



**MINUTES OF THE REGULAR WORK SESSION AND ACTION MEETING OF THE
LAKE LURE TOWN COUNCIL HELD WEDNESDAY, FEBRUARY 28, 2024, 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 Hank Perkins, Jr., Town Manager
William Morgan, Jr., Town Attorney
Kathy Tanner, LLFB Board Chair
Charlie Ellis, LLFB
Michael Dydula, Project Manager
Sandra Haynes, PE, LaBella Associates
Keith Gray, Integrated Lakes Management (ILM)
Stephen Ford, Finance Director
Dana Bradley, Parks, Rec., and Trails Coordinator
Richard Carpenter, Dev. and Enviro. Review Specialist
Michael Williams, Community Development Director
Laura Krejci, Communications Director
Dustin Waycaster, Fire Chief

ABSENT:

I. CALL TO ORDER

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

II. AGENDA ADOPTION

Commissioner Patrick Bryant made a motion to adopt the agenda, as presented. Commissioner Proctor seconded and the motion carried 4-0.

III. PUBLIC COMMENT

There were no comments from the public.

IV. UPDATE FROM THE LAKE LURE FLOWERING BRIDGE IN REGARD TO THE EDUCATION CENTER

Mrs. Kathy Tanner explained that yesterday the Board of Adjustment (BOA) granted the Lake Lure Flowering Bridge's (LLFB) Special Use Permit (SUP) with the condition of obtaining the sewer permit from NCDEQ. Mrs. Tanner explained that the LLFB has been working with Odom Engineering, K Enterprises, and Roto Rooter to prepare for obtaining the sewer permit. Mrs. Tanner further explained that there is a line that has been identified and Odom Engineering is submitting the sewer permit application to NCDEQ today.

Mr. Charlie Ellis, 126 N Shore Drive, reiterated that the SUP was approved yesterday. Mr. Ellis explained that the original purpose for being added to the agenda this meeting was to request that the Town to take over the line as it was required by NCDEQ, but NCDEQ since waived that requirement. Mr. Ellis expressed that he hopes that the LLFB can get NCDEQ approval. Mr. Ellis detailed that the 6 inch line is subject to approval of a waiver from the state, so the plan is to submit the application to the NCDEQ Asheville Office and then apply for a variance with the state. Mr. Ellis noted that it has been communicated that it is probable that the variance from the state will be granted, but not certain. It was stated that the line has been located and is larger than previously thought, and it is currently carrying waste from three homes. Mr. Ellis expressed that if NCDEQ decided that the Town is needed throughout the process, the LLFB will be back for further conversations.

Commissioner DiOrio noted that a maintenance agreement between the Town and the LLFB would be a good idea when all steps are completed, but it may hold up the project if it is done prior to construction. Commissioner DiOrio also noted that NCDEQ might want a prescriptive easement. Mr. Ellis stated that the LLFB will take the lead on looking into whether or not an easement is necessary, but it is not clear if NCDEQ has the authority to impose that requirement. Mr. Ellis added that there is a chance that there is already a prescriptive easement with the multiple parties involved. Commissioner Proctor noted that there is an implied easement regardless. Commissioner DiOrio noted that the sewer permit is the last thing that the LLFB needs before obtaining a construction permit, but land disturbance efforts can begin in the meantime. Commissioner DiOrio noted that the LLFB has a land disturbance permit, they need a sewer permit, and then construction can be permitted and can begin. Mr. Ellis agreed, but noted that even though he is hopeful, he is not sure if only the Asheville NCDEQ sewer permit approval will be sufficient with the County. It was noted that Public Services Director Dean Lindsey has had

conversations with NCDEQ and they have indicated that everything is in line to proceed and that they want to go ahead and have Odom Engineering submit the permit without easements. Director Lindsey explained that if the Town took ownership of the line, NCDEQ would require a variance from the state and would require an 8 inch line, but if the LLFB takes ownership it will likely be approved as is. Manager Perkins noted that there has been a good amount of discussions on the matter and that Odom Engineering and NCDEQ will inform the Town whether or not the LLFB is approved or insufficient, and all parties can proceed accordingly. Mr. Ellis reiterated that it was their understanding that the Town taking over the line was a condition imposed by NCDEQ, but that they removed that condition. Mr. Ellis stated that if the LLFB needs any level of cooperation from the Town, they will be back for additional discussions.

Manager Perkins asked how to enforce a prescriptive easement if necessary and Town Attorney William Morgan explained that it would need to go to court to be enforceable. Mr. Ellis expressed that the LLFB would attempt to get a letter from an attorney that an existing prescriptive easement and hopefully NCDEQ will accept that. Mr. Ellis thanked. Council expressed appreciation for Mr. Ellis and the LLFB.

