by the landowner, we submit it to regulatory agencies for review. This review process ensures that our plan meets metrics for engineering and ecological standards and will result in a stable, naturally functioning stream system.





Restoration Phase

- 1.) Construction : Stream channel construction starts. We want to ensure that you know what to expect from the very beginning. For instance, we will establish a “limit of disturbance area” so you know exactly what we’re doing and where. We will also work with you to create temporary construction entrances that limit impacts on your life and land.
- 2.) Growth & Management : Upon completion of planting and stabilization, a full growing season is allowed to pass, during which time EW Solutions will actively manage all vegetation for the monitoring period. This usually entails quarterly visits where we inspect the stream’s health, and manage any invasive species or erosion control issues that might arise.
- 3.) Monitoring : Once the first growing season has passed, the project will be monitored by our team of experts on a quarterly basis for the next 5 to 7 years to evaluate stream condition, vegetation health, and easement encroachment.

Close-Out Phase

Once all appropriate monitoring is done and the project has succeeded, the project will be put under a long-term stewardship program, which will continue to monitor the wellbeing of the conservation easement every couple of years in perpetuity.

“I have been working collaboratively with this team for the last nine years and they have been an outstanding partner. I use the term partnership because I feel they always have everyone’s best interest in mind.”

NORTON WEBSTER
Palustrine Group, LLC



What do the completed projects look like?

Because each restoration plan is unique, the outcomes are as individual as the properties themselves. However, with every project our goal is a fully functioning natural system that is beautiful, supports an abundance of wildlife, improves water quality, and functions as a healthy, new ecosystem.

“I met with EW Solutions at our farm in August 2015 and we spent five or six hours walking the land and talking about the possibility of the mitigation and restoration project. I immediately developed a high comfort level with EW Solutions and Equinox as they have a tremendous amount of experience with these projects and one of the founders of EW completed a mitigation project on his own farm.”

FLETCH ROBERTS
Plumlea Familay Associates, LLC

restoration



Recently completed restoration





Who is EW Solutions?

Technically, EW Solutions is a mitigation banker. This means that we apply for restoration funding, find interested landowners, and interact with the regulatory agencies.

But more importantly, EW Solutions acts as the managing agent for restoration projects and would be your main point of contact for the duration of your project.

Our restoration team includes Equinox which is a sister company of EW Solutions. Equinox works hand-in-hand with EW Solutions and is responsible for the environmental services, maintenance, and monitoring. Equinox has a strong record of doing resource conservation and sustainable development work since 2000. Another key member of the EW Solutions team is Grant Ginn who provides the engineering and is the premier restoration designer in the region

As a team, we have an incredible range of skills and experience that we bring to each project; our staff members include biologists, ecologists, designers, planners, engineers, landscape architects, hydrologists, and stream and wetland design professionals. With this interdisciplinary array of specialists, we can solve any restoration challenge. We work together smoothly, and we have good reputations with the regulatory agencies that oversee our work.



Post restoration

“Not being familiar with a mitigation project, I needed to do a lot of research to get comfortable with the idea. One of EW’s founders urged me to speak with The NC Division of Mitigation Services and competitors to understand the process. Everything he said to me was confirmed true in my research. So it was very easy to generate a high trust level with him and his companies. In my 30 years of doing business having trust in your partners is the highest priority.”

FLETCH ROBERTS
Plumlea Familay Associates, LLC



Why choose EW Solutions.

We are a small, local firm. This isn't just a job for us; this region is our home, too. Our families drink this water, splash in these rivers, and depend on local agriculture. We are deeply committed to making sure the natural environment is healthy for generations to come.

Our team is the best around. Our team leadership has a combined 60+ years of experience in ecology, restoration, and engineering. And our interdisciplinary staff represents an incredible array of specialized knowledge in areas ranging from biology to design.

We're in it for the long haul. While bigger firms experience high turnover, you don't have to worry about that with EW Solutions. Our project manager is the owner, and will be your contact throughout the full term of the project. This ensures consistency in communication from beginning to end.

We value honesty and communication. Through our many years of experience, we've found that the keys to happy clients and successful projects are honest interactions and direct, open communication. These values drive everything we do.

We're landowners, too. A founder of EW Solutions had his family farm in Southern McDowell County, NC (est. 1790) restored. As a result, he understands the process and concerns from both sides, and is deeply committed to addressing landowners' needs..



Post restoration

How do we get started?

We know that committing your property to restoration is a big decision, and we don't take that lightly. So we want to make sure you have all of the information you need to make the right choice for your land, your family, and/or your business.

We also know that these kinds of projects turn out the best for everyone when a solid relationship is at the center. So please, reach out and ask any questions you might have by calling David Tuch, an owner of EW Solutions and Equinox, at (828) 253-6856 extension 202.

We look forward to starting a conversation with you.



Post restoration



Put our expertise to work on your project.

Contact us today to get started.

(828) 253-6856

**LAKE LURE TOWN COUNCIL
WORK SESSION MEETING
Meeting Date: May 25, 2022**

SUBJECT: Budget Discussions

AGENDA INFORMATION:

Item Number: IV
Contact: Town Staff
Presenter: Town Staff

BRIEF SUMMARY: The purpose for holding budget discussions is to follow-up on conversations that took place at the May 9, 2022 special budget meeting. Particularly in terms of public safety salaries. Additionally, any other budgetary concerns or questions may be addressed.

ATTACHMENTS: Police Budget Request Information; Fire Department Pay Study; Additional Data

Significant Request Change

Explanation/Justification

I am asking for a \$13,100 increase in my contractual services line item. The reason I am asking for this is to upgrade our body cameras and Tasers. We have had our same body cameras for about 7 years now and we have found that we have fallen far behind our contemporaries in the advancement of body cameras along with the fact that our cameras are so old now that many of them are malfunctioning on us and constantly in need of repair. In the atmosphere Law Enforcement is working now, the most important tool an officer has is his body camera. As with our tasers, I have been told that since our current tasers are more than 5 years old we no longer qualify for the 10 million dollars worth of liability insurance the taser company grants. I also found that Tasers are 2 times more likely to malfunction if they are more than 5 years of age. Of the \$13,100 dollar increase I am asking for in contractual service line item: \$4500 will be paid for the next 5 years for the tasers, and \$8600 will be paid for the next 5 years for our body cameras. If during that 5 years there are advancement in the body cameras, they will send us the new advanced/upgraded camera at no additional cost. This is the best part about the deal. In addition, if a camera is damaged, we are sent a new one per the contract with no additional cost. We are also able to upload videos to the cloud per contract which will save much valued space on our current server as well as reduce liability on us for storage of visual evidence. Also, the benefits to the officer from the different functions of these new upgraded cameras are almost too many to mention.

I am asking for a \$7000 dollar increase to our fuel supply line item. This is basically due to the increase in gas prices which have shown no signs of decreasing as well as the budget for gas in the police boats have now been placed back into the police department's budget.

I am also asking for increase of \$72,896 to our salary line item for our officers. This dollar amount came as the result of a pay study that I had completed early this year. This amount was based on what the study recommended it would take to get our newly hired officers in line with what surrounding agencies are offering new officers and according to what officers currently working should be getting paid based to our currently adopted salary grade. Law Enforcement is in a critical state due to the amount of officers retiring and the lack of interest for by individuals to enter this career field. Law Enforcement rookie school enrollment is at an all time low. Our current officers are constantly being recruited by other agencies with enticement of more pay. We must increase pay in an effort to stay competitive with other agencies when trying to recruit new officers as well as retain the professional qualified staff that we currently have on hand, and not lose them to other agencies that are willing to pay them more.

