



MINUTES OF THE WORK SESSION MEETING OF THE LAKE LURE TOWN COUNCIL HELD WEDNESDAY, JUNE 22, 2022, 8:30 A.M. AT THE LAKE LURE TOWN HALL

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

William Morgan, Jr., Town Attorney
William H. Perkins, Jr., Town Manager

ABSENT: N/A

I. CALL TO ORDER

Mayor Carol C. Pritchett called the meeting to order at 8:33 a.m.

II. APPROVE THE AGENDA

Town Manager Hank Perkins requested that Town Council add Item IX “Distressed Unit in the Viable Utility Program Request.” Commissioner Proctor made a motion to approve the Agenda, with the addition of Item IX “Distressed Unit in the Viable Utility Program Request.” Commissioner DiOrio seconded and the motion carried 4-0.

III. UPDATE FROM THE FLOWERING BRIDGE EDUCATION TASK FORCE

Kathy Tanner with Friends of the Flower Bridge provided an update on the education center and cost estimate and funding process. Ms. Tanner reviewed what she had detailed during public comment at the regular meeting in May. Ms. Tanner reported that the Flowering Bridge has since obtained land disturbance and zoning permits. Ms. Tanner explained that there has been contact with Chimney Rock State Park in regard to a parking area and it seems that park

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representatives are on-board and noted that the next step is looking for an encroachment from the North Carolina Department of Transportation (NCDOT). Ms. Tanner explained the goal is to have 19 parking spots and a walkway.

Ms. Tanner noted that the Flower Bridge has acquired a firm – Walker. Tanner explained that she began the project last fall and the Education Task Force emerged in December. Tanner expanded that in November, the Board had designated \$25,000 through fundraising and received a local grant for \$10,000. Ms. Tanner expressed that the Flowering Bridge has a pending grant from the Rutherford Hospital Legacy Foundation for \$37,500, has applied for Community Foundation of Western NC grant for \$25,000, and has applied for funding from the Hickory Nut Gorge Foundation. Ms. Tanner summarized possible funding to be about \$95,000 total and noted that the Flowering Bridge has about 30% of what is needed to complete the project.

Ms. Tanner explained that grant opportunities will likely require a letter of support from the Town prior funding. Ms. Tanner detailed that the letter should clarify that the Town is aware of the education center project, aware of parking, and supports the Flowering Bridge's search for grant money. Ms. Tanner noted that the letter may be addressed to the Flowering Bridge Board of Directors.

Commissioner Bryant asked if the \$95,000 includes both public and volunteer parking lots. Ms. Tanner answered that the \$95,000 does not include two parking lots, but noted that parking should be around 3,000 with grating completed by Dale Shields.

Commissioner DiOrio mentioned a master plan update incorporating the education center for the purpose of creating a level of confidence. Mayor Pritchett expressed support for updating the master plan, but noted that a letter of support for grant funding purposes is time sensitive. Consensus was made to update the master plan following the production of a support letter.

Ms. Tanner stated that she has found documentation in regard to the relationship between Town and Flowering Bridge. Town Manager Perkins noted a document was found the town's responsibility regarding bridge preservation. Mr. Perkins expressed that the Town and the Flowering Bridge need to produce a lease and/or formal agreement moving forward. Consensus was that this would be beneficial to both parties.

Commissioner Bryant asked if any grants have expiration dates for application submittals. Ms. Tanner noted that at least one is due by April of next year.

Commissioner DiOrio asked if the request is for a standard letter expressing Town support for the project or if there are any legal requirements for the involved for the Town. Ms. Tanner expressed that her interpretation is that the letter should state that the town is aware of the project and supports the Flowering Bridge's pursuit of funding.

Manager Perkins asked if he or Mayor Pritchett may proceed with reviewing and deciding on the approval of a letter of support from the Town. Council reached consensus to authorize Manager Perkins and Mayor Pritchett to proceed with reviewing and deciding on the approval of a letter of support from the Town.

IV. DAM CONCEPTUAL DESIGN

Jonathan Pittman, PE, with Schnabel Engineering provided Council and staff with a conceptual design and cost report. Mr. Pittman reviewed design details and explained layout and noted that the alignment close with the existing dam. Pittman explained that the change is skewed towards left end of the dam downstream in order to improve the spillway but close to a parallel alignment. Mr. Pittman explained that the conceptual design reflects a roller concrete gravity dam which stands a bit higher than the existing dam.