V. DREDGING PRESENTATION – SANDRA HAYNES, PE, LABELLA ASSOCIATES & KEITH GRAY, INTEGRATED LAKES MANAGEMENT (ILM)

All dredging presentation materials can be accessed at the following link: [02-28-2024 Dredging Presentation](#)

Project Manager Dydula introduced Sandra Haynes with LaBella Associates and Keith Grey with Integrated Lakes Management (ILM).

Project Manager Dydula explained that he started with the Town last year, has been working on various project, and wanted to go over the project history. Project Manager Dydula stated that he found reports and pictures from the past, which he displayed. It was noted that the lake has been filling itself in for some time. Project Manager Dydula questioned if anything has been done with dredging long term, and questioned how it has been handled this entire time. Project Manager Dydula detailed the big dig in the 1990s. Project Manager Dydula noted that one reason that dredging it a harsh subject is because it has visible impacts. Council discussed that hotspots relate to safety concerns. It was detailed that there are currently 60,000+ acres coming down the Rocky Broad and 30-70 cubic yards of sediment per year, but there were 28-29 tributaries coming into Lake Lure when it was built. It was discussed that sediment traps have been evaluated, but have not functioned well for Lake Lure. It was noted that the main problem is runoff into the lake. Project Manager Dydula explained that the Town now has an aerial survey of the entire lake which will be helpful in determining which areas to prioritize. Commissioner DiOrio noted that the former contractor's mission was to keep the main channel open and clear for boats. It was detailed that storm events negatively impact sedimentation issues in the lake. Project Manager Dydula stated that he continues to be approached about this subject. Project Manager Dydula expressed that the main focuses are the main channel, Firefly Cove, Rumbling Bald, Lake Lure Village, and Tryon Bay Cove. Project Manager Dydula spoke with the Army Corp of Engineers and he is looking at different methods for mitigation. Commissioner DiOrio discussed that a flow study was done in 2021 and it indicated that the most cost efficient way to reduce flow was to open

up the mouth of the Rocky Broad or open up a hole, and that the stream side solution would not be efficient. Project Manager Dydula rebutted that the person indicated this was not qualified in storm water management. Commissioner Proctor explained that there was a Supreme Court case last year that could help the Town with issues related to dredging. Project Manager Dydula explained that the next steps are to prepare an RFQ and contract with an engineer to produce design plans for dredging. It was noted that per procurement laws, there is no way to sole source dredging. Project Manager Dydula added that the presenters are here as consultants and they are being compensated for their time today. Project Manager Dydula displayed an example of what he would like to publish for the RFQ. Commissioner DiOrio noted that the RFQ is for a long term project, but expressed that there is an immediate need for maintenance dredging. Project Manager Dydula explained that they are one of the same, and stated that we do not have 401 and 404 permits in place. It was discussed that the only permit the Town has is a mining permit. Parks, Recreation, and Trails Coordinator Bradley noted that the area for dredging was initial much smaller and the 401 and 404 permits were not necessary. Ms. Haynes with LaBella explained that permit requirements are determined by dredging impact, and what the Town is doing exceeds maintenance. Project Manager Dydula noted that when you start going out of the navigable water, you can no longer use the general permit that the Town has. Ms. Haynes explained that there has been limited maintenance in the past and the problem when is having excessive sedimentation creating islands and vegetation forms, which needs to be avoiding in order to not become a wetland. Ms. Haynes explained that interpretations of impact change as DEQ and Army Corp turnover occurs. Ms. Haynes noted that there is a maintenance permit, but this exceeds maintenance. Manager Perkins asked Ms. Haynes asked why the Town can no longer do the maintenance dredging that has been done in the past. Ms. Haynes expressed that she does not see what the issue was with the maintenance, but it could be due to interpretations after turnovers. Ms. Haynes noted that the Town's intentions are good, Council wants to protect assets, so she is not sure why it is not being approved because she thinks that it should have been. Ms. Haynes expressed that it is important that the Town maintain good communications with these agencies. Project Manager Dydula expressed that he thinks that everyone has a different perception of maintenance. Project Manager Dydula noted that Kevin Hart from DEQ provided him information on when dredging funds can and cannot be spent. Project Manager Dydula noted that there will be a process to keep operations going and the details are a work in progress. It was noted that in order to look at dredging in a whole, the Town needs a master plan. Commissioner DiOrio expressed confusion as to why this is an issue now and what happened to cause this issue. Commissioner DiOrio asked who is questioning if the Town is maintenance dredging or exceeding that threshold. Project Manager Dydula displayed an email from Brook Davis from Army Corp of Engineers. Commissioner DiOrio noted that the Town has not been dredging the whole lake, and that maintenance needs to continue while a master plan is crafted. Project Manager Dydula noted that he has been working based on an old Brown Engineering report that has been used for grants. Ms. Haynes noted that it is denuded area, which is that area that could potentially be disturbed as operations move. Ms. Haynes noted that part of this could be the reason that operations were advised to stop, but it could be the confusion in communication. Ms. Haynes recalled an issue that she has encountered similar to this and stated that communication is critical and dredging is not a straight forward project. Ms. Haynes noted that with dredging, you cannot see the benefits as much as you can see the problems and costs. Project Manager Dydula noted that he found a report from Lake Adger that he finds to be helpful. It was noted that obtaining dredging permits can take months and varies agencies will be in the review process.

