

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, FEBRUARY 14, 2023, 5:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

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

William Morgan, Jr., Town Attorney
William Hank Perkins, Jr., Town Manager
Dana Bradley, Parks, Recreation, and Trails Coordinator
Michael Williams, Community Development Director

ABSENT: Commissioner Patrick Bryant

I. CALL TO ORDER

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

II. APPROVE THE AGENDA

Commissioner Scott Doster made a motion to approve the agenda, as presented. Commissioner David DiOrio seconded and the motion carried 3-0.

III. MAYOR'S COMMUNICATIONS

**A. RESOLUTION NO. 23-02-14 HONORING THE DEDICATED SERVICE OF
HOPE WITTMER**

Mayor Pritchett thanked all individuals in attendance.

Mayor Pritchett expressed appreciation for Mrs. Hope Wittmer for her services to the community. Commissioner Jim Proctor made a motion to adopt Resolution No. 23-02-14 Honoring the Dedicated Services of Hope Wittmer. Commissioner Doster seconded and the motion carried 3-0.

Mayor Pritchett read the Resolution, as follows:

RESOLUTION NO. 23-02-14
HONORING THE DEDICATED SERVICE OF
Hope Wittmer

WHEREAS, Hope Wittmer has been involved with the operations of the Hickory Nut Gorge Outreach since 2009 and has served as President since 2013; and

WHEREAS, The Hickory Nut Gorge Outreach is a non-profit organization serving families in the Hickory Nut Gorge Community through eliminating hunger and providing social services; and

WHEREAS, Hope Wittmer has immensely contributed to the exponential growth and expansion of the Hickory Nut Gorge Outreach through her hard work, leadership, dedication, selflessness, and a passion for helping others; and

WHEREAS, Hope Wittmer has had a significant positive impact on the well-being and livelihood of those in the Town of Lake Lure and the entire Hickory Nut Gorge Community for over 13 years; now

THEREFORE BE IT RESOLVED, that on behalf of the Lake Lure Town Council and the citizens of the Town of Lake Lure, the Lake Lure Town Council expresses deep and sincere appreciation for Hope Wittmer's dedicated service to the community.

Mayor Pritchett presented Mrs. Wittmer with Resolution No. 23-02-14.

Mrs. Hope Wittmer thanked Council members. Mrs. Wittmer expressed appreciation for the support and help of volunteers, family, and friends. Mrs. Wittmer stated that for the past 20 years, she and her husband George Wittmer have been working at helping the community. Mrs. Wittmer expressed thanks.

Mayor Pritchett called for a 15 minute break to have refreshments to celebrate Mrs. Wittmer.

IV. TOWN MANAGER COMMUNICATIONS
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Town Manager Hank Perkins summarized highlights from his Manager's Report for January.

V. COUNCIL LIAISON REPORTS & COMMENTS

Commissioner Scott Doster reported the activities of the Parks and Recreation Board, ABC Board, and the Zoning and Planning Board.

Commissioner David DiOrio reported the activities of the Lake Advisory Board and presented the impacts of the Lake Use Regulation amendments including increased enforcement of regulations, permit requirements such as specifications, and individuals registering their boats in North Carolina per state law. Commissioner DiOrio explained that there is a notion that non-residents are no longer allowed on the lake, which is not accurate because non-residents may still access the lake through daily weekday permits or an annual permit for those who have a slip on the lake. Commissioner DiOrio expanded that the reasoning for limiting non-resident access is to decrease congestion and allow residents to use the lake during peak season weekends, which are the main times that safety concerns from congestion occur. Commissioner DiOrio also noted that there have been discussions regarding opinions that state residents believe they are entitled to the lake because they pay state taxes, but noted that any funds from the State or federal government to the Town are for infrastructure such as the dam or water resources and not for recreational uses of the lake. Increasing safety margins on the lake. Commissioner DiOrio reported that the Board of Adjustment / Lake Structure Appeals Board did not meet.

Mayor Pritchett announced that Commissioner Proctor will now be the Council liaison to the Parks and Recreation Board and Commissioner Doster will be the Council liaison to the ABC Board. Mayor Pritchett also announced that the Lake Lure Steering Committee will meet on February 20th at 1:00 p.m.

VI. PUBLIC COMMENT

Mayor Carol C. Pritchett invited the audience to speak.

