



**MINUTES OF THE REGULAR WORK SESSION MEETING OF THE LAKE LURE TOWN COUNCIL HELD WEDNESDAY, OCTOBER 25, 2023, 8:30 A.M. AT THE LAKE LURE MUNICIPAL HALL**

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

William Manager Perkins, Jr., Town Manager  
William Morgan, Jr., Town Attorney  
Michael Williams, Community Development Director  
Stephen Ford, Finance Director  
Laura Krejci, Communications Director  
Jennifer Duncan, Human Resources/Customer Service Specialist  
Dean Givens, Parks, Recreation, and Lake Director  
Dean Lindsey, Public Services Director  
Michael Dydula, Project Manager  
Wade Oppliger & Paul Brock, Proposers for lease of former ABC Store  
George Wittmer, Lake Lure Tours, Proposer for lease of former ABC Store

**ABSENT:**

**I. CALL TO ORDER**

Mayor Carol C. Pritchett called the work session to order at 8:30 a.m.

**II. AGENDA ADOPTION**

Commissioner DiOrio made a motion to adopt the agenda, with the relocation of Item XV (“Continue Review of Proposals for the Lease of the Former ABC Store Property”) to Item IV and renumbering the remaining items accordingly. Commissioner Bryant seconded and the motion carried 4-0.

**III. PUBLIC COMMENT**

There were no comments from the public.

**IV. CONTINUE REVIEW OF PROPOSALS FOR THE LEASE OF THE FORMER ABC STORE PROPERTY**

Manager Perkins explained that the Town continued accepting proposal for the lease of the former ABC Store and there have been two updated proposals received. Manager Perkins detailed that one updated proposal was submitted by Mr. Wade Oppliger and Mr. Paul Brock, and the other updated proposal was submitted by Lake Lure Tours. Manager Perkins pointed out that staff provided a table comparing the proposals in the meeting packet. It was noted that the updated proposal from Lake Lure Tours only involves the lease of the building and the proposed rent price is now \$3,000. Commissioner Proctor noted that Mr. Oppliger and Mr. Brock's proposal includes that the Town will pay for the construction of a deck, which is not included in the comparison chart. Commissioner DiOrio noted that Lake Lure Tours rent is now proposed at \$3,000 for just the building. Manager Perkins noted that Mr. Oppliger's proposal had a rent increase and is now \$4,000 per month which would include all elements that they would like to use including docks, parking, ramps, and adjacent property. It was noted that the newly proposed term from Lake Lure Tours is two years. Manager Perkins and Council discussed that Mr. Oppliger and Mr. Brock's proposal includes \$4,000 rent plus concessions. Manager Perkins noted that he had not heard any other updates from any former proposers.

Mr. Brock provided a summary as to why he joined Mr. Oppliger's proposal, along with WNC Outdoor Collective. It was noted that Mr. Oppliger is involved in an outdoor coalition that could bring in local paddle boards, hammocks, and other outdoors equipment. Mr. Brock noted that the main reason that he wanted to get involved is because he was concerned about the character of Pool Creek Park, parking, and boat docks remaining public. Mr. Brock added that he thought that more could be done with the store than was proposed in Mr. Oppliger's original proposal. It was summarized that the proposal includes the building, the area in which Mr. Oppliger utilizes his rowing equipment, and additional parking. It was further noted that their proposal does not include Pool Creek Park. Mr. Brock noted that the proposal includes a deck which would be built by the Town. Mr. Brock explained that his plan would be to extend Lured Market's products into the former ABC Store such as seafood, meat, wine. Mr. Brock explained that he has completed research and can provide photos of his vision. Mr. Brock added that he would like to incorporate a nice café with coffee and baked goods.

Mr. Brock noted that he envisions the store operating with the current parking spots in addition to seven or eight additional parking spots near the dirt road area, if it is doable per Community Development. Commissioner Doster noted the current parking holds about 10 to 11 spaces. Commissioner DiOrio expressed that a parking plan as a separate action will be a factor no matter which proposal is chosen and noted that Town would work with the renter.

Commissioner DiOrio asked for clarification that the building would have a combination of items from the WNC Outdoor Collective and an expansion of Mr. Brock's existing store's products. Mr. Brock confirmed that this is correct.

Commissioner Doster noted that he is interested in hearing more about the outdoor portion of Mr. Brock and Mr. Oppliger's proposal. Commissioner Doster asked if they are planning to mirror what has been done in Black Mountain by the WNC Outdoor Collective. Mr. Oppliger answered yes, but in a sense that is leaning more towards water activities. Mr. Oppliger explained that he is looking for a formalized agreement for the space that his Rowing Club already utilizes. Mr. Oppliger noted that operations would not encroach outside of this space at all. Mr. Oppliger directed Council to his site plan and explained that there is a lot of vehicle access to the ramp space and that he would like additional access for non-motorized boats. Mr. Oppliger added that the ramp is slick right now and that he would like to have dry access. Mr. Oppliger noted that the significant change for the rowing area would be an additional dock located behind the current boathouse and by existing docks. Mr. Oppliger noted that if boat house being used by the Town were to become vacant, he would like to renovate them into a gym through a phased process. Commissioner Doster expressed that the Town will continue using the boat house for the time being.