Commissioner DiOrio expressed that what has been done is maintenance dredging and reiterated that there is an immediate threat to the lake. Commissioner DiOrio expanded that a long term approach to avoid build up is good, but the Town needs to have an immediate focus on maintaining the lake. It was noted that hydraulic to maintain, mechanical is for long term. Commissioner DiOrio noted that maintenance has been working in the past and that it should continue in the near term. Commissioner DiOrio noted that maintenance needs to be done now because it is urgent to lake operations. Council discussed that the past operations kept the main channel open. Commissioner DiOrio noted that another issue is determining where to put spoils. It was noted that the Town has temporary dredging easements that need to be utilized. Commissioner DiOrio expressed that there is a need to find an interim solution. Project Manager Dydula noted that if the Town is able to do that per regulatory agencies, then it will be done.

Finance Director Stephen Ford noted that Coordinator Bradley does a great job with filling out dredging grant paperwork, invoices, etc. Director Ford added that this information is submitted to Kevin Hart with DEQ and the Town then receives a check. Director Ford expressed that there has never been any issues and it seems that DEQ has been fine with what the Town has done in the past. Director Ford recommended proceeding with how maintenance was being done for the time being.

Ms. Haynes noted that LaBella reproduced a former plan to get the process going, but something got held up in that process with agency reviews. Ms. Haynes expressed that she thinks that the Town should see if there is some form of communication issue and possibly re-make the maintenance plan. Project Manager Dydula noted that what the Town thought was being done in the past, was not being done well or right.

Ms. Haynes noted that she is a storm water management and transportation engineer with LaBella and noted that she is working on a dredging project similar to this. Ms. Haynes agreed that there are short term and long term goals. Ms. Haynes explained how projects can be differentiated between on-site and off-site, and by significant projects and maintenance projects. Ms. Haynes detailed various options for sedimentation control. It was noted that there are some partnership and education techniques that can be used for those in the watershed. Ms. Haynes added that there are ordinances that can be put into place to help. It was discussed that homeowners are allowed to get permits to dredge with Town approval. Ms. Haynes asked if there have been big groups of homeowners act on this and it was answered that it has happened in the past. It was discussed that sediment transportation can a major aspect and Commissioner DiOrio explained that this is the reason why the Town has been taking sediment outside of Town limits. Ms. Haynes detailed what could be done in narrow sections of the stream and explained that the theory is that it will stabilize itself, but it is difficult to address steep sections in mountainous terrain. Ms. Haynes suggested that the Town look at the project simply and take tracks in different ways to keep everything moving forward. Ms. Haynes provided examples of other projects. It was noted that there are only a few select places in Town where stream gauges could be placed. It was also noted that the Town could work with surrounding counties where sediment is coming from. Commissioner DiOrio noted that the Town has tried to work with five surrounding counties and it has made no traction because they are not interested in helping. Ms. Haynes noted that one place she worked with went to advocacy groups which fought for them towards other Counties. It was

discussed that landfills are not accepting deposits and in 2021 the Army Corps stopped accepting some project sites that aren't costal dredge material, but now have a mandate to re-use dredge material by 2030. Commissioner Proctor noted that the Town used to have a dump that was used to deposit, but the recent issue has been that sediment cannot be deposited in Town limits. Commissioner DiOrio noted that not being able to put it in town limits is a part of the general permit, but not sure why. Commissioner DiOrio added that the old dump site could be used otherwise. It was determined that the Town will look into why sediment cannot be deposited within Town limits and if this could be changed. It was noted that boundary lines create more intricacies. Ms. Haynes expressed that she thinks that there are certain ways that the Town can request permits in the future. It was discussed that funding is another factor. Project Manager Dydula noted that it would be great to do a phased dredging plan and Manager Perkins agreed and stated that it might be a good way to do it under RGP. Commissioner DiOrio noted that the Town has made the argument to DWR that the Town is impacted by storms like the coast is, so the dredging grant is applied for every year and that is the framework. Project Manager Dydula stated that the Army Corps and DEQ say over a half acre needs a permit for RGP. Ms. Haynes noted a place that she worked with got some ARPA funding from the state which was a total payback for the community, and it also applied for a grant with the NC Water and Land Fund and will continue to for future phases. Ms. Haynes discussed a community that is a good example of how sedimentation into the lake is a burden on the communities and it is difficult to control because the issue is coming from miles away. Ms. Haynes expressed that a good place to start making process is to complete an overall watershed assessment, but if the Town is not ready for that what can be controlled must be looked at. Ms. Haynes expressed that the Town must have clear but measurable goals and an action plan. Comprehensive master planning was discussed and it was noted that state and federal agencies are in favor of having these plans and are more willing to fund projects with these plans. Ms. Haynes noted that one way to limit costs of planning is to develop tools for cost estimating and provided some examples. Ms. Haynes noted that there is an environmental component. Ms. Haynes recommended really focusing in on surrounding counties and their help.