LLPD Pay Study

Employee	Position Title	DOH	DIP	1/1/2022	Years of Service	Time in Position	Curr Grade	Curr Min	Curr Midpt	Curr Max	Curr Salary	% > Min	CR	Rcmnded Grade	Min	Midpt	Max	Rcmnded Salary at Same CR	Increase Amount	Increase if moved to new Min Sal or Curr Sal	Increase Amount	Proposed Sal (Column W), or 5% above new min, whichever is greater	Increase Amount
Sean Humphries	Police Chief	6/29/2000	11/12/2013		21.5	8.1	30	60,328	75,410	90,491	71,745	18.92%	0.95	34	73,329	91,661	109,993	87,207	15,462	73,329	1,584	76,995	5,250
Glenroy Gittens	Police Sergeant	2/2/2007	4/16/2012		14.9	9.7	23	42,874	53,593	64,311	49,149	14.64%	0.92	25	47,268	59,086	70,903	54,187	5,038	49,149	0	49,631	482
Carleton Umphlett	Police Sergeant	5/31/2021	7/13/2018		0.6	3.5	23	42,874	53,593	64,311	45,782	6.78%	0.85	25	47,268	59,086	70,903	50,474	4,692	47,268	1,486	49,631	3,849
Aaron Collins	Police Corporal	7/11/2014	12/6/2014		7.5	7.1	21	38,889	48,611	58,332	43,893	12.87%	0.90	23	42,874	53,593	64,311	48,392	4,499	43,893	0	45,018	1,125
Kourtney Burrell	Police Officer	2/17/2020	2/17/2020		1.9	1.9	19	35,272	44,090	52,908	39,650	12.41%	0.90	22	40,832	51,040	61,248	45,900	6,250	40,832	1,182	42,873	3,223
Carlos Sanchez	Police Officer	3/17/2019	3/17/2019		2.8	2.8	19	35,272	44,090	52,908	39,650	12.41%	0.90	22	40,832	51,040	61,248	45,900	6,250	40,832	1,182	42,873	3,223
Chritopher Shuford	Police Officer	9/15/2008	9/15/2008		13.3	13.3	19	35,272	44,090	52,908	41,812	18.54%	0.95	22	40,832	51,040	61,248	48,403	6,591	41,812	0	42,873	1,061
Richard Dills	Police Officer	6/20/2020	6/20/2020		1.5	1.5	19	35,272	44,090	52,908	39,626	12.34%	0.90	22	40,832	51,040	61,248	45,872	6,246	40,832	1,206	42,873	3,247
Vacant	Police Officer						19	35,272	44,090	52,908	37,739	6.99%	0.86	22	40,832	51,040	61,248	38,889	1,150	40,832	3,093	40,832	3,093
Kathryn Canant	Police Admin Asst	3/2/2011	12/1/2014		10.8	7.1	18	33,592	41,991	50,389	42,789	27.38%	1.02	19	35,272	44,090	52,908	44,928	2,139	42,789	0	42,789	0

Average					8.3	6.1					451,835								510,152	58,317		9,733	
																			451,835				
																				58,317 Salary		9,733	24,553
																				14,579 25% FICA/Ret/401(k)		2,433	6,138
																				72,896		12,166	30,691

This Option moves each position to the market supported pay grade and then places each employee's salary in their new grade range, at the same relative position (CR) as they hold in their current pay grade range. This is the preferred option. By placing employee salaries in the same relative position, they maintain their current relationship to each other PLUS, when the next new Officer is employed, that new Officer will not come to work earning the same salary as current

This option moves each position to the market support pay grade and then moves employee salaries to the new grade range minimum salary, or leaves them at current salary, whichever is greater. This option provides a market competitive position by moving the positions to the new grade; however, it creates salary compression by moving current Officer salaries to the new minimum, or current salary, whichever is greater. However, each new Officer employed hereafter will earn the same as current employees causing salary compression at the minimum salary.

LLFD Pay Study

Fire Chief	Grd	Min	Midpt	Max	Salary	Compa-Ratio	% Above Min	Range	Classification
Biltmore Forest									No Comparable Classification
Black Mountain		76,495	95,674	114,780	84,613	0.88	10.6%	50.0%	Fire Chief
Boone		75,966	94,958	113,949	112,133	1.18	47.6%	50.0%	Fire Chief
Brevard		68,880	88,765	108,650	91,603	1.03	33.0%	57.7%	Fire Chief
Forest City		65,658	80,872	96,086	80,065	0.99	21.9%	46.3%	Fire Chief
Hendersonville		84,413	106,443	128,455	102,997	0.97	22.0%	52.2%	Fire Chief
Marion		67,869	84,028	100,187	69,035	0.82	1.7%	47.6%	Fire Chief
Rutherfordton		60,903	76,127	91,353	62,117	0.82	2.0%	50.0%	Fire Chief
Spindale		51,971	64,964	77,957	58,942	0.91	13.4%	50.0%	Fire Chief
Lake Lure	29	57,454	71,819	86,183	64,891	0.90	12.9%	50.0%	
Average (Overall)	20.1%	69,019	86,479	103,927	82,688	0.96	19.8%	50.6%	27.4%
Median (Overall)	19.0%	68,375	86,397	104,419	82,339	0.95	20.4%	52.7%	26.9%
Recommendation	33	69,837	87,296	104,755	78,876	0.90	12.9%	50.0%	

Assistant Fire Chief	Grd	Min	Midpt	Max	Salary	Compa-Ratio	% Above Min	Range	Classification
Biltmore Forest									
Black Mountain		56,920	71,181	85,392		0.00	-100.0%	50.0%	Assistant Fire Chief (VACANT)
Boone		62,497	78,122	93,746	81,806	1.05	30.9%	50.0%	Assistant Fire Chief
Brevard									No Comparable Classification
Forest City		54,018	66,534	79,050	63,328	0.95	17.2%	46.3%	Assistant Fire Chief
Hendersonville		66,140	83,401	100,647	74,996	0.90	13.4%	52.2%	Deputy Fire Chief
Marion		50,645	62,703	74,761	51,147	0.82	1.0%	47.6%	Assistant Fire Chief
Rutherfordton		43,282	54,102	64,923	43,942	0.81	1.5%	50.0%	Assistant Fire Chief
Spindale		40,720	50,900	61,080	55,462	1.09	36.2%	50.0%	Assistant Fire Chief
Lake Lure	24	45,017	56,272	67,526	45,872	0.82	1.9%	50.0%	
Average (Overall)	18.8%	53,460	66,706	79,943	61,780	0.93	15.6%	49.5%	34.7%
Median (Overall)	20.0%	54,018	66,534	79,050	59,395	0.89	10.0%	46.3%	29.5%
Recommendation	28	54,719	68,399	82,078	55,758	0.82	1.9%	50.0%	