Pittman reviewed the spillway which has two components including a gateway (120 ft. long) and the existing spillway. Mr. Pittman explained that the spillway system is designed to pass PMP of 990.5. It was discussed whether or not a bridge could be constructed across the spillway and it was concluded that it is possible. Mr. Pittman explained that compressing spillway length was beneficial for various reasons. Commissioner DiOrio asked if this design for the bridge does or does not increase price and Mr. Pittman responded that it can be widened and could cut some RCC because 12 ft. is normal but 20 ft. accommodates a bridge. Mayor Pritchett asked when a decision had to be made in regard to a bridge and Pittman explained that it would take place in a later phase, so there is time to contemplate that option.

Mr. Pittman noted that existing reservoir drains could be reused for the replacement dam. Commissioner DiOrio asked if the normal flow of water out of lake is going to be used on a regular basis or to control flow and Pittman explained that it is not going to be used regularly and that the gates will be used to control flow. Commissioner DiOrio asked if there will be any environmental impact downstream and Mr. Pittman said no and that the drain would only be used if the lake is going to be drawn-down significantly.

It was noted that hydroelectric abilities had been discussed in the past and Schnabel's design concept includes the possibility for a hydroelectric plant if the town wants later implement one but does not include hydro plant in main design. Commissioner DiOrio asked if the construction of the new dam will allow for the lake to be at full pond for the majority of project and Mr. Pittman answered yes.

Pittman detailed that the construction would occur in four sections:

- 1) Dam foundation preparation and grouting from the left end of the dam to Station 4+00.
- 2) Dam foundation preparation and grouting from Station 4+00 to the right end of the dam followed by dam construction from Station 3+75 to the right end of the dam.
- 3) Dam construction from Station 3+75 to the left end of the dam.
- 4) Demolition of the existing bridge and dam and site restoration.

Commissioner DiOrio asked if the demolition of the existing bridge would require NCDOT involvement.

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Commissioner Doster asked if buoys should be left to prevent use of the old bridge and consensus was that buoys should be left.

Mr. Pittman brought attention to the possibility that preparation and grouting could be a part of another contract.

Commissioner DiOrio noted that the Town plans to pay for valves with money from state and asked if the conceptual design, field work, detailed design. Pittman stated that the existing \$16 million from the state should get the Town through phase one of the project.

Manager Perkins asked how long phase one will last. Pittman explained that field investigation would take about one year and design and permitting may take a couple of years to complete, so phase one is estimated to last three years. Mr. Perkins noted that the existing funds will continue to accrue during that time.

Commissioner DiOrio asked if at the time phase one gets completed will there be imperative to immediately go into phase two construction or can it be stalled a year or two. Mr. Pittman answered that stalling phase two would be no problem but there may be additional costs as more time passes. Commissioner DiOrio noted that after three years The Town will have clarity on the bridge and NCDOT, and the Town will have also had time to decide on whether or not to utilize a hydro station.

Commissioner Proctor asked when the Town should be having conversations with Duke Energy regarding the property that the Town is encroaching on. Consensus was that that discussion should start as soon as possible.

Parks, Recreation, and Trails Coordinator Dean Givens asked for the details of the finish of the dam in terms of concrete, paint finish, etc. Mr. Pittman noted that the Town can paint and can be included in design if desired.

Manager Perkins asked if there is any insecurity with the regulatory environment changing for Dam Safety or if the Town is grandfathered into existing regulations after the state approves the dam design. Mr. Pittman noted that he has witness issues in the past, but expressed the opinion that regulations, in terms of flooding, should decrease. Mr. Pittman also explained that as the proposed conceptual design stands, without hydro station implementation, it will not be regulated by any Federal Energy Regulatory Commission (FERC) criteria. Pittman also mentioned that what is changing from Dam Safety is looking at risks but noted he does not think anything would need change with the design.

Mayor Pritchett asked about last date to make decision for whether or not to implement hydro. Pittman answered that a hydro station could be retrofitted at any time. Commissioner DiOrio said that the green energy component of hydroelectricity could potentially be paid for by the federal government in the future.