Commissioner DiOrio noted that the biggest issue is maintaining. Commissioner DiOrio asked if the Town has enough information today to define and propose a maintenance dredging plan. Commissioner DiOrio added that a long term approach is important, but there is a dire need to get control of maintenance now. Commissioner Proctor recommended completing aerial testing as the lake rises to identify priority areas because this changes with lake level. Ms. Haynes asked Mr. Gray if maintenance is sometimes done without a plan and he said sure. Ms. Haynes added that there are more complex plans to maintenance dredging as well. Ms. Haynes stated that there are in-stream structures for protective barriers. Mayor Pritchett explained that everything from the Board River goes into Firefly Cove and this was discussed. Ms. Haynes noted that just removing areas like Firefly Cove does not work, and the Town would have to go further downstream to fix issues because pockets are built and they get redistributed. Coordinator Bradley noted that the amount of sedimentation each year also depends on the amount of storms. Stream gauges and water quality were discussed.

Mr. Gray from ILM noted that he typically executes what people like Ms. Haynes designs. Mr. Gray noted that there is knowledge within this group, which is great. Mr. Gray expressed that efforts go nowhere unless the community understands it, and that public relations is important. It was detailed that maintenance or sediment reallocation are different from operations that change

the environment, which get more complicated and requires permitting. Mr. Gray stated that how a plan is framed has to do with how the reviewer approves it. Mr. Gray expressed that setting priorities eventually sets routines, and this is very important. Mr. Gray noted that the Town has to be thinking 20 years out. Mr. Gray reviewed dredging methods. It was discussed that timing, scheduling, limitations needs to be established. Mr. Gray explained that sediment bags to protect from future erosion and Commissioner Proctor noted that these have been used in coves before. Mr. Gray expressed that mechanical dredging could be messy and includes permitting limitations, structural considerations, access points. Road clean up, disposal and reuse, material analysis, multiple contractors, and bonding. Mr. Gray expanded that bonding is an issue and that his bonding company does not like to cover projects exceeding three years. Mr. Gray added that this is why he cannot bid a five yare project, which is something that the Town should consider. Project Manager Dydula asked how the Town could continue to do maintenance without the major permitting and Mr. Gray answered that the Army Corps have different districts and personalities, and developing a relationship with them is important. Manager Perkins noted past operations were smaller and less costly, but operations have gotten larger as resources have increased. Mr. Gray noted that the way operations are measured is a factor.

Manager Perkins stated that it wasn't until the dredging grant exceeded \$1 million that the Town got more scrutiny and operations had to change. Project Manager Dydula stated that the Town understands the volume of the dollar amount now.

Mayor Pritchett noted that everyone knows that dredging will be going on forever and it is crucial that the Town figures out how to manage dredging now. Mayor Pritchett added that the lake is the biggest economic development factor that the Town has. Commissioner Proctor noted this could be brought up in the comprehensive plan.

Council thanked the presenters.

VI. DISCUSS POOL CREEK PARK FENCE

Parks, Recreation, and Trails Coordinator Dana Bradley explained that the Pool Creek Park fence has been degrading and needs many repairs. Coordinator Bradley added that it would be more cost efficient to remove it and add boulders as a protective barrier from vehicles. Commissioner Bryant noted that three-fourths of the fence was removed previously. Manager Perkins stated that this topic has gone to the Parks and Recreation Board and they recommended the removal of the fence. Manager Perkins noted that he and Coordinator Bradley have discussed that boulders cannot be within the NCDOT right of way. Commissioner DiOrio proposed a no parking sign, rather than boulders. Commissioner Doster noted that boulders could be placed at a later date, if any issues occur. Commissioner DiOrio noted that his only concern is the possibility of children walking into the road from that location and noted that measures need to be taken to prevent this, but expressed that he thinks that staff can proceed with removing the fence. Council discussed planting a low shrub barrier as a protective measure. Commissioner Bryant asked if the vertical posts are still in useable conditions and Coordinator Bradley answered no. Council members expressed that they were in favor of the shrub planting idea. Manager Perkins noted that this will improve the appearance of the area, especially as Lake Lure Tours is making improvements.

Commissioner DiOrio asked if the Town should review upgrading amenities in the park as well. Coordinator Bradley noted that staff is in the process of replacing all picnic tables. It was discussed that staff will review the budget and determine if any budget amendments are necessary in the future.