Lieutenant	Grd	Min	Midpt	Max	Salary	Compa-Ratio	% Above Min	Range	Classification
Biltmore Forest									
Black Mountain		48,970	61,168	73,468	48,970	0.80	0.0%	50.0%	Fire Lieutenant
Boone		42,301	52,876	63,451	42,725	0.81	1.0%	50.0%	
Brevard									No Comparable Classification
Forest City		38,388	47,283	56,178	43,370	0.92	13.0%	46.3%	Fire Engineer
Hendersonville		44,766	56,449	68,122	49,555	0.88	10.7%	52.2%	Fire Lieutenant
Marion									No Comparable Classification
Rutherfordton		35,609	44,511	53,412	39,901	0.90	12.1%	50.0%	Fire Apparatus Operator
Spindale									No Comparable Classification
Lake Lure	20	37,036	46,295	55,554	37,740	0.82	1.9%	50.0%	
Average (Overall)	13.4%	42,007	52,457	62,926	44,904	0.86	6.9%	49.8%	19.0%
Median (Overall)	14.2%	42,301	52,876	63,451	43,370	0.82	2.5%	50.0%	14.9%
Recommendation	23	42,874	53,593	64,311	43,689	0.82	1.9%	50.0%	

Firefighter	Grd	Min	Midpt	Max	Avg Salary	Compa-Ratio	% Above Min	Range	Classification
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Biltmore Forest									No Comparable Classification
Black Mountain		36,455	45,575	54,695	39,735	0.87	9.0%	50.0%	Firefighter
Boone		40,286	50,358	60,430	40,550	0.81	0.7%	50.0%	Firefighter
Brevard									No Comparable Classification
Forest City		36,561	45,032	53,504	39,181	0.87	7.2%	46.3%	Firefighter
Hendersonville		36,829	46,440	56,044	38,910	0.84	5.7%	52.2%	Firefighter
Marion		34,278	42,440	50,601	36,142			47.6%	Firefighter (No Employee)
Rutherfordton									All are FF/Engineers
Spindale									All are FF/Engineers
Lake Lure	18	33,592	41,991	50,389	35,343	0.84	5.2%	50.0%	
Average (Overall)	9.8%	36,882	45,969	55,055	38,904	0.85	5.5%	49.3%	10.1%
Median (Overall)	8.8%	36,561	45,575	54,695	39,181	0.86	7.2%	49.6%	10.9%
Recommendation	20	37,036	46,295	55,554	38,966	0.84	5.2%	50.0%	

**LAKE LURE TOWN COUNCIL
WORK SESSION MEETING
Meeting Date: May 25, 2022**

SUBJECT: Personnel Policies

AGENDA INFORMATION:

Item Number: V
Contact: Olivia Stewman
Presenter: Olivia Stewman

BRIEF SUMMARY: The purpose of this item is to review and discuss the Town's take-home vehicle policy, comp time policy, and any additional policies that should be addressed. These two policies were broached at the May 9, 2022 budget meeting and have since undergone recommended changes.

ATTACHMENTS: Existing Take-Home Vehicle Policy; Take-Home Vehicle Policy Recommended Changes; Existing Comp Time Policy; Comp Time Policy Recommended Changes

Section 4. Procedure

1) Take-Home Vehicles

- For an employee to be authorized for the take-home use of a Town-owned vehicle, the employee must possess a valid North Carolina's driver's license, maintain a safe driving history, and meet one of the following tests:

Test 1:	The employee is:
(1)	Subject to frequent after-hours emergency callback or other unscheduled work, and
(2)	Such unscheduled work involves the first response to a real or present threat to life or property requiring an immediate response, and
(3)	A specialized vehicle, tools, or equipment are required for the performance of emergency duties.

Test 2:	The employee is:
(1)	Subject to frequent after-hours callback, and
(2)	Such callback arrangements are to locations other than the employee's normal duty station, and
(4)	A special vehicle, tools or equipment are required to perform after-hours assignments, and
(5)	An unacceptable delay in the response would result from the employee's return to the normal duty station to retrieve the needed equipment.
<i>This category is normally reserved for emergency maintenance response situations where a group of employees share formal on-call responsibilities on a rotational basis, such as public utility maintenance.</i>	

Test 3:	The employee is:
(1)	Employed in a public safety position, and
(2)	Is required to use an individually assigned vehicle during their normal tour of duty.
Public safety personnel permitted to use an individually assigned vehicle during their normal tour of duty may use the vehicle for commuting purposes in accordance with the department's standard operating procedures as approved by the Town Manager. While not on duty during such commutes, officers are expected to take action on incidences they may encounter. Any time spent responding to such incidents or callback return to work is work time and shall be reported as soon as practical.	

- Assignments are not permanent. When priorities or circumstances have changed, vehicles should be reassigned. All take home vehicle assignments must be reviewed and evaluated by the Department Heads

and Town Manager annually beginning July 1st. The following conditions should be considered:

- Requirements of the job.
 - Productivity.
 - Availability of Town vehicles.
 - Cost to the Town.
-
- Department Directors/Heads shall determine reasonable schedules and vehicle assignments for rotational, on-call coverage. For other purposes, the Town Manager, at the written request of the Department Director, may authorize full-time take-home vehicles based on the criteria described above.
 - No personal use of take-home vehicles is permitted. For the purposes of this policy, the daily commute to and from the employee's work location and normal meal periods within on-duty hours are considered official use. Eating locations must be within 1 mile of town limits except when an employee is on official business outside of town limits such as in training or in school.
 - No passengers may be transported in take-home vehicles except as required for official duties or as approved by the Department Director and/or Town Manager.
 - Employees permitted to take a vehicle home (commute) from their work station may do so for job-related reasons and not as a compensatory measure.
 - Overnight assignment is limited to 30-miles (actual road mileage) from the Town limits of the Town of Lake Lure. Employees exceeding the 30 miles will have the option of: (1) get to job site in personal vehicle without additional compensation or (2) pay the town the full IRS rate, as determined annually, for the additional miles outside of the 30 mile limit.

Section 4. Procedure

1) Take-Home Vehicles

- For an employee to be authorized for the take-home use of a Town-owned vehicle, the employee must possess a valid North Carolina's driver's license, maintain a safe driving history, and meet one of the following tests:

Test 1:	The employee is:
(1)	Subject to frequent after-hours emergency callback or other unscheduled work, and
(2)	Such unscheduled work involves the first response to a real or present threat to life or property requiring an immediate response, and
(3)	A specialized vehicle, tools, or equipment are required for the performance of emergency duties.

Test 2:	The employee is:
(1)	Subject to frequent after-hours callback, and
(2)	Such callback arrangements are to locations other than the employee's normal duty station, and
(4)	A special vehicle, tools or equipment are required to perform after-hours assignments, and
(5)	An unacceptable delay in the response would result from the employee's return to the normal duty station to retrieve the needed equipment.
<i>This category is normally reserved for emergency maintenance response situations where a group of employees share formal on-call responsibilities on a rotational basis, such as public utility maintenance.</i>	

Test 3:	The employee is:
(1)	Employed in a public safety position, and
(2)	Is required to use an individually assigned vehicle during their normal tour of duty.
Public safety personnel permitted to use an individually assigned vehicle during their normal tour of duty may use the vehicle for commuting purposes in accordance with the department's standard operating procedures as approved by the Town Manager. While not on duty during such commutes, officers are expected to take action on incidences they may encounter. Any time spent responding to such incidents or callback return to work is work time and shall be reported as soon as practical.	