Mr. Pittman explained that an inspection gallery will be constructed to allow for monitoring of seepage through the structure.

Mr. Pittman reviewed the updated cost opinion which in general falls in line with numbers that have been mentioned but is cost reflective of current inflation. Pittman noted that with inflation the numbers could change but Schnabel is currently estimating a \$60 million project which includes a 15% contingency.

Mayor Pritchett asked what the cost of outfitting hydroelectric would be and Pittman answered about \$4,000 per kilowatt, so somewhere around 15 to 20 million dollar range.

Commissioner DiOrio noted foundation and design is a huge leverage regardless of cost.

Mr. Pittman Jonathan noted that the Army Corp. of Engineers has an interest loan program specifically focused on dam rehabilitation and construction.

Commissioner DiOrio asked if the next step is to execute a construction contract for the valves and Pittman explained that the process has not progressed to that level yet but the intent is to bid for the contract this fall.

It was noted that the task order is the field investigation and FEMA may pay provide a grant for that task, so Schnabel is waiting on paperwork. Pittman noted that the conceptual design documents are also linked to FEMA funding.

Commissioner Doster asked how long it will take to install the valves when they arrive and Mr. Pittman estimated about 4 months.

Mr. Perkins asked that Council provide Mr. Pittman with any feedback on conceptual design before it goes before Council for approval.

Consensus was to add the conceptual design for consideration of approval at the next regular meeting on July 12.

V. COMMUNICATIONS TOWER UPDATE

Community Development Director Michael Williams explained that he had spoken with a representative of AT&T who initially responded positively to the recommendations of the North Carolina Department of Historic Preservation. Director Williams reported that he has since received a less optimistic view from AT&T in regard to the recommendation by State Preservation for slick stick tower design. Director Williams expressed that he believes AT&T is still on board but that AT&T is asking if the town would be supportive if they go to state and propose another option. Director Williams expressed that he does not think it would be a significant hold up.

Commissioner Doster asked if the Town is dead-set with constructing a stealth tower as originally planned. Director Williams expressed that his opinion is that the design is not the biggest concern right now.

Director Williams noted that NC Fish and Wildlife has approved the Town's plans for the tower, so the only hold up now is in regard to AT&T making a rebuking recommendation to the State Historic Preservation.

Commissioner Proctor expressed that he would like a tower as soon as possible and that it is crucial from a public safety and financial standpoint.

Commissioner DiOrio mentioned that a slick stick design had been rejected by the Town before and that opinion had not changed. Commissioner DiOrio expressed support for AT&T going to the State Historic Preservation for a rebuking recommendation. Commissioner Proctor noted that some of the greatest proponents of the tower are those who own the historic locations in the Town.

Mr. Perkins expressed that the tower will go unnoticed after being constructed for a while.

Consensus was to support AT&T going to North Carolina Historic Preservation and presenting a rebuking recommendation to the slick stick design. Director Williams agreed to relay this consensus to AT&T.

VI. DRAWDOWN DISCUSSION

Mayor Pritchett noted that information to make an absolute commitment to a drawdown schedule is still not sufficiently available. It was noted that the Town may not need to drawdown from January to March. Mayor Pritchett expressed that she would like to be amendable to the community. Town Manager Perkins noted that it is a matter of update and he has worked with LaBella to retrieve information that will be key to deciding on the drawdown schedule. Manager Perkins agreed to provide updates as information emerges.

Commissioner DiOrio cited five components to the decision including seawall work, warranty work on manholes, potential to seal lateral lines, potential dredging in Firefly Cove, HDD installation, and sleeving under structure.

Director Dean Givens noted that deep-water launch is another factor and that it would take a couple of months.

Mayor Pritchett noted that drawdown would be put on the July 12th meeting agenda.

Director Givens expressed that if the Town lowers the lake on January 1, boats need to be out of the water by January 1. Mayor Pritchett noted that the Town will send out a letter letting residents know this. Director Givens suggested that boats not out of the lake by the drawdown start be towed and owners will have to pay the towing fee. Council liked this idea.

Commissioner DiOrio noted that if sleeving takes place a certain section of residents will also be required to remove boats and that the Town will have to get notification out by August. It was noted that the Town should know if sleeving will take place in about a week to ten days.