Commissioner Proctor made a motion authorize the removal of the Pool Creek Park fence. Commissioner DiOrio seconded and all voted in favor.

VII. DISCUSS YOUNGS MOUNTAIN TRAIL

Coordinator Bradley explained that Youngs Mountain Trail is about 2.2 miles and it is a great trail. Coordinator Bradley further explained that Conserving Carolina has acquired property to add a parking lot and increase the trail, and they would like to deed this to the Town after completion. It was noted that Conserving Carolina would help with maintaining the trail. Coordinator Bradley expressed that she thinks it's a good idea to accept the Trail once completed. Commissioner DiOrio asked if it will be incorporated into parks maintenance plan and Coordinator Bradley answered yes. It was discussed that the property is outside of town limits and nothing would be paid to the County for this. Commissioner Proctor stated that the Town could voluntarily annex the property. Manager Perkins noted that any taxes still owed would be the only financial impact, but these should be all paid by the time it is deeded to the Town.

Commissioner Bryant made a motion to accept Conserving Carolina's donation of the Youngs Mountain Trail Property, once the parking lot and trail are completed. Commissioner DiOrio seconded and all voted in favor.

Coordinator Bradley reiterated that Conserving Carolina has no issue working with the Town on maintenance, at least for a year.

VIII. UPDATE ON THE BOYS CAMP ROAD PARKS AND RECREATION TRUST FUND (PARTF) REPAYMENT PROCESS

Coordinator Bradley noted that since it has been decided that the Town is going to proceed with the method of re-paying the Boys Camp Road Parks and Recreation Trust Fund (PARTF) grant, there are several steps that need to be taken. Coordinator Bradley noted that the steps are located in the meeting packet and that the Town has already completed steps one through three. Coordinator Bradley further explained that the Town is now at step four, which is to announce for a 30 day comment period, will write up any steps to address comments. It was detailed that after the thirty day comment period, the Town needs to hold a public meeting, pass a resolution, and then repay the cost. Mayor Pritchett noted that this needs to be advertised as soon as possible. It was noted that repayment will come out of the general fund this fiscal year.

IX. DISCUSS TIMELINE FOR HIRING A PARKS, RECREATION, AND LAKE DIRECTOR UPON DEAN GIVENS' RETIREMENT IN JULY

Manager Perkins noted that Council has been provided with an updated job description for the Parks, Recreation, and Lake Director. It was detailed that this position has been around a long time and the description should be updated. Manager Perkins expressed that he would like Council to approve the recommended timeline today, but if not it could be approved in March. Manager Perkins detailed that the proposed timeline is to post the advertisement next week, hold interviews in mid-April, have a job offer sent out the first week in May, and have a start date of June 1. The current Director, Dean Givens, retires the last day of July and Manager Perkins would like him to be able to trail the new Director until his retirement. Council reviewed the job description. Commissioner Bryant noted that physical requirements might need to be increased. Commissioner Doster mentioned the requirement of sworn law enforcement officer and Mayor Pritchett noted that the physical requirement could mirror law enforcement requirements. Commissioner DiOrio noted that the position description infers that the Town will maintain the ability for this position to enforce lake rules in conjunction with the Police Department and it was confirmed that this is correct. Commissioner DiOrio asked if it is a public safety position and it was answered yes, and that there would be the same retirement guidelines as other public safety positions. It was detailed that the salary grade would remain as it currently is for the position. It was re-discussed that the physical requirements would need to be met for the law enforcement requirements. Commissioner DiOrio asked if there should be a range for the salary and Manager Perkins answered that this would be included in the job advertisement. Council discussed that salary can be adjusted based on grade 29. Manager Perkins noted that this will be advertised on NC Works, NCLM, NCACC, the Town website, etc.

Commissioner Doster made a motion to approve the job description, with the physical requirement amendments discussed. Commissioner DiOrio seconded and all voted in favor.

Commissioner Bryant made a motion to move Item XIII ("Discuss Lake Structure Condemnation") to Item X and renumber the remaining items. Commissioner DiOrio seconded. All voted in favor.