Mayor Pritchett noted that during discussions at a previous meeting, the Town asked who would be responsible for paying the rent for building. Mr. Brock explained that it would be a combination between him, WNC Outdoor Collective, and possible other parties. It was noted that Mr. Oppliger would be responsible for paying concessions.

Mr. Brock detailed that many of the boat accessories that would be sold in the store would be made locally.

Commissioner Doster noted that after a past Parks and Recreation Board meeting, it was evident that the Board had concerns with maintaining the attractive appearance of the site and asked what the site will look like with non-motorized rental equipment out. Mr. Brock noted that he is committed to maintaining the attractiveness of the area and noted that rentals can be limited according to needs. Commissioner Doster expressed support for the use of skulls and noted that Lake Lure Classical Academy and collegiate rowing teams can use them, but noted that drawdowns will impact the ability to operate the skulls year round. Mr. Oppliger noted that if their proposal is chosen, they can work towards displaying more permanent structures that would be nice, neat, kept safe from weather. Mr. Oppliger agreed that he would like the area to look nice and be in keeping with the aesthetic. Commissioner DiOrio noted that the lake is the Town's property and that Mr. Oppliger and Mr. Brock would be responsible for paying for the rights to put a structure on Town property aside from the Town's boat house. Council members and proposers discussed that zoning and planning regulations will have to be considered when planning and that these regulations may impose limitations. Council members expressed concern with Mr. Oppliger's request to use the Town's police boat house and asked if the Town's boat house could be taken completely out of the equation for the time being. Mr. Oppliger questioned if would it be possible to add a boat house adjacent to the Town's for his activities. Commissioner DiOrio noted that zoning regulations restrict a lot of development in that area, but it could be explored. Mr. Oppliger expressed that they are trying to facilitate better access for non-motorized boat users.

Commissioner DiOrio noted that any renters will not limit the Town's abilities to operate on the same property.

Commissioner DiOrio broached the framing of the concessions and noted that Town policy is that any time there is a boat use related monetary endeavor taking place on Town property a concession is required and 15% has been the standard. Commissioner DiOrio added that that rental of non-motorized would require a livery. Commissioner DiOrio asked if these factors fit Mr. Oppliger and Mr. Brock's vision for the property. Mr. Brock answered yes. Mr. Brock noted that one additional possibility is fishing guide services. Commissioner DiOrio noted that if they invest in the dock there would possibility need to be an arrangement to rent out slips. Mayor Pritchett asked for verification that store sales will not be included in the concession and it was confirmed.

Mr. Brock noted that he understands that there are a few factors that need to be expanded on. Mr. Brock added that h feels like there is a lot of support for this proposal and when he ran the numbers he felt as though the business can support the proposed rental amount. Mr. Brock also noted that he will need to make improvements inside the building.

Commissioner DiOrio asked that they consider that if docks are installed, he would like to see the same kind of docks that are in Washburn, which are floating aluminum, and asked if they would need access to the Town's hot docks. Mr. Brock noted that he thinks that the public should have access to the hot docks and that he does not want to control those docks, but they could help the business. Commissioner. DiOrio noted that phase two portion of the proposal is up for negotiation, but the expectation is that Mr. Brock and Mr. Oppliger want to use the area with exception of the Town's boat house which would continue to house the police boat.

Mr. Oppliger noted that one thing they want to do that is not on the updated proposal is to proceed with completing permitting. Commissioner Proctor noted that permitting would require a really detailed site plan and that the concept plan could not replace an approval of a site plan. Mr. Oppliger noted they want to look at feasibility for the dock, access door, and long dock. Commissioner Proctor noted that even the deck would need approvals and noted that Council can approve concept plans, but site plans would have to be approved by Community Development.

Mr. Brock noted that the reason that they are asking for the Town to pay for the deck is because it will remain on site after they are gone. Council asked if there was a cost estimate for the deck. Mr. Brock expressed that they do not have a cost estimate for the deck yet and that it would be dependent on size. Mr. Brock noted that adding the deck would be an enhancement to the property. Mr. Brock expressed that there is also a propane tank and non-native growth that may need to addressed.

Council discussed that the Lake Lure Tours proposal is very straight forward.

Mr. Brock noted that he would like a five year term with an option for an additional five years. Mr. Brock noted that five years would be the minimum amount of time that he is willing to enter into a lease for because of the time and effort spent. It was noted that Lake Lure Tours is asking for a minimum term of two years. Commissioner Proctor noted that he has dealt with multiple commercial leases where the rent increases after the first term depending on cost of living.

Manager Perkins noted that there are recommendations for rent increases within the appraisal report.

Commissioner Bryant noted that from his perspective, there are only two active proposals at this time including the one from Lake Lure Tours and from Mr. Oppliger and Mr. Brock. Other Council members agreed.

Commissioner DiOrio asked what the next steps are. Council discussed that the next steps are allow the proposers to make any updates, to update the comparison chart, and revisit discussions at a future meeting.