VII. LAKE USE REGULATIONS DISCUSSION

Commissioner DiOrio provided Council with a document that recapped that the Lake Advisory Board (LAB) is reviewing comprehensive review of a dated lake study which has driven the Lake Use Regulations, because changing features such as number of people, technology, resident input, and more are changing the needs of the Lake Use Regulations. Commissioner DiOrio stated that he is seeking input from Council in regard to the changes recommended by the LAB thus far. DiOrio expressed that the Town has been in the mode of accommodating anything that anyone wants to do, but those days must come to an end as the Town is at a point where decisions need to be made to maintain safety on the lake. Commissioner DiOrio noted that most safety issues occur on weekends. Commissioner DiOrio led the discussion of the following subjects:

- *Defining "wake" as 1000 RPM.* Mayor Pritchett asked how Town staff would know unless they are driving the boat. DiOrio answered that it is a training point for the boater and that Town staff will have to use visual standards to determine wake. Commissioner DiOrio noted that this would be incorporated into the training that will be required to obtain a permit in the future. It was noted that Mayor Pritchett and Mr. Perkins had had looked at old trainings from Lewisville. Director Dean Givens stated that the training video will be available on RecDesk, completion will be required prior to obtaining a permit, and the training will include visuals.
- *Wake Surfing.* Commissioner DiOrio expressed people should be reminded to abide by state guidelines and additional provision requested is decrease to 150 ft. for wake surfers. Commissioner DiOrio noted that the LAB had revised the verbiage to include wake surfing as a water sport.
- *Reinforcing that night wake and speeding is prohibited.*
- *Reinforce that there shall be no personal watercrafts on lake except for one currently grandfathered.*
- *Policy changes.* DiOrio recommended that policy changes ensure that people who live on the lake and residents of Lake Lure will always have priority. DiOrio noted that the LAB recommends that nonresident must have a slip somewhere on the lake in order to get a motorized annual permit, but there should be no limits to residential permits and non-residents will otherwise be able to obtain daily permits. DiOrio explained that this brings the Town to safe standards that fir out boat model. Commissioner DiOrio explained the recommendation that daily permits should not allowed on the weekends, and that individuals must have annual permit to use on weekends. DiOrio noted that Rutherford County residents get 50 percent off of the daily passes. Mayor Pritchett asked about how to decipher permits and Director Givens said permits change each year and that staff uses text on permits to decipher. Mayor Pritchett recommended a different color for annual and daily and Director Givens will look into permit design.

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- *Permits for liability.* Commissioner DiOrio noted that boats, even in boat houses, should have permits for liability purposes (insurance, training, etc.). Commissioner DiOrio recommended a grandfather clause for permitting for leeway time for boats without permits in boat houses, but after that it will be addressed by the town. DiOrio noted that this would potentially be another way to reduce lake traffic. DiOrio concluded with an analogy that no one would take their vehicle, park it at town hall, remove the plates and leave on the property.

Commissioner Proctor asked if non-motorized users will be required to complete training. Director Givens expressed that he thinks that would be beneficial and noted that he has spoken with a few vacation rental owners and would tell owners that they must complete training. Mayor Pritchett noted that different types of training for vacation rentals would be beneficial. It was discussed that training eliminates the ability for people to claim that they did not know the rules and will be beneficial as a whole.

Mayor Pritchett asked about fisherman and enforcing wake zones from 7:00 am to 7:00 pm. Director Givens noted that fishermen can be on the lake but cannot exceed idle speed. Commissioner DiOrio suggested that the Town drive fisherman to buy daily permits.

It was noted that town policy includes access to boat houses for the town. Town will work with property owners to do inspections and move boats, but if they are non-responsive the Town still has all rights.