X. LAKE STRUCTURE CONDEMNATIONS

Development and Environmental Review Specialist Richard Carpenter explained that he does not have the authority to do certain tasks, including the removal or condemnation of lake structures, which must come from the direction of Town Council. Specialist Carpenter explained that he was doing a sediment inspection and speaking with Rumbling Bald when Rumbling Bald noted a lake structure that had flown across the mooring cluster. It was noted that electrical wiring was exposed but was turned off via breaker. This prompted Specialist Carpenter to look at the structures, and Specialist Carpenter assumed that the wind took the structure and flew it about 50 feet and it landed on a pontoon and struck other structures. Specialist Carpenter explained that after speaking with the HOA president, no one is aware of any engineering or architect drawings for the lake structures in the Quail Cove cluster mooring. It was noted that there were no anchors, and that there are wind load requirements from other agencies who gave their opinions that this

would not have happened if the requirements were met. It was noted that the Town has the authority to condemn or require removal of any hazardous structure. Specialist Carpenter recommended condemning three structures and explained that one structure is warped and leaning and two other are destroyed and should be removed from the lake. Specialist Carpenter explained that there is still the issue of the existing canopies, which need engineering drawings. Specialist Carpenter recommended that for the remaining structures, property owners should have to obtain some sort of engineering standards confirming the stability of their structures or to remove them. It was noted that the Quail Cove cluster mooring has less than 12 remaining structures. Specialist Carpenter reiterated that exposed wires are not live, so that is not an issue, but from the ordinance standpoint these structures are not code compliant. Commissioner DiOrio asks if Specialist Carpenter is requesting to condemn them all of the structures. Specialist Carpenter answered that he recommends the condemnation/removal of the three that are destroyed or warped, and all of the remaining structures should be engineered or removed. Commissioner Proctor asked if Council can condemn the three damaged structures and allow staff to issue NOVs for the remaining structures until they are in compliance. Commissioner Doster explained that some of the structures are grandfathered in, but they cannot be built back as-is. Commissioner Doster expressed concern with the structures having no anchorage.

Mike McPherson, president of HOA, explained that he has been there for 20 to 22 years now. Mr. McPherson expressed that these are boat lifts, not structures. Mr. McPherson further explained that the structure that was blown away did not have a boat in it. Mr. McPherson stated that it has never been brought to their attention that they need anchorage for their lake structures, and expressed that he does not think it would be necessary when the structures have boats in them. It was noted that they are willing to add anchorage. Mr. McPherson expressed that the destroyed structure can be put back together, and that it does not need to be condemned. Mr. McPherson requested that the Town allow the structures to be fixed rather than condemning them. Mr. McPherson noted that this is a rarity. Commissioner Doster explained that not having the boat in is not always controllable, this could have happened to any of the structures at any time. An individual with the HOA explained that the shore station representative said that the covers could be retracted to the middle, which take away issues of lifting from wind may force, plus there are anchors that they can put on. Commissioner Proctor asked if the code allowed the structure to be rebuilt. Director Williams stated that Specialist Carpenter is presenting staff positions, and noted that having the structures there is not the issue, it is the roofs on the structures that are prohibited. The individual stated that this has never been enforced. It was detailed that staff's position is that they could be rebuilt with the lift, but the covers are not permitted for marinas or cluster moorings. Mr. McPherson stated that the last structure built was two to three years ago. Director Williams explained that the permit for that structure was issued prior to his tenure with the Town, so he signed off on it when he began working for the Town and informed them that there will be no more covered structures permit. It was clarified that Council and staff are just looking at condemning the structures that were damaged or destroyed. It was confirmed that when a structure is destroyed or removed, it cannot be rebuilt out of compliance. An individual with the HOA asked if the others that are not destroyed can be repaired. Staff recommended that the covers on the remaining structures be certified by a licensed engineer if they want the covers to remain and they would have to be removed if engineered covers are not met. An individual asked what qualifies as a destroyed structure and Commissioner Doster answered that it is when the structure is no longer structurally sound. Manager Perkins noted that covers need to be removed or certified as

structurally sound for the remaining structures. Specialist Carpenter recommended starting with the engineers who they bought the structures from because they may have engineered drawings already.

An individual asked if there is a timeline for the remaining structures to obtain engineering requirements and Specialist Carpenter recommended having Council provide a timeline. Commissioner Doster recommended 90 days from notice for the three condemned structures to be removed and six months for all other structures to obtain engineered drawings. It was noted that after the engineered drawings are obtained, Town staff would need to review them. Specialist Carpenter noted that parties of the condemned structures have 30 days to appeal the condemnation. Commissioner Proctor noted that a site plan would be good for things like these moving forward. It was discussed that NOV's will be issued to the remaining structures in the interim. Mr. McPherson asked if there is a permit required if an engineer determines that a cover needs additional work to be structurally sound and Specialist Carpenter answered that it will depend on the scope, but could just be shoreline stabilization or minor structural repair project. Specialist Carpenter added that to put anything back in the ground would require a lake structure permit. Specialist Carpenter stated that all of this information will be included in the NOV's or condemnation notices.

Commissioner Doster made a motion to give the three destroyed lake structures in the Quail Cove cluster mooring 90 days for condemnation and six months for engineered judgements to be provided for all of the other structures in the Quail Cove cluster mooring. Commissioner DiOrio seconded. All voted in favor.