- Assignments are not permanent. When priorities or circumstances have changed, vehicles should be reassigned. All take home vehicle

assignments must be reviewed and evaluated by the Department Heads and Town Manager annually beginning July 1st. The following conditions should be considered:

- Requirements of the job.
 - Productivity.
 - Availability of Town vehicles.
 - Cost to the Town.
-
- Department Directors/Heads shall determine reasonable schedules and vehicle assignments for rotational, on-call coverage. For other purposes, the Town Manager, at the written request of the Department Director, may authorize full-time take-home vehicles based on the criteria described above.
 - No personal use of take-home vehicles is permitted. For the purposes of this policy, the daily commute to and from the employee's work location and normal meal periods within on-duty hours are considered official use. ~~Eating locations must be within 1 mile of town limits except when an employee is on official business outside of town limits such as in training or in school.~~
 - No passengers may be transported in take-home vehicles except as required for official duties or as approved by the Department Director and/or Town Manager.
 - Employees permitted to take a vehicle home (commute) from their work station may do so for job-related reasons and not as a compensatory measure.
 - Overnight assignment is limited to ~~30-miles~~ 50 miles (actual road

mileage) from the Town limits of the Town of Lake Lure. Employees exceeding the ~~30 miles~~ 50 miles will have the option of: (1) get to job site in personal vehicle without additional compensation or (2) pay the town the full IRS rate, as determined annually, for the additional miles outside of the ~~30-mile~~ 50 mile limit.

Section 10. Overtime

Employees of the Town can be requested and may be required to work overtime hours as necessitated by the needs of the Town and determined by the Department Head. All overtime hours worked must be authorized by appropriate management or Town officials.

To the extent that local government jurisdictions are so required, the Town shall comply with the Fair Labor Standards Act (FLSA).

The Town Manager, following FLSA regulations, shall determine which positions are “non-exempt” and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions. “Non-exempt” employees will be paid at a straight time rate for hours up to the FLSA established limit for their positions (usually 40 hours in a 7 consecutive day “work period”; 171 hours for police and 212 for fire personnel in a 28 day work period). Hours beyond the FLSA established limit shall be compensated in the appropriate manner outlined below. In determining eligibility for overtime in a work period, only hours actually worked shall be considered. In no event will holidays, vacation, compensatory or sick leave hours be counted toward the total hours for the purpose of overtime compensation.

- (a) Department Heads shall arrange the work schedules of their employees so as to accomplish the required work within the appropriate work periods. Overtime work shall be considered work performed by an employee that exceeds the established work period of the employee. Overtime work must be of an unusual, unscheduled, or emergency nature and be directed or authorized by the Department Head or authorized representative of the Department Head, in writing. Department Heads may require extensive overtime only with the approval of the Town Manager.

Whenever practicable, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. When time off within the “work period” cannot be granted,

overtime worked will be paid at a time-and-one-half rate or taken as compensatory time at a time-and-one-half rate, in accordance with FLSA regulations. Salaried employees in positions with fluctuating work schedules whose salary covers straight time pay for all hours scheduled or required to work, however many or few, may receive half-time pay for any overtime worked.

Employees in positions determined to be “exempt” from FLSA (as Executive, Administrative, or Professional staff) will not receive pay for hours worked in excess of their normal work periods. These employees may be granted occasional unofficial compensatory leave where the convenience of the Town operation allows.

- (b) The following work periods shall be established for the purpose of calculating overtime earned:
 - (1) Law enforcement personnel and Firefighting personnel shall be assigned to a 28-day work period with a maximum of 171 work hours (Average of 42 hours per week) for Law Enforcement and 212 work hours (Average of 53 hours per week) for Firefighting personnel before accruing overtime.
 - (2) All other non-exempt town employees shall be assigned to a 7 consecutive day work period with a maximum of 40 work hours before earning overtime or accruing Compensatory Time.

- (c) Employees required to work hours over the maximum allowed in the assigned work period shall be compensated for such overtime hours worked subject to the following provisions:
 - (1) The maximum compensatory time that may be accrued by any non-exempt employee shall be 480 (320 overtime hours worked) for public safety and 240 (160 overtime hours worked) hours in all other Town positions. Employees are required to take accrued compensatory time before using accrued vacation and/or sick leave.

- (2) Department Heads may, with prior approval of the Town Manager, pay employees for overtime work when it is not feasible to permit their absence for the purpose of taking compensatory time off.
 - (3) An employee whose employment is terminated shall receive pay for all compensatory time accrued but not taken.
- (d) Supervisors shall be responsible for maintaining appropriate and accurate records detailing hours worked each day and total hours worked each work period. All time-records must be signed by the supervisor and delivered to the Human Resources Director no later than 9:30 a.m. on Tuesday immediately preceding payday.

Section 10. Overtime and Compensatory Time

Employees of the Town can be requested and may be required to work overtime hours as necessitated by the needs of the Town and determined by the Department Head. All overtime hours worked must be authorized by appropriate management or Town officials.

Overtime work must be of an unusual, unscheduled, or emergency nature and be directed or authorized by the Department Head or authorized representative of the Department Head, in writing. Department Heads may require extensive overtime only with the approval of the Town Manager.

To the extent that local government jurisdictions are so required, the Town shall comply with the Fair Labor Standards Act (FLSA).

The Town Manager, following FLSA regulations, shall determine which positions are “non-exempt” and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions. “Non-exempt” employees will be paid at a straight time rate for hours up to the FLSA established limit for their positions (usually 40 hours in a 7 consecutive day “work period”; 171 hours for police and 212 for fire personnel in a 28 day work period). ~~Hours beyond the FLSA established limit shall be compensated in the appropriate manner outlined below. In determining eligibility for overtime in a work period, only hours actually worked shall be considered. In no event will holidays, vacation, compensatory or sick leave hours be counted toward the total hours for the purpose of overtime compensation. Hours worked beyond the FLSA established limit will be compensated in either time or pay at the appropriate overtime rate. In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will vacation, sick leave, compensatory time, or holidays be included in the computation of hours worked for FLSA purposes (The FLSA does not require payment for time not worked, such as vacations, sick leave or holidays ,Federal or otherwise). These benefits are matters of agreement between an employer and an employee. Call-Back pay will be the only exception to FSLA (See “Call-Back Pay” on page 14).~~

Compensatory leave requires approval by the Department Head. Department Heads shall arrange the work schedules of their employees so as to accomplish the required work within the appropriate work periods. Overtime work shall be considered work performed by an employee that exceeds the established work period of the employee.

The following work periods shall be established for the purpose of calculating overtime earned:

- (1) Law enforcement personnel and Firefighting personnel shall be assigned to a 28-day work period with a maximum of 171 work hours (Average of 42 hours per week) for Law Enforcement and 212 work hours (Average of 53 hours per week) for Firefighting personnel before accruing overtime.
- (2) All other non-exempt town employees shall be assigned to a 7 consecutive day work period with a maximum of 40 work hours before earning overtime or accruing Compensatory Time.

Employees should take compensatory leave as soon as possible after it is credited or should be permitted to use compensatory time within a reasonable period after making the request, if doing so does not "unduly disrupt" the operations of the employer. A maximum of 40 hours of compensatory time may be accrued, calculated on the first day of each month. Unused compensatory time in excess of 40 hours shall be converted on an hour for hour basis to sick leave. Employees engaged in police and fire protection work may accrue up to 48 hours of compensatory time.