- *NC registration requirements.* Commissioner DiOrio explained that NC now requires that any boat operating in NC that is registered out of state must register in NC within 90 days of bring in the state. DiOrio expanded that this includes boats sitting in NC, not necessarily on lake and cited a property tax invasion issue. DiOrio noted that the Town is obligated to abide by NC regulations. DiOrio relayed that the LAB recommended that the Town can issue 90 day permit for these people, which will be pricier and would have all of the rights and responsibilities of annual permit. Mayor Pritchett asked how the 90 day permits will be identify and DiOrio suggested that the permits say AM 90. Mayor Pritchett asked if there is certainty that the Town can enforce these regulations and Director Givens said yes.
- *Safe speed.* Commissioner DiOrio discussed safe speed which the LAB recommended that 45 MPH seems to be an accepted maximum break point. DiOrio suggested that there would be no reason to go faster and noted that 300 horse power (HP) is linked to the speed limit. DiOrio explained that 300 HP and 45 MPH are equivalent. Commissioner Proctor asked about inboard boats and DiOrio stated that it is recommended that no matter what type of boat is in use, the operator must go less than 45 MPH and follow all NC regulations. It was discussed that there are two boats above 300 HP on the lake now can be grandfathered in.
- *Up to 100 nonresident annual motorized.*
- *Rid of weekly permits and offer daily or annual.*

- *Vacation rentals limited to pontoon or tri-toon or non-motorized.*
- *Enforce that non-motorized user's stay in the no wake zone.*

Council discussed implementing a barrier at the Town boat ramp via QR code for permit holders.

Commissioner DiOrio explained that the LAB recommendations have not been approved, but are concepts. DiOrio noted that the LAB is open to suggestions, which Council may give to him to relay back to the Board. It was noted that Marine Commission will have final approval.

VIII. CHIMNEY ROCK VILLAGE SEWER SYSTEM DISCUSSION

Manager Perkins handed out copies of the letter from Chimney Rock Village (CRV) discussed previously during a special meeting in June. Mr. Perkins also provided Council with the 1970s Water Agreement and a 20 year water system operating agreement that will expire on April 15, 2023. Perkins noted that CRV needs to provide the Town with a notice before October 15, 2022 and Town must respond within 60 days.

Town Manager Perkins explained that he met with CRV leaders. Perkins noted that the Town cannot return 25 percent of revenues to CRV because of town financial forms with LGC, etc. Mr. Perkins mentioned that Village Administrator Stephen Duncan did bring up the 20 year water agreement and Mr. Perkins reviewed the logistics of the agreement with Council.

Manager Perkins concluded that if the Town does not enter a new agreement with CRV after the existing one expires, the Town would compensate for \$8,000 annually. Perkins recommended that he contact Steve Duncan and get the new agreement initiated as soon as possible.

Commissioner Doster asked if the Town collected from CRV residents individually on a monthly basis. HR/Customer Services Specialist Jennifer Duncan said yes.

Manager Perkins noted that data needs to be reviewed because much has changed since the initial agreement and the Town must adapt accordingly. Mr. Perkins suggested incorporating water and sewer into one agreement.

Commissioner Doster asked if 20 years should be reduced if a new contract were to be enacted.

Mr. Perkins noted that an option can be to hold a capital reserve for CRV, which gains value over time and the Town could have money set aside for CRV to make improvements and Town can reimburse CRV. It was noted that an issue is that there are very few residents in CRV. Manager Perkins noted that CRV wants revenue sources for grants and loans, but past occurrences with the Town will not allow us to agree to their request. It was also noted that a private entity could run the CRV system.

Commissioner DiOrio noted that everything happening in Firefly Cove is dependent on this agreement. DiOrio expressed that the Town has the capacity to remove from CRV and supply connect for CRV with Ingles tower.

Mayor recommended looking holistically at all contracts with CRV as soon as possible. Manager Perkins agreed to contact CRV leaders.

IX. DISTRESSED STATUS

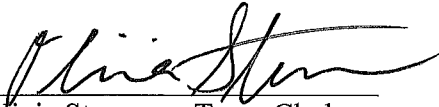
Manager Perkins explained that the State has given the Town a grade to qualify the Town as a distressed unit for the viable utility program for the water/wastewater utility. Perkins explained that this would allow for greater likelihood of the Town acquiring addition funding and stated that a resolution will be needed by July 1st in order to apply, so Council will need to hold a special meeting in order to get a resolution submitted if they wish to apply to be a distressed unit.

Council agreed to hold a special meeting on June 29th at 8:30 a.m.

X. ADJOURNMENT

With no further business, Commissioner Doster made a motion to adjourn the meeting at 11:15 a.m. Commissioner DiOrio seconded and the motion carried 4-0.

ATTEST:


Olivia Stewman, Town Clerk


Mayor Carol C. Pritchett