<p>XI. UPDATE ON CHIMNEY ROCK VILLAGE AGREEMENT TO OPERATE WATER SYSTEM</p>
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Manager Perkins explained that the current agreement to operate water system between the Town and Chimney Rock expires at the end of June this year. Manager Perkins reported that Chimney Rock Village has expressed that they do not wish to enter into a new agreement to operate water system upon the expiration of the current one. It was detailed that Chimney Rock plans to contract with James & James Environmental to operate their water system moving forward. Manager Perkins explained that everything is in place to switch over Chimney Rock customers to James & James by April 1st. Manager Perkins stated that the Town is going to continue billing sewer to their customers for the time being, unless a written agreement is drafted that states otherwise. Manager Perkins added that the current water agreement will stay in place until the end of its term, then Chimney Rock will pay the Town for any time that staff must spend helping James & James prepare for their system. Chimney Rock Village will have their own ORC. Manager Perkins noted that this relates to the Firefly Cove System and water system consolidation, because these items will allow the Town to avoid reliance on Chimney Rock for water. It was noted that the sewer agreement will remain in place. Manager Perkins explained that Chimney Rock provided the Town with a draft emergency water agreement, which would act as a mutual aid agreement, and this should be approved at the next Council meeting.

XII. DISCUSS WASTEWATER TREATMENT PLANT (WWTP) REPLACEMENT FINANCING

Manager Perkins explained that replacing the wastewater treatment plant (WWTP) will cost at least \$30,000,000. Manager Perkins discussed financing through a revenue bond, but noted that the Town must do analysis and rate studies to determine if sewer rates will cover the bond for the Local Government Commission (LGC) approval. Commissioner DiOrio noted that the Town has already have done this process for the SRF loan. Finance Director Stephen Ford provided an overview of the revenue bond process. Commissioner DiOrio noted that the WWTP was included in the previous loan approval process, but the cost amount was significantly lower. Commissioner DiOrio further detailed that the Town had to go through the same process for the SRF loan which included an initial installment of \$12.5 million and the Town's plan was to return to the LGC to request additional funding after progress is made, which has already partially been done. Commissioner DiOrio noted that revenue bonds have a similar process, just different funding method. Manager Perkins recommended that a revenue bond is the best option for funding the replacement WWTP at this point. Commissioner DiOrio noted that bottom line is that the LGC wants to know how the Town can fund debt service. Commissioner DiOrio noted that this was his concern with paying from the water and sewer bond and that is why anything that is not necessary in that found should be removed to fund debt service. Manager Perkins expressed that he will be talking with financial advisors and rate setting specialist on how they can help the Town in the future. Manager Perkins suggested the possibility of developmental fees. Commissioner DiOrio recommended a tourism/recreational based fee (bed tax) to help as well. Commissioner Proctor noted that the development fee was discussed many years ago, and he would like to revisit it. It was noted that tourism tax would require discussions with the general assembly. Council had consensus to evaluate financing options.

XIII. REVIEW ZONING AND PLANNING BOARD RECOMMENDATIONS FOR LAKE STRUCTURE ACCESSORY STORAGE CLOSETS AND AMENDMENT TO 36-64 (F) (5)

Council reviewed the Zoning and Planning Board recommendations and there was consensus of support.

XIV. DISCUSS THE COMPREHENSIVE PLAN

This discussion was postponed until the re-convened meeting on March 4th.

XV. UPDATE ON AUDIT BIDDING PROCESS

Director Ford explained that staff advertised an RFQ and is in the process of soliciting bids for the audit. Director Ford noted that two firms are interested at this time.

Director Ford expressed that the current audit is going well, and it has more of a focus on accounting rather than policy like it did last year.

XVI. DISCUSS AMENDMENT TO LAKE LURE TOURS CONCESSION AGREEMENT

Manager Perkins explained that the packet includes the recommended amendment to the Lake Lure Tours Concession Agreement regarding the removal of the provision to open the beach following Labor Day for unsupervised access. Manager Perkins expressed that he would like to have the amendment approved at the regular meeting. It was noted that this amendment is encouraged by the Police Department.

Commissioner Proctor made a motion to approve the amendment to the Lake Lure Tours Concession Agreement. Commissioner Doster seconded and all voted in favor.

XVII. DISCUSS TOWN WATER SCADA SYSTEM

Director Lindsey explained that the SCADA system will allow staff to remotely monitor each well site, and it also has the capability to allow staff to monitor sewer and control the lake level. Director Lindsey stated that the budgetary request is for \$180,000 and there will be a budget amendment on the March meeting agenda. Director Lindsey noted that he is waiting on quotes, so he does not have the final figure but he estimates the cost to be about \$180,000. Commissioner DiOrio asked if this cost includes censor, transmission, and all other details and Director Lindsey said yes.