Commissioner DiOrio noted that the proposers cannot obtain permits prior to a decision being made, but recommended that they speak Community Development to see what would be plausible. Director Williams agreed to speak with the proposers.

It was noted that limitations for the deck needed to be determined in order to determine costs. Manager Perkins asked Mr. Brock if the deck will be accessed through the existing rear of the building and Mr. Brock said yes and added that it would be nice to have a second door but he not asking the town to provide this.

Commissioner Doster noted that when Mr. Brock and Mr. Oppliger update their proposal, phase two needs to be removed.

Project Manager Dydula suggested that the Town only has zoning and planning authority, and that the proposers will need to consider trout buffers, soil and erosion, and other state determined factors. Project Manager Dydula recommended getting an option on the property and go through due diligence. Project Manager Dydula reiterated need for site feasibility plan. Mr. Brock noted that he and Mr. Oppliger are in the process of working with Odom Engineering on a site feasibility plan.

Council members reiterated that the comparison chart would need to be updated and that discussions could continue at a later meeting.

## **V. DISCUSS PROPOSED AMENDMENTS TO SPEED LIMIT ORDINANCES**

Manager Perkins explained that he has received a few comments and questions regarding placement of speed limit signs in residential neighborhoods. It was further explained that are a couple of signs for Town wide speed limits placed at Town entrances, but the Code or Ordinances does not have supporting language. Manager Perkins proposed an amendment to add declarations to the Ordinances for speed limits. Manager Perkins detailed that based on a guiding document for traffic, speed limit signs should be placed, if needed, at the beginning of a residential neighborhood and there would not be a need for any additional signs in that neighborhood. Manager Perkins noted that an amendment would codify the 25 town wide speed limit and any other posted speed limits could be added in the future. Manager Perkins added that the Town should also added verbiage that states that nothing in the section shall be interpreted to permit any person to drive a

vehicle at a speed greater than is reasonable and prudent under the conditions then existing. Manager Perkins explained that Town Council by ordinance would designate specific streets that are different from 25 MPH and those would be added to the Code of Ordinances. Commissioner Bryant asked if this would be just for Town owned streets and Manager Perkins answered that the Code would be enforceable for both public and private streets within Town limits because the Town controls street safety. Manager Perkins noted that it would be a gradual transition and Council discussed. Commissioner Proctor asked if the town would need to approve speed limits for private roads in Town limits and Town Attorney William Morgan expressed that it is his opinion that Council should approve all roads within Town limits, but it was noted that Attorney Morgan will follow-up.

Council members expressed support for codifying speed limits within the Ordinances and there was consensus to vote on the proposed amendments during the regular meeting in November.

**VI. REVIEW AND CONSIDER TAKING ACTION ON DUKE ENERGY POWER PURCHASE AGREEMENT AND RENEWABLE ENERGY CERTIFICATIONS TRANSACTION AGREEMENT**

Manager Perkins explained that this topic was discussed at the October 10<sup>th</sup> meeting and that Council opted for a two year Power Purchase Agreement (PPA) and Renewable Energy Certifications (REC) Transaction Agreement. It was detailed that the Town had received updated information based on the two year term that was selected. Manager Perkins noted that both the PPA and REC Transaction Agreement expire on October 31<sup>st</sup> and recommended that Council take action on approving future agreements.

Commissioner DiOrio made a motion to approve the Duke Energy Power Purchase Agreement with a two year term. Commissioner Bryant seconded and all voted in favor.

Commissioner DiOrio made a motion to approve the Renewable Energy Certifications Transaction Agreement with a two year term. Commissioner Bryant seconded and all voted in favor.

**VII. CONTINUE DISCUSSIONS REGARDING LAKE LURE TOURS OFF-SEASON BEACH HOURS**

Manager Perkins explained that this item was discussed at the October 10<sup>th</sup> meeting and there were questions about how the request from Lake Lure Tours (LLT) would impact off season use of beach for events. Manager Perkins announced that off-season use of the beach for authorized supervised events would not be impacted. Council members discussed that closing the beach to unsupervised access in the off-season is a matter of safety.

Commissioner DiOrio made a motion to approve the request submitted by Lake Lure Tours regarding off-season beach hours. Commissioner Proctor seconded and all voted in favor.

Manager Perkins asked if the Council would like to approve the request for multiple years. Council discussed approving for this season off-season now and looking at a contract amendment for future off-seasons.

**VIII. REVIEW JOB DESCRIPTION FOR THE HYDRO UTILITIES TECHNICIAN POSITION**

Manager Perkins explained that Public Services Director Dean Lindsey wants to convert the former hydro utilities supervisor position to a technician position. It was added that the position would decrease in hierarchy and pay scale. Council expressed support for the new position description. Commissioner Bryant asked if this position would include the use of Town vehicles and it was answered no.

Manager Perkins stated that the Hydro Utilities Technician description would be on the November regular meeting agenda for approval.