Jay Dover, Marion, North Carolina, explained that he is a long-time fishermen of Lake Lure. Mr. Dover asked for consideration for allowance of a larger horse-power (HP) motor for the annual fishing permit or non-resident permits. Mr. Dover expressed that larger HP is allowed on pontoons for residents. Mr. Dover expressed that the current policy is not justifiable and that catch and release fishermen do not negatively impact the lake. Mr. Dover asked that a more just policy be allowed, such as past policies. Mr. Dover suggested that if Council cannot accept his request fishermen could obtain daily permits, but it would be challenging due to time constraints between obtaining permits and restrictive prime fishing hours. Mr. Dover expressed that he had heard that purchasing a daily permit in advance is possible, but the date of use cannot be changed even when inclement weather is a factor. Mr. Dover expanded that being able to change the use date of a daily slip may resolve some concerns. Mr. Dover recommended that a lock box pick up method could also resolve issues. Mr. Dover expressed that a fair and simple solution is to return to the former policy of allowed higher HP non-resident fishing permits. Mr. Dover thanked Council for allowing him to speak. Mayor Pritchett invited Parks, Recreation, and Trails Coordinator Dana Bradley to address any of Mr. Dover's concerns. Coordinator Bradley explained that the main reason for

reducing the HP limit was to prevent wake. Coordinator Bradley expressed support for fisherman and hopes that they are able to obtain daily permits, but explained that the Town had not yet found a productive way to use a lock box system. Mayor Pritchett asked if permits will be available for online purchase in the future and Coordinator Bradley Dana answered that it could be possible in the future. Coordinator Bradley explained that dates written on daily permits are permanent and that staff cannot prove that the permit was not used on the specified day. Mayor Pritchett noted the Lake Advisory Board will continue discussions and thanked Mr. Dover.

Joe Gay, Edneyville, North Carolina, explained that he and his wife had explored the area after moving to Edneyville and he bought a boat just to go on Lake Lure and have enjoyed doing so for the past two years. Mr. Gay express concern regarding the absence of annual non-resident permits. Mr. Gay suggested that there are other ways to limit lake traffic issues, such as increasing non-resident rates or using a grandfathering system. Mr. Gay noted that he was unaware of the Lake Use Regulation changes and that he was not able to provide feedback, and expressed that he would have liked to receive an email regarding the changes. Mr. Gay questioned how many people are originally from Lake Lure and expressed that the new regulations are a short sided way to limit exposure to the lake to future users. Mr. Gay also questioned how the regulations were determined. Commissioner DiOrio explained that the main factor for changing the regulations was congestion during peak-season weekends becoming a hazard, which was evident through police reports and citizen concerns. Commissioner DiOrio expanded that the Town had been using a 2006 lake study model and that the Town has grown since then and the model was exceeded. Commissioner DiOrio noted the decision was made to try to promote and encourage non-residents to utilize the lake during the non-peak season or on weekdays during peak-season, so the peak-season weekends are safer and residents can have full use of the lake. Mr. Gay asked about vacation rental boat use and noted that non-residents who are regularly active on the lake are more responsible than those using vacation rental boats. Commissioner DiOrio explained that there are only about 20 vacation rental boats, but noted that Mr. Gay made a good point. Mr. Gay recommended a zero tolerance policy for offenders on the lake. Commissioner Diorio expressed that the Lake Advisory Board will be looking into various factors including police reports and stricter lake enforcement.

VII. CONSENT AGENDA

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

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

- A. Approval of the January 10, 2023 Regular Town Council Meeting Minutes, the January 11, 2023 Town Council Planning Retreat Meeting Minutes, and the January 25, 2023 Regular Town Council Work Session Meeting Minutes
- B. Budget Amendment #346 for Deep Water Access Project

- C. Budget Amendment #347 for Fire Department Specialized Air Compressor
- D. Lake Use Fee Schedule Amendment for the Purpose of Adding a \$10.00 Boat Permit Mailing Fee
- E. LaBella Task 12 Firefly Cove Water System Improvements Amendment #1
- F. Resolution No. 23-02-14A Approving Lake Lure Tours Concession Agreement
- G. Suspension of Chapter 8 Article II: "Peddlers" of the Code of Ordinances; Waiver of the Noise Regulation, Chapter 20 Article II; and approval for partial road closure for the Hickory Nut Gorge (HNG) Outreach 2023 Spring Lake Lure Arts and Crafts Festival scheduled for May 12-14, 2023 in front of the Arcade Building
- H. Lake Lure Spring Classic Boat and Auto Show Request for Waivers / Council Approval