Whenever practicable, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. Department Heads may, with prior approval of the Town Manager, pay employees for overtime work when it is not feasible to permit their absence for the purpose of taking compensatory time off. ~~When time off within the "work period" cannot be granted.~~ When instances occur in which it is not feasible to permit the absence of an employee for the purpose of taking compensatory time off, overtime worked will be paid at a time-and-one-half rate or taken as compensatory time at a time-and-one-half rate, in accordance with FLSA regulations. An employee whose employment is terminated shall receive pay for all compensatory time accrued but not taken.

Salaried employees in positions

with fluctuating work schedules whose salary covers straight time pay for all hours scheduled or required to work, however many or few, may receive half-time pay for any overtime worked.

Supervisors shall be responsible for maintaining appropriate and accurate records detailing hours worked each day and total hours worked each work period. All time-records must be signed by the supervisor and delivered to the ~~Human Resources Director~~ personnel responsible for conducting payroll no later than 9:30 a.m. on Tuesday immediately preceding payday.

Employees in positions determined to be “exempt” from FLSA (~~as Executive, Administrative, or Professional staff~~) will not receive pay for hours worked in excess of their normal work periods. These employees may be granted occasional unofficial compensatory leave where the convenience of the Town operation allows.

~~(b) — The following work periods shall be established for the purpose of calculating overtime earned:~~

~~(3) Law enforcement personnel and Firefighting personnel shall be assigned to a 28-day work period with a maximum of 171 work hours (Average of 42 hours per week) for Law Enforcement and 212 work hours (Average of 53 hours per week) for Firefighting personnel before accruing overtime.~~

~~(4) All other non-exempt town employees shall be assigned to a 7 consecutive day work period with a maximum of 40 work hours before earning overtime or accruing Compensatory Time.~~

~~(c) — Employees required to work hours over the maximum allowed in the assigned work period shall be compensated for such overtime hours worked subject to the following provisions:~~

~~(1) — The maximum compensatory time that may be accrued by any non-exempt employee shall be 480 (320 overtime hours worked) for public safety and 240 (160 overtime hours worked) hours in all other Town positions. Employees are required to take accrued compensatory time before using accrued vacation and/or sick leave.~~

~~(2) Department Heads may, with prior approval of the Town Manager, pay employees for overtime work when it is not feasible to permit their absence for the purpose of taking compensatory time off.~~

~~(3) An employee whose employment is terminated shall receive pay for all compensatory time accrued but not taken.~~

~~(d) Supervisors shall be responsible for maintaining appropriate and accurate records detailing hours worked each day and total hours worked each work period. All time records must be signed by the supervisor and delivered to the Human Resources Director no later than 9:30 a.m. on Tuesday immediately preceding payday.~~

**LAKE LURE TOWN COUNCIL
WORK SESSION MEETING
Meeting Date: May 25, 2022**

SUBJECT: Communications Plan for the Sewer Replacement Project

AGENDA INFORMATION:

Item Number: VI
Contact: Commissioner Scott Doster
Presenter: Commissioner Scott Doster

BRIEF SUMMARY: The Utility Advisory Board, Commissioner Doster, and Laura Krejci have crafted a draft communications plan for the sewer replacement project. The purpose of this document is to have a plan to communicate with Lake Lure residents in regard to the sewer replacement project information and updates.

ATTACHMENTS: Draft Communications Plan for the Sewer Replacement Project

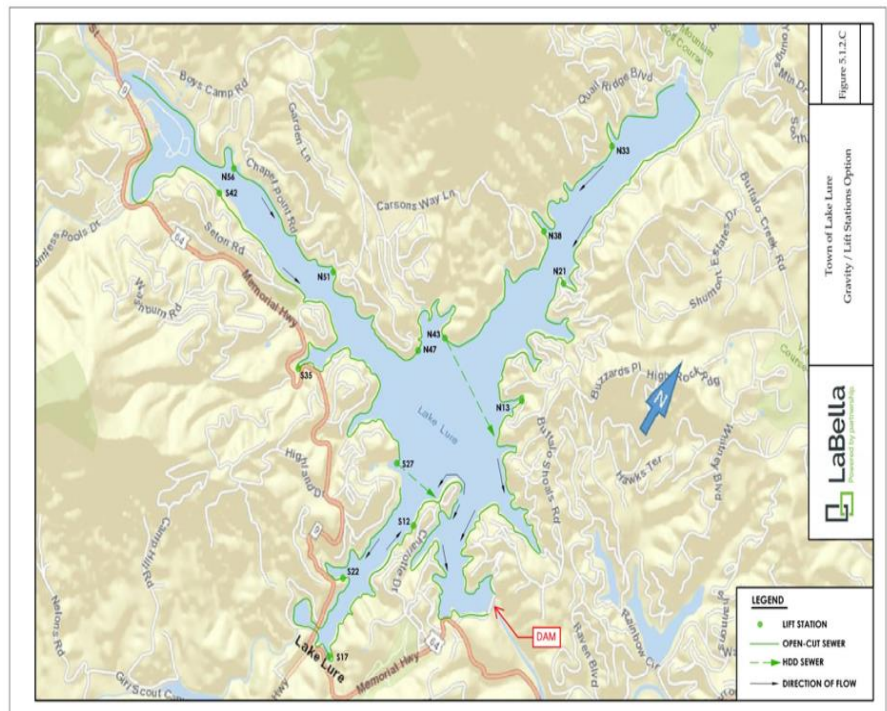
Dear Property Owner,

We are writing to update you on the Town of Lake Lure's progress with the sewer system and wastewater treatment plant replacement and renovation. We are making progress with this important project and want to keep you informed and involved with every phase of our work. **You are receiving this letter because your property is in Phase 1 of this project. Construction is anticipated to commence in the fall of 2023. Your participation and input are critical to the Town's success.**

As you may know, Lake Lure's 1927 sewer system utilizes a series of pipes that are submerged beneath the lake. The iron pipes, concrete manholes, and older septic systems are deteriorating and must be replaced to protect our pristine lake. The Town is embarking upon a phased rehabilitation and replacement approach that maintains sewer service while improving system performance. The design and implementation of the new state-of-the-art engineering solution is challenging because the new system remains in the lake. Specifically, the new collection system will be installed in the backshore, which is the land exposed during lake drawdown periods.

The Town is working closely with several divisions within the NC Department of Environmental Quality. We have hired Labella Associates, a firm specializing in wastewater infrastructure, to implement a sequential engineering solution that leverages modern sewage collection and treatment technology. In February 2020, LaBella developed and analyzed several alternative engineering solutions. These solutions were presented for public review during the July 2020 Community Forums.

The Lake Lure Town Council selected a solution that utilizes the backshore area. A gravity lift system will be installed using a combination of gravity sewer lines and pumping manholes to provide sewer access around the perimeter of the lake. Lake Lure's new eco-friendly sewer system will minimize the property disruption while enhancing performance through an environmentally sensitive system. We are pleased that this new system has the lowest environmental, economic and social cost of all the alternatives considered. This project will eliminate system issues and prevent failures that could occur if we did not take immediate action.



This project has included rehabilitation of the existing manholes which took place in the 2021-2022 Lake Drawdown. The manhole rehabilitation lowered the lake infiltration, extending the life of the existing manholes; improved the wastewater treatment process; and allowed for new connections to the system. Phase 1 of the sewer system rehabilitation will begin near the dam and will continue along the northern and southern shoreline as illustrated in the attached map. The new system is a long-term solution which allows the Town to efficiently carry out operations and maintenance of the system year-round.