**IX. REVIEW PROPOSED SCHNABEL WORK ORDER NO. 12, PROPOSAL FOR PROFESSIONAL ENGINEERING SERVICES FOR DAM AND SPILLWAY GATE INSPECTIONS**

Director Lindsey explained that Schnabel Work Order 12 entails the inspection of the dam and spillways every five years. It was noted that Work Order 12 would enable new seals on the tainter gates. Director Lindsey expressed that it is for the purpose of maintaining safety of the dam. Commissioner DiOrio expressed surprise and concern with the costliness of the Work Order. Director Lindsey noted that he can ask for a more detailed breakdown of the costs. Commissioner DiOrio recommended delaying approval of the Work Order until the Town can get a more detailed cost breakdown, including the costs engineering and design. Commissioner DiOrio asked if it would be more beneficial from a cost and ease standpoint to complete inspections when the drain valves are installed and the lake can be drawn down further. Project Manager Dydula answered no and expressed that this is important and should be done as soon as possible. Project Manager Dydula noted that he also had concerns with the costs, but Schnabel explained the cost breakdown to him. Commissioner Proctor expressed that Council knows that inspections need to be completed, but they would like to have a better understanding of costs before approving the Work Order. Director Lindsey recommended getting more information on the inspection of the spillway gates, but expressed that the Town should proceed with the dam inspection which has a lower cost. It was noted that Work Order 12 will be re-visited at the regular Council meeting in November. Manager Perkins noted that a budget amendment will be required when Work Order 12 is approved. Council discussed the possibility of only approving Task 1 for the dam inspection for the time being.

**X. DISCUSS CAPITAL RESERVE FOR BUILDINGS, LAND, AND PARKS**

Manager Perkins explained that a memo from Finance Director Stephen Ford was provided in the meeting packet detailing the recommendation to create a capital reserve for buildings, land, and parks. Manager Perkins noted that the Town will need to establish the purpose, timeframe,

and desired amount of funds for the reserve. Manager Perkins added that the reserve can always be amended in the future. Manager Perkins recommended that the annual appropriation for the reserve will entail the Town's pledge for TDA funds, at a minimum. Commissioner DiOrio noted that this would improve the annual budget and asked if it will be established during this fiscal year. Manager Perkins answered that he would recommend that it is established during this fiscal year and noted that there was unspent funds for the public works laydown last year and that these funds can be incorporated into this reserve. Mayor Pritchett asked what the amount of unspent funds for the public works laydown area was and it was estimated to be about \$450,000. Commissioner DiOrio noted that audit needs to be pristine in order to increase funds for infrastructure and expressed that he likes the idea of creating this capital reserve, but wants to ensure that it will be a positive factor on the audit and will not disrupt the general fund balance. Manager Perkins expressed that he does not think that the general fund balance will be negatively disrupted. Commissioner Proctor expressed that in his experience, the Local Government Commission (LGC) prefers capital reserves and understands restricted vs. non-restricted reserves. Manager Perkins noted that staff will prepare the mechanics and will present documents for approval at the November regular meeting.

Mayor Pritchett called for a 5 minute break.

## **XI. REVIEW RECOMMENDED PERSONNEL POLICY CHANGES**

Manager Perkins noted that he and Human Resources Specialist Jennifer Duncan have been in the process of making proposed amendments to the personnel policy and that the recommended changes are located in the meeting packet. Manager Perkins explained that the Town has a post-retirement state health plan benefit that is no longer allowed in the state. It was noted that January 1, 2021 was the deadline for someone to be eligible to remain on the state health plan after retirement. Manager Perkins explained that he would like to continue to offer post-retirement health insurance benefits and explained that staff is proposing that any employee who retires with the Town and was hired after January 1, 2022 would work with an insurance broker, get a Blue Cross Blue Shield comparable plan. Manager Perkins expanded that for the first 18 months of retirement, retirees will be covered by COBRA which will be paid by the retiree and reimbursed, then the retiree will transition to the plan offered by the Town until they are eligible for Medicaid. Manager Perkins noted that in order for a retiree to receive this benefit, they must be eligible to retire in local governmental employees' retirement system, must be with the Town for 5 consecutive years of service prior to retiring with the Town. Manager Perkins added that retirees also must meet the minimum age and longevity. Commissioner DiOrio asked if the subsidy is different based on years of service and Manager Perkins answered that it is all the same once eligibility is met. Commissioner DiOrio asked what the minimum age for retirement is for non-law enforcement officers and Manager Perkins answered that he thinks 50 is the minimum age that someone is eligible to retire after working for 20 years, but you must work 30 years to receive full benefits. Manager Perkins noted that current Lake Lure hires have been told that they would receive insurance benefits after retiring with the Town, but noted that Council could add a date limit for those who are hired in the future. Mayor Pritchett asked if Town staff think this is a benefit that will market people to work for Lake Lure and Specialist Duncan answered yes. Commissioner DiOrio asked how much money will be spent per year for health insurance for individual retirees



and Specialist Duncan explained that it will be more expensive for retirees than employees, but the total costs are unknown at this time. Manager Perkins noted the benefit to having a retiree on COBRA for 18 months is that they remain on the state health plan for that amount of time. Manager Perkins noted that the Town plans to follow the policy being implemented by Nash County.