RESOLUTION NO. 23-02-14A

**RESOLUTION BY THE TOWN OF LAKE LURE TOWN COUNCIL
APPROVING LAKE LURE TOURS CONCESSION AGREEMENT**

WHEREAS, The Town of Lake Lure and Lake Lure Tours entered into a Concession Agreement on February 15, 2018; and

WHEREAS, The existing Concession Agreement expires on February 14, 2023; and

WHEREAS, The Concession Agreement is for the purpose of safe, efficient, and beneficial operations of the beach, marine, and tour boats by Lake Lure Tours on Town of Lake Lure properties; and

WHEREAS, The Concession Agreement is also for the purpose of providing for future repairs, improvements, and modifications of the beach, marine, and tour boats as shall be deemed acceptable to and in the best interest of the Town and the residents of Lake Lure; and

WHEREAS, Each party has expressed desire to enter into a new Concession Agreement following the expiration of the original Agreement.

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Lake Lure, North Carolina:

Section 1. The Town of Lake Lure and Lake Lure Tours shall enter into a Concession Agreement on February 15, 2023 and it shall expire on February 14, 2028.

Section 2. The Town of Lake Lure and Lake Lure Tours shall abide by all terms and conditions specified in the Concession Agreement.

VIII. UNFINISHED BUSINESS

A. FACILITY LEASES

Manager Perkins explained that the Town had been discussing two leases, one for the Lake Lure Flowering Bridge and one for the Rutherford County Tourism Development Authority (TDA). Manager Perkins noted that there is a general statute that was overlooked regarding a required 30-day notice of intent to consider a lease for any lease with a term exceeding one year. Manager Perkins expanded that both of the leases in discussion were planned have up to a 10 year term. Manager Perkins asked for Council's consideration to allow a public notice be published and there was Council consensus of support.

i. LAKE LURE FLOWERING BRIDGE

Manager Perkins detailed that Town and the Lake Lure Flowering Bridge had been functioning without a lease in the past. It was noted that the Lake Lure Flowering Bridge desired a lease with a term greater than 10 years, but sale of real property laws are required for leases exceeding 10 years. Town Attorney William Morgan explained that the Town could seek a local bill to exceed a lease term of 10 years without the sale of real property law constraints, and noted that the Town of Matthews had a local bill passed to lease to their Chamber for longer than 10 years. It was noted that the deadline for the North Carolina General Assembly to make any legislative recommendations is February 23rd. Manager Perkins asked if Council is interested in pursuing local legislation. There was Council consensus of support. Commissioner Proctor noted that there are less than 30 days until the March regular meeting and it was determined that the leases must be approved at a regular meeting. Commissioner Proctor asked Community Development Director Michael Williams if delaying the lease would impact proceeding with the Flowering Bridge's education center and Director Williams expressed that it may. Commissioner Proctor recommended entertaining a lease not exceeding one year during the March regular meeting and to re-evaluate a longer term lease at the regular meeting in April.

Commissioner Proctor made a motion to advertise a notice of intent to consider a lease, to approve a lease of less than one year at the regular March meeting and explore a longer-term lease at the regular meeting in April, and to seek legislation for a local bill to enter a lease with a term greater than 10 years. Commissioner Doster seconded and the motion carried 3-0.

ii. RUTHERFORD COUNTY TOURISM DEVELOPMENT AUTHORITY

Manager Perkins explained that the current lease between the Town and the TDA is month to month and that the Town will advertise notice of intent to consider a lease at the regular April meeting.

IX. NEW BUSINESS

**A. REQUEST FOR TOWN COUNCIL PERMISSION TO DREDGE AROUND
LAKE STRUCTURE LOCATED AT 104 QUAIL COVE ROAD**

Director Williams explained that Section 6-51 of the Code of Ordinances states that dredging and filling is prohibited unless approved by Town Council.

Director Williams noted that North Carolina Department of Environmental Quality and the Army Corp of Engineers have granted allowance to maintain sand replenishment.

Director Williams detailed that there are four requests from four addresses and that the first three are requests to dredge under boat houses. Director Williams expanded that same contractor is working for all of the requestors.