Your renovation options and property values will significantly increase with the new system in place. Property owners will have the option of adding additional bedroom and bathroom facilities once the project is complete and will provide service to areas not current served. Once the system becomes available and operational to you, you will be billed a monthly sewer fee whether you decide to connect to the sewer system or not, in accordance with NC state law, and afforded the opportunity to tie into the system.

We need your help to move forward. All lakefront property owners and some near-shore residents – currently on or off the Town system – will be required to tie into the new system. We must understand your current sanitation configuration to determine the best tie-in location (stub-out) and the most efficient connection solution. The following information is enclosed for your information and to secure your registration.

A. Detailed Overview of Lake Lure’s Eco-friendly Sewer System

B. Get On Board - Phase One Registration (Please complete and return by 3/1/23)

C. Map of Lake Lure’s Phase One Sewer System Replacement and Renovation Project

Lake Lure’s normal lake elevation is 990.5 above mean sea level (MSL). The Town owns the Lake and the Town’s property extends to 995 above MSL. The Town will be working within these limits to construct the new sewer system around the shoreline connection points.

We will be holding a series of neighborhood meetings and a Town representative will personally discuss this information further and answer any questions you may have. You will be contacted regarding the dates and times for these meetings. We are pleased to be moving forward with this critical infrastructure project which will positively impact everyone’s property values and increase options for future building expansion.

Sincerely,

Lake Lure Town Council
Carol Pritchett, Mayor
David DiOrio, Mayor Pro Tem
Patrick Bryant, Commissioner
Scott Doster, Commissioner
Jim Proctor, Commissioner



Lake Lure Sewer System Replacement and Renovation Overview and Update

The Town of Lake Lure is progressing with the sewer system and wastewater treatment plant replacement and renovation project. The following document provides a detailed overview of the current plans.

- A. Background:** Currently, Lake Lure's 1927 gravity fed subaqueous (under lake) sewer system (SASS) collects and conveys sewage within submerged pipes. This is a one-of-a-kind sewer system; the only one of its kind in NC. In fact, there are only a handful of systems in the country.
- B. Problem:** The SASS conveys wastewater to a pump station behind the Dam which pumps the wastewater to the treatment plant. Both the pump station and the treatment plant are plagued with significant lake water infiltration and outdated equipment. The lake water infiltration puts the pump station at risk of a sewer spill. This forces the wastewater treatment plant to use a chemical process which would otherwise be unnecessary. Additionally, the cast iron pipes that make up the SASS are approaching 100 years old and have reached their service life.
- C. Solution:** A phased rehabilitation and eventual system replacement approach is underway to maintain sewage service while improving system performance. The design and implementation of the new state-of-the-art engineering solution is challenging because it remains in the lake. Specifically, the new collection system will be installed in the backshore, which is the land exposed during lake drawdown periods. Construction on Phase 1 of this multi-phase approach is slated to begin in 2023.
- D. Oversight and Collaboration:** The Town is working closely with the various NC Department of Environmental Quality Divisions, including the Division of Water Resources, Division of Water Infrastructure, and has hired Labella Associates, a firm specializing in wastewater infrastructure, to implement a sequential engineering solution that leverages modern sewage collection and treatment technology. In February 2020, LaBella developed and analyzed twelve alternative engineering solutions that have been reviewed before a final option was selected.
- E. Community Engagement:** The Lake Lure Town Council held three Community Forums on 7/28/20 to share the background and these plans with citizens. If you missed these forums:
- You may view a recording of the meeting at the following link: <https://www.youtube.com/watch?v=kNkNHFE72AA>
 - You may download the presentation materials and attendee booklets at this link: https://www.townoflakelure.com/sites/default/files/fileattachments/community/page/3427/072820_lake_lure_community_forum_participant_booklet.pdf
 - You may review the Frequently Asked Questions and Answers at this link: https://www.townoflakelure.com/sites/default/files/fileattachments/community/page/3427/072820_lake_lure_community_forum_faqs.pdf
- F. Benefits of the Plan:** The Lake Lure Town Council selected a solution that utilizes the backshore area to install a gravity lift system that uses a combination of gravity sewer lines and pumping manholes to provide sewer access around the perimeter of the lake. Lake Lure's new eco-friendly sewer system will minimize the property disruption while allowing property owners to

maintain and enhance property values by providing a sound new system that protects the environment. The proposed system will eliminate system issues and prevent failures that could occur if we did not take action. This system has the lowest environmental, economic, and social cost of all the alternatives considered.

The perimeter system will be installed around the lake perimeter, and will utilize high performance and long life components that include:

- High-density polyethylene (HDPE) sewer lines
- HDPE manholes with concrete encasement
- HDPE pump stations with concrete encasement HDPE laterals

This renovation is a long term solution which will provide service to areas not easily served currently. It will simplify the connection effort, providing access to a gravity sewer for each property on the lake. The Town will be able to carry out operations and maintain the system year-round. Your renovation/rebuild options will significantly increase with the new system in place and property owners will have the option of making additions once the project is complete.

G. Wastewater Treatment Plant: Renovations to the wastewater treatment plant will be included in Phase 1 that will improve its operation until the eventual rehabilitation and conversion to a biological process capable of meeting the current water quality standards.

H. Manholes: The plan included the rehabilitation of the existing manholes which was completed during the 2021-2022 lake drawdown. This rehabilitation reduced lake infiltration, extended the life of the existing manholes, improved the wastewater treatment process, and allow for new connections to the system. Phase 1 will begin near the Dam and will continue along the northern and southern shoreline as illustrated in the map on Attachment C.

I. Sewer Access Valve/Reservoir Drain: The long-term solutions include a sewer access valve. The sewer access valve or reservoir drain will give much needed capabilities and will allow for the ability to lower the lake below the spill way. The new sewer access valve/reservoir drain is an important component of Phase 1 that will greatly aid in the construction of the new collection system, and is also an important component of the emergency response plan in the event of a catastrophic collection system or an imminent dam failure. The engineering design for the sewer access valve/reservoir drain has been completed and we are in the process of ordering the valve/drain.

J. 2023-2024 Lake Drawdown: In June 2022, Town Council will finalize plans for the 2023-2024 Lake Drawdown next drawdown period to support this important project. The sewer access valve will be installed as soon as it arrives and this will allow the lake will be lowered approximately 20' for the construction period which has yet to be scheduled. We will communicate the next drawdown period as soon as these plans are finalized.

K. Get On Board To Secure Your Future: We need your help to move forward. Please complete The registration form in Attachment B and send it to **GLS Property Owner Registration, PO Box 255, Lake Lure, NC 28746** or drop it off at **Town Hall at 2948 Memorial Highway, Lake Lure, NC 28746**. We will be contacting property owners personally to discuss how this process will work once we have received your registration form.