Manager Perkins explained that a current policy is that the Town allows non-exempt employees to accrue compensatory time, but they are not allowed to cash it out at any time. Manager Perkins detailed that the recommended amendment will allow employees to accrue up to the general statute determined limit and anything over that limit will be cashed out. Manager Perkins noted that money that is not cashed out for excess compensatory time represents a liability on the Town's books. It was noted that a lot of Towns will urge employees to use compensatory time through the year and that Lake Lure will do this, but staff is recommending paying out any excess compensatory time annually. Mayor Pritchett expressed that this has been an issue in the past. It was noted that the Town will try to start pay outs prior to the end of the fiscal year. Mayor noted that if staff is accruing an excessive amount of overtime, it may be beneficial hire additional employees. It was noted that most overtime is accrued by public safety and public works staff. Commissioner DiOrio explained that at federal level, employees are required to use compensatory time within two weeks of accrual and it expires if it is not used within that time. Manager Perkins noted that the Town cannot legally allow compensatory time to expire. Commissioner DiOrio suggested that the Town establish a time limit for compensatory time to be used. Parks, Recreation, and Lake Director Dean Givens explained that an issue with having a limited amount of time to use compensatory time is that most overtime in his department is accrued in the summer months and that is when they are needed the most, so it would be difficult for them to take time off within those months. Council discussed paying overtime versus compensatory time. Mayor Pritchett noted that the Town will need to budget for any pay outs at the end of the year.

Manager Perkins noted that there has been a limit of one year to transfer sick leave and Town staff is recommending that the limit be expended to two years. It was discussed that sick leave cannot be paid out. It was noted that an individual must be a part of the local government or teacher retirement system in order to transfer sick leave. Manager Perkins explained that there is not a limit to the amount of sick leave accrued and that it is the Town's policy that an employee should use all compensatory time prior to using any sick leave time.

Council expressed support for the recommended personnel policy amendments.

<p><b>XII. CONTINUE DISCUSSIONS REGARDING BOYS CAMP ROAD/PARKS AND RECREATION TRUST FUND (PARTF)</b></p>
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Manager Perkins explained that he met with consultants with McGill Associates who work in this area, one individual of which was the previous director for the Parks and Recreation Trust Fund (PARTF). Manager Perkins noted that there was a previous misunderstanding that the Town cannot apply for a PARTF grant if it is in violation related to another PARTF grant, but this is only the case for the Land and Water Conservation Fund (LWCF). Manager Perkins confirmed that the Town can apply for PARTF for Morse Park and that the application will include a note that the Town is out of compliance for Boys Camp Road but is working towards resolving issues and

gaining compliance. Manager Perkins explained that at the last meeting, there was a consensus to proceed with a conversion. Manager Perkins expanded that paying back the PARTF funds for Boys Camp or going through a conversion process will be time consuming and costly, but a conversion would be more complex and the Town would need a new plan design and multiple appraisals. Manager Perkins expressed that the fastest and easiest way to get in compliance with PARTF is to pay it back. Commissioner Proctor asked if this is also applicable for LWCF and Manager Perkins answered that LWCF is federal, so it is different and it would be very difficult to get back into compliance with LWCF. Manager Perkins added that there are so many restrictions associated with LWCF that the Town may not even want to pursue LWCF in the future. Commissioner Doster asked if the Town can proceed with getting an appraisal for Boys Camp and Manager Perkins noted that staff is currently working on the appraisal process and that the Town is using the original appraisers that were used for the property. Manager Perkins noted that either conversion or repayment will have to be made at current value. Manager Perkins also noted that McGill Associates is going to speak with individuals directing PARTF to gain a better understanding of what is needed from the Town because the Town has found that it is difficult to receive any direct answers from PARTF. Manager Perkins noted that Town staff wants the appraisal done before the cell tower is constructed. It was explained that if the Town had begun investing in the Boys Camp campground project, it would have increased the property value. Commissioner DiOrio expressed that he would rather work on a conversion to avoid a sunken cost. Commissioner Proctor noted that there will be costs for planning and development associated with the conversion. Manager Perkins detailed the extensiveness of completing a conversion. Council members expressed that they would like to see an appraisal of the property prior to continued discussion. Manager Perkins stated that the appraisal will be done within the next couple of weeks.