Director Williams noted that spoils must be removed from the lake, taken outside or distributed on shore. Commissioner Doster expressed concern regarding distributing spoils on the shore because it will eventually deposit back into the lake. Commissioner Doster asked how often the Town receives such requests and Director Williams answered that these requests occur fairly often, but an issue that the Town is facing is individuals dredging or filling without a request and approval from Town Council. Director Williams expressed the importance of enforcing the approval requirements. Director Williams noted that all spoils will be removed.

Commissioner DiOrio made a motion to grant the dredging requests around lake structures at 104 Quail Cove Road, 191 Lakeview Road, and 255 Deerwood Drive. Commissioner Proctor seconded and the motion carried 3-0.

IX. NEW BUSINESS

**B. REQUEST FOR TOWN COUNCIL PERMISSION TO DREDGE AROUND
LAKE STRUCTURE LOCATED AT 191 LAKEVIEW ROAD**

Approved under New Business A.

IX. NEW BUSINESS

**C. REQUEST FOR TOWN COUNCIL PERMISSION TO DREDGE AROUND
LAKE STRUCTURE LOCATED AT 255 DEERWOOD DRIVE**

Approved under New Business A.

IX. NEW BUSINESS

**D. REQUEST FOR TOWN COUNCIL APPROVAL TO ADD FILL FOR
MAINTENANCE OF RUMBLING BALD RESORT BEACH LOCATED AT 153
MOUNTAINS BOULEVARD**

Director Williams explained the history of filling beaches. Director Williams noted that he had identified all existing beaches, and recalled that the Army Corp of Engineers will allow minimum impact re-sanding or filling.

Director Williams noted that the current request is for the beach at Rumbling Bald.

Commissioner Doster made a motion to grant approval to add fill for maintenance of Rumbling Bald Beach located at 153 Mountains Boulevard. Commissioner DiOrio seconded and the motion carried 3-0.

Commissioner DiOrio recommended reviewing this ordinance with the Zoning and Planning Board and exploring the possibilities of allowing the town manager and community development department to have the authority to approve dredging and filling.

IX. NEW BUSINESS

E. BOARD MEMBER APPOINTMENTS

i. ABC BOARD

Commissioner Doster made a motion to re-appoint Bob Cassano and Richard Sayles, and appoint Trace Boswell to the ABC Board. Commissioner DiOrio seconded and the motion carried 3-0.

Town Council thanked outgoing ABC Board member Linda Samarotto.

ii. BOARD OF ADJUSTMENT / LAKE STRUCTURE APPEALS BOARD

Commissioner DiOrio made a motion to re-appoint Wyn Hardy to serve a one year extension and to re-appoint Kimberly Sayles to serve a regular term on the Board of Adjustment / Lake Structure Appeals Board. Commissioner Proctor seconded and the motion carried 3-0.

iii. LAKE ADVISORY BOARD

Commissioner DiOrio made a motion to re-appoint Gary Hasenfus and Mark Helms to the Lake Advisory Board. Commissioner Doster seconded and the motion carried 3-0.

iv. PARKS AND RECREATION BOARD

Commissioner Doster made a motion to re-appoint Moe Bay, Bill Massey, and James Walters, and to appoint Ozzie McFarland as an alternate member to the Parks and Recreation Board. Commissioner DiOrio seconded and all voted in favor.

v. ZONING AND PLANNING BOARD

Commissioner Doster made a motion to re-appoint Randy Nelson and appoint Ken Williams to the Zoning and Planning Board. Commissioner DiOrio seconded and the motion carried 3-0.

Town Council thanked outgoing Zoning and Planning Board member Tom McKay.

IX. NEW BUSINESS

**F. RESOLUTION NO. 23-02-14B ACCEPTING AMERICAN RESCUE PLAN
FUNDING FOR SUBAQUEOUS SANITARY SEWER AIA**

Manager Perkins explained that in October, Town Council approved a scope for the AIA (asset inventor assessment) grant of \$200,000 for American Rescue Plan (ARP). Manager Perkins noted that the Town had been waiting for the state to send terms and additional details, and discussions had taken place with LaBella Associates about completing the scope. Manager Perkins explained that Resolution No. 23-02-14B is based on template provided by the state and should be returned to the state in order to fulfill AIA requirements.

Commissioner Doster made a motion to adopt Resolution No. 23-02-14B Accepting American Rescue Plan Funding for Subaqueous Sanitary Sewer AIA. Commissioner DiOrio seconded and the motion carried 3-0.