Here's How You Can Get On Board - Property Owner Registration

1. Please provide your contact information here:

Name: _____

Mailing address: _____

Home Phone: _____ Mobile Phone: _____ Email address: _____

Preferred method of communication (circle): Mail ___ Phone ___ Email

2. Describe your existing sewer/septic system:

Sewer Gravity Pipe to Town Manhole: ____

Independent Septic (no Town connect): ____

Hybrid System (i.e. Septic with grey water only pumped to manhole): ____

Lift Station (grinder pump) to manhole: ____

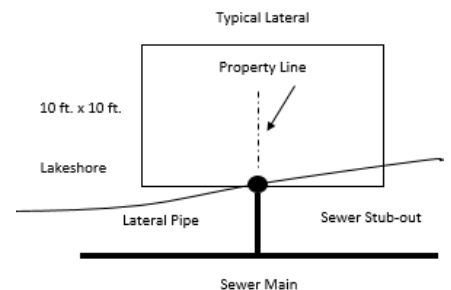
Community Shared System: ____

Other: _____

• When was your sewer line/septic installed?

• When was your system permitted, if applicable?

• When was your system last inspected?



5. Describe any applicable legal or informal arrangements related to your sewer/septic system that exist with adjacent neighbors.

6. Note that all properties will be provided access for connection and billed the monthly sewer fee once it becomes available whether you decide to connect to the sewer system or not. Do you have any questions regarding this requirement? _____

Name: _____ Date: _____

Add additional sheets as necessary.

Please complete and return to the Town using the enclosed postage paid envelope by 3/1/23.

NOTE: Once your registration form has been received, you will be contacted regarding the next steps in the process.

**LAKE LURE TOWN COUNCIL
WORK SESSION MEETING
Meeting Date: May 25, 2022**

SUBJECT: Utility Advisory Board Discussion

AGENDA INFORMATION:

Item Number: VII

Contact:

Presenter:

BRIEF SUMMARY: The purpose of this item is to discuss the overall purpose for the Utility Advisory Board.

**LAKE LURE TOWN COUNCIL
WORK SESSION MEETING
Meeting Date: May 25, 2022**

SUBJECT: Ordinance Amendments per Senate Bill 300

AGENDA INFORMATION:

Item Number: VIII
Contact: William Morgan, Town Attorney
Presenter: Olivia Stewman, Town Clerk / Interim Manager

BRIEF SUMMARY: The North Carolina General Assembly recently enacted Senate Bill 300 which removes the current presumption that all local ordinances may be enforced criminally (G.S.160A-175) and states that ordinances may be enforced criminally as provided in G.S. 14-4 "only if the city specifies such in the ordinance." SB 300 includes a list of statutory sections in which cities cannot adopt ordinances with criminal enforcement and that list of topic areas are as follows: planning and regulation of development; stream clearing programs; regulating businesses and trades; outdoor advertising; solar collectors; cisterns and rain barrels; taxis; setback lines; curb cut regulations and ordinances regulating trees. In order for the Town to comply with SB 300, various amendments to the Town of Lake Lure Code of Ordinances are required. Attorney William Morgan has drafted an ordinance covering all necessary amendments.

ATTACHMENTS: Draft Ordinance Amending the Town of Lake Lure Code of Ordinances per Senate Bill 300

**AN ORDINANCE AMENDING THE TOWN OF LAKE LURE CODE OF
ORDINANCES TO DECRIMINALIZE CERTAIN ORDINANCES AND OTHERWISE
TO BRING SAID CODE INTO COMPLIANCE WITH SENATE BILL 300 (S.L. 2021-
138) REGARDING THE USE OF MISDEMEANOR CHARGES TO ENFORCE CODE
VIOLATIONS**

WHEREAS, the North Carolina General Assembly recently enacted Senate Bill 300 (also known as S. L. 2021-138) and the Governor signed the same into law; and,

WHEREAS, PART XIII of S.L. 2021-138, titled Decriminalization of Certain Ordinances, removes the current presumption that all local ordinances may be enforced criminally (G.S.160A-175) and states that ordinances may be enforced criminally as provided in G.S. 14-4 "only if the city specifies such in the ordinance;" and,

WHEREAS, said law also includes a list of statutory sections in which cities cannot adopt ordinances with criminal enforcement and that list of topic areas are as follows: planning and regulation of development; stream clearing programs; regulating businesses and trades; outdoor advertising; solar collectors; cisterns and rain barrels; taxis; setback lines; curb cut regulations and ordinances regulating trees; and,

WHEREAS, S.L. 2021-138 requires a number of amendments to the Town of Lake Lure Code of Ordinances;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS FOR THE TOWN OF LAKE LURE AS FOLLOWS:

Section 1. Section 1-10(1) ("Remedies") and Section 1-10(2) ("Penalties") of the Town of Lake Lure Code of Ordinances is hereby amended to read as follows with additions shown as underlined text and deletions shown as struck-through text:

Sec. 1-10. - Enforcement and penalties.

Unless another town ordinance either previously or hereafter adopted provides within that section additional or alternative means of enforcing those provisions, a violation of any town ordinance may be enforced by any one, all, or a combination of the remedies set forth in subsections (1) and (2) of this section.

- (1) Remedies. Any or all of the following procedures may be used to enforce provisions of this Code:
 - a. Injunction. Any violation of the Code of the town or of any condition, order, requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by any other appropriate proceedings permitted by state law.

- b. ~~and remedies~~-Civil penalties. Any person, corporation or legal entity who violates any provisions of this Code shall be subject to the assessment of a civil penalty under the procedures provided in subsection (2)b of this section.
- c. Criminal prosecution. Where specifically set forth within a specific ordinance provision that a violation is punishable as a misdemeanor, violations of the ordinances of the town may also be enforced by criminal prosecution as a Class 3 misdemeanor as provided in G.S. 14-4, punishable upon conviction by a maximum fine not to exceed \$500.00 for each separate violation or by imprisonment not to exceed 30 days pursuant to the authority of G.S. 14-3(a)(3).

(2) Penalties.

- a. Criminal penalties. If a violation of any ~~of specific the~~ ordinance of the town is enforced by criminal prosecution as a Class 3 misdemeanor, the penalties shall be pursuant to G.S. 14-4, by a maximum fine not to exceed \$500.00 for each separate violation or by imprisonment not to exceed 30 days as set forth in G.S. 14.3(a)(3).

Section 2. Section 6-27 (“Alternative Remedies”) subsection (b) of the Town of Lake Lure Code of Ordinances is hereby amended to read as follows with additions shown as underlined text and deletions shown as struck-through text:

Sec. 6-27. - Alternative remedies.

(b) In addition to the remedies provided for herein, an owner or party of interest may be subject to a misdemeanor as provided in NCGS 14-4(a) for any violation of the terms of this article. In addition, violations of this article may ~~shall~~ subject the violator to civil ~~the~~ penalties as set forth in section 1-10.

Section 3. Section 6-29 of the Town of Lake Lure Code of Ordinances is hereby amended to read as follows with additions shown as underlined text and deletions shown as struck-through text:

Sec. 6-29. - Violations.

In addition to the conditions, acts or failures to act that constitute violations specified in this article, it shall be a violation of this article for the owner of any dwelling or dwelling unit to fail, neglect or refuse to repair, alter or improve the same, or to vacate and close or vacate and remove or demolish the same, upon order of the code enforcement officer duly made and served as herein provided, within the time specified in such order. It shall be a violation of this article for the owner of any dwelling, with respect to which an order has been issued pursuant to section 6-23, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing, or vacation and removal or demolition. Violations of this section are punishable as a misdemeanor as provided by G.S. 14-4. In addition, violations of this article may subject the violator to civil penalties as set forth in section 1-10.