**XIII. REVIEW MAINTENANCE AGREEMENT FOR NEW ELECTRIC VEHICLE CHARGERS AND DISCUSS CHARGING FOR USE OF CHARGERS TO COVER TOWN COSTS**

Manager Perkins explained that the Town's Electric Vehicle (EV) chargers are not functioning correctly. Manager Perkins detailed that they are at least six years old and the Town acquired them when technology was less advanced. Manager Perkins added that Town staff is in the process of replacing the broken chargers and that he is recommending entering into a maintenance agreement for three years which will allow the Town to get the best cost. Manager Perkins explained that users of the chargers will pay for the costs of electricity use and any transaction charges that the town will need to pay. Manager Perkins recommended approval of the maintenance agreement at regular meeting in November. Mayor Pritchett asked how many chargers the Town will be replacing and Manager Perkins answered two. Mayor Pritchett and Commissioner DiOrio questioned why the Town provides EV chargers and why no other establishments in the town do not. It was noted that there is a parking limit of four hours. Commissioner DiOrio asked if the Town could implement a surcharge to cover the costs of the chargers. Manager Perkins noted that the Town could implement a surcharge, but expressed that the chargers are not expensive. Commissioner DiOrio asked if the \$5,000 cost is worth the investment in what the Town gets back in use and tourism and Manager Perkins answered yes. Commissioner Doster asked if the replacement chargers will be universal and Manager Perkins noted that there are adapters that people can use for all types. Commissioner Doster asked how much it would cost to relocate them the EV chargers and Manager Perkins noted that it would be more cost effective to replace in the current location. Commissioner Doster noted that sometimes the chargers are a hindrance

in the current location. It was noted that the chargers may need to be relocated after the Morse Park parking lot is expanded. Council expressed support for a maintenance agreement for the replacement EV chargers.

**XIV. REVIEW THE ZONING AND PLANNING BOARD'S RECOMMENDATION  
REGARDING CHICKENS AND CHAPTER 4 ("ANIMALS") OF THE CODE OF  
ORDINANCES**

Director Williams explained that Council was provided with Zoning and Planning Board recommendations in regard to allowing chickens and summarized that the Board agreed that there could be a way to allow property owners to have up to four hens, but could not settle on parameters. Director Williams added that opinions were mixed and there was no consensus to parameters that would allow chickens. It was noted that the proposal in the package was what Town staff had created and presented to the Board based on their past discussions. Director Williams noted that two parameters are listed and that the strictest parameters would be favorable. Mayor Pritchett asked who would be monitoring and enforcing the regulations surrounding chickens and Director Williams explained that there would be a registration fee each year and that would allow staff to follow-up on chickens. Director Williams noted that staff would also investigate based on complaints received. Director Williams added that people would need to provide site plan in order to be permitted to have chickens. Mayor Pritchett expressed that it will take a significant amount of time to enforce. Commissioner DiOrio suggested leaving the recommendation as is and allowing the public to comment on it during a future meeting. Council continued discussions regarding the Zoning and Planning Board motions. Commissioner Doster noted that there were a few public comments at the last Zoning and Planning Board meeting and there were some that were against chickens and some that were in favor of chickens. Manager Perkins noted that the people who spoke against chickens did so based on a specific instance and that instance was unregulated and unlawful. Commissioner Doster noted that an email he received was completely against allowing chickens. Commissioner Proctor expressed the Town needs to look at other towns who have an ordinance allowing chickens. Director Williams noted that the Town is different from other communities because of the lake. Commissioner Bryant noted that one detail that is not listed in the recommendation is acreage limitations and recommended that a limit be set for minimum acreage for allowing chickens. Manager Perkins expressed that more restrictions should be imposed to start with. Director Williams noted that if allowed, there would be a four hen limit, only in residential areas, and no free-range chickens or roosters would be allowed. It was noted that parameters for property lines and home setbacks should suffice in lieu of acreage limitations. Director Williams details the need for greater setback distance from lake. Director Williams expressed that it is his opinion that the four hen limit is reasonable and that he does not want chickens on small properties. Commissioner Doster noted that another detail that was brought up was predators that chickens could attract. Commissioner Proctor noted that his daughter has chickens and in her experience, only foxes and hawks have been an issue. Director Williams added that his son has chickens and that they have attracted coyotes, hawks, raccoons, and foxes. Director Williams noted that chickens would not attract bears, but inadequately contained chicken feed could.

Mayor Pritchett summarized that there is consensus for a recommendation at this time and asked what the next steps are. Director Williams recommended that staff can revise language to fit the most conservative parameters and can bring the updated language to Council during the next work session and action meeting. An attendee asked if this will be re-visited and it was confirmed that it will be re-visited at the next work session and action meeting.

**XV. REVIEW THE ZONING AND PLANNING BOARD'S RECOMMENDATION REGARDING ALCOHOL SALES IN LAKE LURE**

Director Williams noted the Zoning and Planning Board has been in the process of crafting a recommendation for ordinance language related to alcohol sales in Lake Lure and that they have provide a final recommendation to Council located in the meeting packet. Director Williams cited the recommendation is to amendment of the Zoning Ordinances to revise definitions to fit the North Carolina General Statute 18B definitions for hotel/motel, restaurants, mobile food vendor, private club, community theatre, and convention center; to remove Section 36-65(C) (2); to correct the “micro-brewery” definition error to reflect that the products sold must be at least 75 percent on-site; and to remove “alcoholic beverages for off-premises consumption” from Section 36-62(B) (1). Director Williams also discussed the Board’s recommendation for staff interpretations. Commissioner Doster explained that if someone wants to open an establishment to sell alcohol, they have to submit an application to the state ABC Commission and the Community Development Department must fill out a portion of it. It was noted that in order to sell spirituous liquors, an establishment must be a restaurant. Director Williams agreed that staff has to fill out a portion of the application form submitted to the ABC Commission to ensure that the establishment will be in compliance with local regulations and that the state is not likely to override a local government’s determinations. Commissioner Proctor asked if private clubs are allowed and defined in the zoning ordinances. Director Williams answered that private clubs are not currently defined, but have been a couple of private clubs in the past. Commissioner DiOrio noted that there is a couple of the establishments that serve alcohol on lake structures and recommended the Town add a clause that this privilege is extended to any associated lake structures since they are on Town property.