RESOLUTION NO. 23-02-14B

**RESOLUTION BY THE TOWN OF LAKE LURE TOWN
COUNCIL ACCEPTING AMERICAN RESCUE PLAN
FUNDING FOR SUBAQUEOUS SANITARY SEWER AIA**

WHEREAS, the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund was established in S.L. 2021-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered American Rescue Plan (ARP) funding in the amount of \$200,000 to perform an Asset Inventory and Assessment study detailed in the submitted application, and

WHEREAS, the Town of Lake Lure intends to perform said project in accordance with the agreed scope of work,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Lake Lure, North Carolina:

Section 1. That the Town of Lake Lure does hereby accept the American Rescue Plan (ARP) offer of \$200,000.

Section 2. That the Town of Lake Lure does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

Section 3. That Town Manager William H. Perkins, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

IX. NEW BUSINESS

G. RESOLUTION NO. 23-02-14C ACCEPTING THE NORTH CAROLINA WATER RESOURCES DEVELOPMENT GRANT FOR SHALLOW DRAFT NAVIGATION CHANNEL DREDGING IN THE AMOUNT OF \$750,000

Manager Perkins announced that the Town has received notification of the award for the North Carolina Water Resources Development Grant for Shallow Draft Navigation Channel Dredging. Manager Perkins explained that this notification was received following the work session, which is why it is under discussion for new business. It was noted that the grant award offer is for \$750,000 and that Resolution No. 23-02-14C authorizes the acceptance of the grant. Manager Perkins noted that the grant based on the calendar year.

Commissioner Proctor made a motion to adopt Resolution No. 23-02-14C Accepting the North Carolina Water Resources Development Grant for Shallow Draft Navigation Channel Dredging in the Amount of \$750,000. Commissioner DiOrio seconded and the motion carried 3-0.

RESOLUTION NO. 23-02-14C

**RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE
ACCEPTING THE NORTH CAROLINA WATER RESOURCES DEVELOPMENT GRANT
FOR SHALLOW DRAFT NAVIGATION CHANNEL DREDGING IN THE AMOUNT OF
\$750,000**

WHEREAS, Town of Lake Lure desires to complete a General Navigation Dredging Project projected to remove approximately 40,000 cubic yards of sediment via dredging from the Broad River and Lake Lure

WHEREAS, The Dredging Project will be improving general navigation and boater safety in an area of the lake that experiences significant impact from upstream sedimentation, impeding access to the Town marina and public launch ramp; and

WHEREAS, The Town of Lake Lure applied for North Carolina Water Resources Development Grant for shallow draft navigation channel dredging; and

WHEREAS, The Town of Lake Lure has been offered an award for the North Carolina Water Resources Development Grant for shallow draft navigation channel dredging in the amount of \$750,000;

WHEREAS, The Town of Lake Lure Town Council desires to accept the award offer in full;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE:

Section 1. The Town of Lake Lure does hereby accept the North Carolina Water Resources Development Grant for shallow draft navigation channel dredging in the amount of \$750,000.

Section 2. The Town of Lake Lure Town Council authorizes the execution of the required North Carolina Department of Environmental Quality Finance Assistance Agreement.

Section 3. The Town of Lake Lure shall abide by all of the rules and regulations specified within the North Carolina Department of Environmental Quality Finance Assistance Agreement titled Grant Contract No. CW34404, Lake Lure SDNF 2023.

Section 4. This Resolution shall be effective upon its adoption. ‘

X. CLOSED SESSION

Commissioner DiOrio made a motion to enter closed session in accordance with G.S. 143-318.11 (a) (3) for attorney client privilege. Commissioner Doster seconded and the motion carried 3-0.

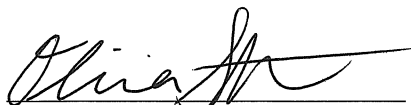
During the closed session, Council members recalled past discussion of local legislation in regard to trails and were provided with an update regarding Brown Engineering legal matter.

Commissioner Doster made a motion to return to open session. Commissioner DiOrio seconded and the motion carried 3-0.

XI. ADJOURNMENT

With no further business, Commissioner DiOrio made a motion to adjourn the meeting at 7:18 p.m. Commissioner Proctor seconded and the motion carried 3-0.

ATTEST:


Olivia Stewman, Town Clerk


Mayor Carol C. Pritchett