XVIII. DISCUSS WATER SYSTEM CONSOLIDATION

Director Lindsey reported that the Firefly Cove water system is ready to be online, but staff is still waiting for the state to complete paperwork. Director Lindsey noted that the water system consolidation will compile all of the Town's water systems into one system and this will allow for full capacity. Director Lindsey noted that SCADA will help with monitoring water usage. Director Lindsey stated that he has not gotten quotes yet, but estimates that this will cost about \$150,000. Commissioner Proctor noted that he is in support of consolidating the water systems and others agreed.

XIX. LABELLA AIA PROJECT ADJUSTMENTS TO PROPOSAL FOR ENGINEERING SERVICES

Manager Perkins explained that the Town was awarded a \$200,000 sewer AIA grant from the state and that it is going under-utilized if the scope is not changed because there were efficiencies identified within the current scope. Manager Perkins noted that this change order is net zero, and will only change the scope to allow for maximized use of the grant. It was noted that this will be on the regular meeting agenda for approval.

Manager Perkins noted that staff also found out that the Town was awarded an AIA grant for the water system and a \$1 million forgivable loan for lead service line inventory. It was noted that the deadline to complete the lead service line inventory is in October.

XX. UPDATE ON FISCAL YEAR 2024 REHABILITATION OF HIGH HAZARD POTENTIAL DAMS FUNDING OPPORTUNITY

Director Krejci thanked Council for their timely review of the grant application. It was noted that there was a narrow window to put together a proposal, and the Town was encouraged to submit the full proposal. Director Krejci reported that it was submitted on time with the help of Schnabel Engineering. It was noted that the Town has two pending grants. Director Krejci advised the Office of Dam Safety that she needed to inform Council on the status of these grants and they responded that they would send her information soon. It was detailed that the Town is currently awaiting approval of field investigation project. Director Krejci expressed that she anticipates that this will be forthcoming. Director Krejci explained that the grant for the 30% design is pending formal approval from FEMA and then it will go to Dam Safety. Commissioner DiOrio expressed that his question is if the field investigation or 30% design grants do not come through and this one does, what will happen. Director Krejci noted that she had asked these questions and she was informed that if these were going to be approved. Director Krejci expressed confidence about the field investigation, and hopefully the 30% design. Commissioner DiOrio noted that the CIP for the dam was set up to get enough seed money to match these grants and expressed that he thinks that the Town is in a good position. Council thanked Director Krejci.

XXI. FIRE APPARATUS APPROPRIATION REQUEST TO THE GENERAL ASSEMBLY

Manager Perkins noted that the meeting packet provided a summary of the Town's request to the general assembly for a fire apparatus appropriation. It was discussed that in short sessions, economic forecasting is not likely, but the Town is going to request funds anyways. Manager Perkins noted that for this session, the Town was advised to go for a specific item with a specific number under \$1 million. It was noted that the fire apparatus fits this criteria. Fire Chief Dustin Waycaster has crafted a letter to Senator Tim Moffitt and Representative Jake Johnson, and John Metcalf will follow up. Chief Waycaster noted that the Town kept mention of the future public safety facility in the letter, but the Town is keeping the apparatus as the priority for the upcoming short session. It was noted that next year will be a long session, and the Town needs to determine how much money can be funded towards the facility. It was noted that Mr. Metcalf was happy that the Town has completed the site plan study that includes specific cost figures. Manager Perkins noted that the Town has a financing strategy for this session. Council expressed support.

Chief Waycaster noted that there is also a state grant that the fire department is eligible for now. Chief Waycaster expanded that it is typically for volunteer departments, but it has been expanded to the Town. Chief Waycaster would like to apply by the March 8th deadline. It was detailed that it is a 50/50 grant, so the Town would have to upfront the total cost and the state

would provide a reimbursement. Chief Waycaster proposed applying for a \$30,000 grant. Council expressed support.

XXII. PROJECT MANAGER UPDATES

This item was postponed until the re-convened meeting on March 4th.

XXIII. TOWN MANAGER UPDATES

This item was postponed until the re-convened meeting on March 4th.

XXIII. CLOSED SESSION

Commissioner Proctor made a motion to enter into closed session in accordance with G.S. 143-318.11 (a) (5) for the purpose of discussing property acquisition and G.S. 143-218.11 (a) (3) for attorney client privilege. Commissioner Doster seconded and all voted in favor.

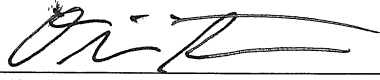
During closed session, Council discussed acquiring property for the dam, sewer, and WWTP. Council was also updated on a previous threat to take legal action against the Town.

Commissioner Doster made a motion to return to open session. Commissioner Proctor seconded and all voted in favor.

XXV. ADJOURNMENT

Commissioner Proctor made a motion to recess until Monday, March 4th, at 9:00 a.m. Commissioner Doster seconded. Meeting recessed at 1:22 p.m.

ATTEST:


Olivia Stewman, Town Clerk


Mayor Carol C. Pritchett