Director Williams concluded that he will revise the proposed ordinance and the Town will schedule a public hearing in the future.

**XVI. SRF LOAN UPDATES**

Manager Perkins explained that after the Town had recently accepted the additional State Revolving Fund (SRF) loan offer, staff received a revised offer with an additional \$80,261 that was accidentally left out of the first offer letter. It was noted that the Town will need to replace the recently adopted resolution accepting the SRF with an updated resolution. Manager Perkins added that the state has asked for additional documents to be submitted for the acceptance that were also not included in the original offer letter and that staff will be working on completing these documents. It was noted that the updated resolution should be on the regular meeting agenda in November.

**XVII. DISCUSS INTERNSHIPS**

Manager Perkins explained that staff feels that the Town would benefit from hosting interns who can help with Town operations such as integrating new sewer policies and other issues. Manager Perkins noted that he has also spoken with Director Williams about getting an intern for Community Development who could work on updating GIS records. Manager Perkins noted that he is in contact with Appalachian State University about the process to hosting an intern.. Manager Perkins detailed

that the internship would pay about \$15-\$20 per hour, would be for 12 weeks, and would likely begin in April and end after the fiscal year is over. Manager Perkins asked that Council provide input on this topic. Manager Perkins noted that a budget amendment will be required to allot for paying the interns and that the Town can plan to budget for interns in future fiscal years. Council members expressed support.

**XVIII. DISCUSS NELON GARBAGE SERVICES AGREEMENT**

Manager Perkins explained that the Town has been operating Garbage Services through annual contracts with Nelon. Manager Perkins added that the Town needs to enter into a new agreement with Nelon and recommended that the agreement extend for longer than 12 months. Manager Perkins recommended that the Town enter into an agreement from the time of approval until the end of June 2025. Manager Perkins noted that after the two year agreement expires, it would be beneficial to advertise for bids for competitive pricing in the future. It was noted that staff will work on an updated agreement with Nelon and it will come before Council for approval.

**XIX. PROJECT MANAGER UPDATES**

Project Manager Dydula noted that he wants to re-visit dam inspection conversation and explained that he had spoken with Jonathan Pittman from Schnabel who informed him that DEQ inspected the dam in 2017 and Schnabel re-inspected it in 2018, but there are still some outstanding issues that need to be addressed per DEQ's recommendation. Project Manager Dydula urged Council to proceed with the inspection of the dam.

Project Manager Dydula noted that one issue that needs to be addressed during the 2024-2025 drawdown period is erosion control that will require property specifications. Project Manager Dydula asked for specifics regarding boundaries of the Lake. Commissioner Proctor noted that Attorney Morgan can speak to this, but he recalls that the Town has rights to go to 995 for any kind of maintenance. It was noted that the original deed confirms the 995 and there are a few conflicting deeds, but there was confirmation that the Town has the right to perform construction and maintenance up to the 995 level. Commissioner DiOrio expressed that the Town need to be consistent with the 995 limit. Commissioner Proctor noted that the recent changes to the Lake Lure Regulations and Lake Structure Regulations support 995. It was reiterated that the Town has rights up to the 995 level.

Project Manager Dydula noted that the Horizontal Directional Drilling (HDD) project will not likely take place during the upcoming drawdown. It was detailed that Ruby-Collins has been in contact with firms that are interested in completing the HDD project. Project Manager Dydula estimated that the total amount of time to complete the HDD project will be about three to five months and will cost about \$2.5 million. It was stated that the HDD project will likely occur during the 2024-2025 lake drawdown.

Project Manager Dydula noted that he, Ruby-Collins, and LaBella are meeting with property owners to discuss manhole placements.

Project Manager Dydula informed Council that LaBella and Ruby-Collins would like to submit the GMP for the 2024-2025 drawdown and they will be asking for a five month drawdown period.

Project Manager Dydula expressed that five months is not ample time to get work completed and asked Council to consider drawdowns that exceed five months.

Project Manager Dydula suggested that the Town should hold another forum to re-discuss phases of the sewer replacement project with property owners.

Project Manager Dydula explained that Ruby-Collins and LaBella do not want to touch the dam due to concerns with liability that were expressed by the Town. Project Manager Dydula suggested that Ruby-Collins and LaBella coordinate with Schnabel and Morgan Corporation to address any dam related work. Commissioner DiOrio explained that the Town never expressed concerns with liability issues related to LaBella and Ruby-Collins touching the dam. Commissioner DiOrio expanded that the firms looked at design for fasteners that would not touch the dam, but the Town never stated that they should not touch the dam. Project Manager Dydula noted that he would follow-up.