Section 4. Section 20-1 of the Town of Lake Lure Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-1. - Discharge of firearms.

(a) It shall be unlawful for any person to fire or discharge any rifle, gun, pistol, pellet gun, air gun, air pistol, or air rifle within the town, on or off his premises, in sport or amusement. A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.

(b) Any person who shall knowingly and willfully permit his minor child under 18 years of age to discharge, fire, shoot, or operate within the town any such air rifle or pellet gun, shall be guilty of a misdemeanor punishable as a misdemeanor as provided by G.S. 14-4.

Section 5. Section 20-2 of the Town of Lake Lure Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-2. - Disturbing public meetings.

It shall be unlawful to behave in a boisterous or indecent manner or to create any disturbance at or near any public entertainment or meeting. A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.

Section 6. Section 20-3 of the Town of Lake Lure Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-3. - Injuring town property.

It shall be unlawful to trespass upon, damage, deface, break, or injure any property belonging to the town. A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.

Section 7. Section 20-4 of the Town of Lake Lure Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-4. - Possession of firearms on certain municipal property.

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

Firearm means a handgun, shotgun, or rifle which expels a projectile by action of an explosion.

Handgun means a pistol, revolver, or other gun that has a short stock and is designed to be held and fired by the use of a single hand.

(b) The possession of firearms, carried openly or concealed, is hereby prohibited within the following municipal buildings:

(1) The town police department located at 2950 Memorial Highway, Lake Lure, N.C.

(2) The town alcoholic beverage control (ABC) store located on Memorial Highway, Lake Lure, N.C.

(c) The possession of firearms, carried openly or concealed, is hereby prohibited within the following municipal buildings; however, this subsection shall not apply to a person who is legally carrying a concealed handgun and has a concealed handgun permit that is valid under G.S. 14, art. 54B (G.S. 14-415.10 et seq.), or who is exempt from obtaining a permit pursuant to that article. Open carry is still prohibited:

(1) Town hall located at 2948 Memorial Highway, Lake Lure, N.C.

(2) Lake operations located on Buffalo Shoals Road, Lake Lure, N.C.

(d) Appropriate decals or signs indicating that firearms are prohibited within, shall be conspicuously displayed at each entrance by which the general public can access the municipal buildings specified in subsections (b) and (c) of this section. Decals or signs shall not be posted at or on municipal properties not identified herein, or where no prohibitions exist.

(e) If this section or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given separate effect and to that end the provisions of this section are declared to be severable. All ordinances or parts of ordinances in conflict with this section are hereby repealed.

(f) This section shall be effective immediately upon adoption by majority vote of the town council.

(g) A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.

Section 8. Chapter 20, Article II (“Noise Regulation”) Section 20-37 (“Enforcement”) of the Town of Lake Lure Code of Ordinances is hereby amended to read as follows with additions shown as underlined text and deletions shown as struck-through text:

Sec. 20-37. - Enforcement.

(a) Violations of the provisions of this article shall be punishable as a misdemeanor as provided by G.S. 14-4. ~~subject to the criminal and civil penalties set forth in section 1-10.~~ Violations of the provisions of this article shall also subject the offender to the civil penalties set forth in Section 1-10. In addition to the penalties set forth therein, second or subsequent violations of the provisions of this article by the same person for the same activity occurring within one year of the first such violation shall be subject to civil penalties per section 1-10 as follows:

EXPAND

<i>Violation</i>	<i>Penalty</i>
First violation	\$50.00
Second violation	\$100.00
Third violation	\$200.00
Fourth or subsequent violation, per offense	\$300.00

Section 9. Chapter 18 (“Nuisances”) Section 18-4 (“Abatement Procedures”) of the Town of Lake Lure Code of Ordinances is hereby amended to read as follows with additions shown as underlined text and deletions shown as struck-through text:

Sec. 18-4. - Abatement procedure.

If the owner of any property fails to comply with a notice given pursuant to this chapter, within 15 days after the service of such notice, he shall be subject to prosecution for violation of this chapter punishable as a misdemeanor as provided in G.S. 14-4 ~~in accordance with law~~ and each day that such failure continues shall be a separate offense. In addition, the town may have the condition described in the notice abated, removed or otherwise corrected and all expenses incurred thereby shall be chargeable to and paid by the owner of the property and shall be collected as taxes and levies are collected. All such expenses shall constitute a lien against the property on which the work was done.

Section 10. A new Section 24-28 is hereby adopted and codified in Chapter 24 (“Solid Waste”) Article II (“Garbage and Refuse Collection and Disposal”) to read as follows:

Sec. 24-28. Penalty.

Any person, firm, or corporation violating any provision of this article shall, upon conviction, be guilty of a misdemeanor and shall be punished in accordance with G.S. 14-4. . In

addition, violations of this article may subject the violator to civil penalties as set forth in section 1-10.

Section 11. A new Section 26-11 is hereby adopted and codified in Chapter 26 (“Streets, Sidewalks and Other Public Properties”) Article I (“In General”) to read as follows:

Sec. 26-11. Penalty.

Any person, firm, or corporation violating any provision of this article shall, upon conviction, be guilty of a misdemeanor and shall be punished in accordance with G.S. 14-4. In addition, violations of this article may subject the violator to civil penalties as set forth in section 1-10.

Section 12. Section 32-29 (“Unauthorized Use of Water”) is hereby amended to read as follows with additions shown as underlined text and deletions shown as struck-through text:
:

Sec. 32-29. - Unauthorized use of water.

Only authorized town employees may connect or reconnect water service. If water is found to be in use without being turned on by an authorized town employee, or if water is used for any other purpose than that paid for, the consumer of the water shall be guilty of a ~~violation of this chapter~~ misdemeanor punishable in accordance with G.S. 14-4.

Section 13. Section 29-32 (“Injury to Property and Fixtures”) is hereby amended to read as follows with additions shown as underlined text and deletion shown as struck-through text:

Sec. 32-33. - Injury to property and fixtures.

It shall be unlawful for any person to injure, deface, or destroy the building, machinery, fences, trees, or other property of the town water system, or in any way to contaminate the town water supply. Violations of the provisions of this article shall be punishable as a misdemeanor as provided by G.S. 14-4.

Section 14. Section 32-34 (“Tampering with Meters”) is hereby amended to read as follows with additions shown as underlined text and deletions shown as struck-through text:

Sec. 32-34. - Tampering with meters.

It shall be unlawful for any person, after the water has been turned off for failure to pay the water bill, to turn the water on at the meter or to bypass the meter or in any manner to obtain

water at no cost. Violations of the provisions of this article shall be punishable as a misdemeanor as provided by G.S. 14-4.

Section 15. All provisions of any town ordinance inconsistent with the language herein adopted are hereby repealed.

Section 16. This Ordinance shall become effective upon adoption.

This the ____ day of _____, 2022.

Carol Pritchett, Mayor

ATTEST: _____
Olivia Stewman, Town Clerk

APPROVED AS TO FORM:

William C. Morgan, Jr.
Town Attorney

**LAKE LURE TOWN COUNCIL
WORK SESSION MEETING
Meeting Date: May 25, 2022**

SUBJECT: ABC Discussion

AGENDA INFORMATION:

Item Number: IX

Contact:

Presenter:

BRIEF SUMMARY: The purpose of this item is to discuss the ABC Board and store operations.