Project Manager Dydula detailed that he and Attorney Morgan are working on performance and payment bonds. Project Manager Dydula noted that these bonds are required, but he does not think that they were ever completed for the sewer project. It was noted that there was an incorrect assumption that the contracts had their own bonds, but Ruby-Collins should have the bonds in a couple of weeks.

It was detailed that there is a preliminary master plan for the future Wastewater Treatment Plant (WWTP) that includes three site options. Project Manager Dydula recommended that staff review the options and then present them to Council. Project Manager Dydula explained that LaBella has expressed that the new WWTP should be installed at least one year before the completion of sewer replacement project.

Project Manager Dydula detailed that Morgan Corporation has begun to work on installing the reservoir drain valves and invited Council to visit the site. It was noted that students will be visiting from Western Carolina University.

Project Manager Perkins detailed that there is a change order for about \$100,200 for a bypass line for the reservoir drain because Morgan Corporation does not feel confident that they can use what they have now. It was noted that there is a possibility that the price could increase. Council members asked when the last time the bypass line was used and Director Lindsey explained that bypass was never finished, so it was never used. It was detailed that it is now an 8 inch gate valve, but Morgan Corporation would like to use it as the bypass. Project Manager Dydula explained that he has asked LaBella what would be required for state permitting if the Town does a hot tap/quick connection, but LaBella expressed that this option would not offer much flow. Project Manager noted that he will be reviewing this theory and reviewing the flow. Commissioner Proctor noted that the Town could have policy on valves. Project Manager Dydula expressed that you cannot have too many valves.

Commissioner DiOrio expressed that he is interested in the operational limitations that the Town needs to be considering with the dam. Commissioner DiOrio questioned how much the Town can do with the spillway and generator. Project Manager Dydula noted that there is an estimate based on 500 CFS for the generator. Director Lindsey agreed to work on determining at estimates with hydro plant.

Commissioner DiOrio noted that it seems like the Town's equipment laydown area is functioning well enough and meeting requirements. Project Manager Dydula agreed and noted that

Morgan Corporation is current using the dam site as a laydown area because it is closer than the laydown area at the Green Space. It was noted that any spoils will be located there.

Project Manager Dydula noted that he is still working on obtaining easements from property owners.

Project Manager Dydula explained that he is in contact with the DOT regarding the replacement dam bridge and is working on compiling comments from the Town to submit to the DOT. It was noted that the Town will set up a round table when all comments are compiled.

Project Manager Dydula explained that he has spent a month going over every historical dredging document. It was noted that the Town will send the dredging grant extension request letter this week. Project Manager Dydula noted that one thing the Town found out is that Landon Davis is leaving DEQ and he has been the Town's contact for dredging, so the Town will have to work around any changes that the shift in staff might create. Project Manager Dydula detailed that historical documents show that dredging has been an issue since day one and that one issue with dredging is that sediment has depositing at a high rate and is building up quicker. It was noted that the last major dredging operation was in Morse Park and one of the permit conditions was that the spoils pit be removed and that did not happen. Project Manager Dydula recognized the unique sedimentation issues in Firefly Cove and noted that there are some access rights issues associated with properties in Firefly Cove that have been a hindrance to dredging operations in that area. Commissioner DiOrio expressed support for investigating ways to gain access rights in order to be able to improve sedimentation issues in Firefly Cove. Project Manager Dydula suggested that the Town can make state aware of access rights issues and they can mediate. Project Manager Dydula noted that dredging can turn into a project as major as the sewer and dam projects, such as dredging basins. Project Manager Dydula explained that he is looking at options to mitigate and prevent future issues. Manager Perkins noted that Director Givens had manufacturers visit to discuss dredging basins in the past and a former council was against pursuing it because of the costs. Manager Perkins noted that it would be a lot of money up front, but could save money in the long term. Staff summarized that dredging is a work in progress.

Commissioner Proctor asked for update on sludge removal at the WWTP. It was answered that the sludge removal has been completed. Commissioner Proctor asked if there were pipes in the bottom and Director Lindsey answered yes.

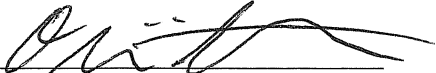
## **XX. TOWN MANAGER UPDATES**

Manager Perkins explained that he wanted to give an update on the floating boat dock and that Lake James Outdoors reported that they have everything ready to begin mounting the boat dock stairs next week and they are prepared for final inspections. Director Lindsey noted that fire boat is off of the rocks. Manager Perkins noted that the floating dock will remain in front of the boom on the lake side. It was noted that Director Lindsey is working with Director Williams to clear the adjacent bank to allow for contractors to utilize the long dock.

**XXI. ADJOURNMENT**

Commissioner DiOrio made a motion to adjourn. Commissioner Bryant seconded and all voted in favor. The meeting was adjourned at 12:20 p.m.

ATTEST:

  
Olivia Stewman, Town Clerk

  
Mayor Carol C. Pritchett

