

**MINUTES OF THE REGULAR WORK SESSION AND ACTION MEETING OF THE
LAKE LURE TOWN COUNCIL HELD WEDNESDAY, DECEMBER 20, 2023, 8:30 A.M.
AT THE LAKE LURE MUNICIPAL HALL**

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

William Manager Perkins, Jr., Town Manager
William Morgan, Jr., Town Attorney
Michael Dydula, Project Manager
Dean Lindsey, Public Services Director
Michael Williams, Community Development Director
Kathy Tanner, Lake Lure Flowering Bridge
Laura Krejci, Communications Director

ABSENT:

I. CALL TO ORDER

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

II. AGENDA ADOPTION

Commissioner Scott Doster made a motion to adopt the agenda, as presented.
Commissioner David DiOrio seconded and the motion carried 4-0.

III. PUBLIC COMMENT

There were no comments from the public.

IV. RESOLUTION NO. 23-12-20 FOR LEAD SERVICE LINE LOAN APPLICATION

Manager Perkins explained that this was discussed last week at the regular meeting and summarized what had previously been discussed. Manager Perkins reminded Council that the next chance to apply for the lead service line loan application is January 5th and the loan would go towards funding the required scope and an inventory for water lines. Manager Perkins added that staff will complete as much of the inventory in-house as possible. Manager Perkins noted that the deadline for the required inventory is October. It was detailed that the loan request will be \$1 million for the inventory, but some entities are asking for more to complete other tasks. Manager Perkins explained that this resolution is the only part of the loan application that Council is required to take action on.

Commissioner DiOrio made a motion to adopt Resolution No. 23-12-20 for Lead Service Line Loan Application. Commissioner Proctor seconded and all voted in favor. Resolution No. 23-12-20 was adopted as follows:

RESOLUTION NO. 23-12-20

RESOLUTION BY THE TOWN OF LAKE LURE TOWN COUNCIL FOR LEAD SERVICE LINE LOAN APPLICATION

WHEREAS, The Town of Lake Lure has need for and intends to conduct a study in a project described as Lead Service Line Inventory, and

WHEREAS, The Town of Lake Lure intends to request State loan and/or grant assistance for the project,

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

SECTION ONE. That the Town of Lake Lure, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

SECTION TWO. That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for the repayment of all principal and interest on the debt.

SECTION THREE. That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Lake Lure to make a scheduled repayment of the loan, to withhold from the Town of Lake Lure any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

SECTION FOUR. That William H. Perkins, Jr., Town Manager, the **Authorized Representative** and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above.

SECTION FIVE. That the **Authorized Representative**, 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 in connection with the application.

SECTION SIX. That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, ordinances, and funding conditions applicable to the project and to Federal and State grants and loans pertaining thereto.

Commissioner Proctor asked if the Town still does testing on water pipes and Manager Perkins answered that an annual review and consumer report is completed. Commissioner Proctor explained that he recalls this being done in the past and the only lead that was found was in a reservoir that is no longer being operated. Manager Perkins stated that he believes that these requirements stem from the events that took place in Flint, Michigan. Commissioner DiOrio noted that this is an opportunity to consolidate our water system inventory and Commission Proctor agreed.

V. REVIEW STEERING COMMITTEE RECOMMENDATION FOR MORSE PARK IMPROVEMENTS

Manager Perkins explained that there are materials for the Morse Park Plan located in the meeting packets. It was detailed that the Town originally went forward with a larger scope for Morse Park funding for this particular phase, but there were funding issues with two significant grant sources. Manager Perkins added that the Town did receive two grants, one from RHI Legacy and one from the Division of Water Resources (DWR), so Town staff worked with Destination by Design (DBD) to communicate with RHI Legacy and DWR to inquire if they would move forward with funding the project phase on a smaller scope. Manager Perkins informational Council that RHI Legacy confirmed that they would fund the reduced scope and DWR has indicated that they are also willing to fund the reduced scope, but they are still in the process of amending contract documents. It was detailed that the cost estimate for the reduced scope of this phase of the project is just over \$1 million and would account for enhanced parking, a two stall restroom, and an asphalt walking path. Manager Perkins explained that the Lake Lure Steering Committee has made the recommendation to Council that if RHI Legacy and DWR approve funding for the reduced scope, then Council also approve the reduced scope and the use of existing funds for it.

Commissioner Doster expressed concern with price of two stall bathrooms and Commissioner Bryant agreed. Mayor Pritchett noted that the restrooms would be equipped to be expanded in the future. Manager Perkins explained that he thinks that the estimate is conservative and that bids could very likely come in at a lesser price. Commissioner Proctor noted that these improvements will require sewer and water, and will need to be ADA compliant. Commissioner Bryant suggested that if the bathrooms are closer to the Marina, it would be more accessible to utilities. Manager Perkins noted that there will be a more accurate estimate when a designer gets involved. Commissioner DiOrio explained that it is his understanding that the grant money would be spent first and then local funds would cover any remaining costs. Manager Perkins agreed and detailed the current funding from the Rutherford County Tourism Development Authority (TDA)

and the Town's matching funds that are in the budget. Commissioner Diorio expressed that he thinks that it is a valuable investment and it gets the ball moving on the remainder of the Morse Park Master Plan. Commissioner DiOrio added that the Town needs to account for the future amphitheater when determining the location of the restrooms. Mayor Pritchett agreed and explained that this is the logic behind the restroom location in the drawings. Mayor Pritchett noted that modular restrooms were discussed. Commissioner Bryant suggested that the asphalt path should also be reviewed in correlation with a future amphitheater. Commissioner Bryant noted that there is already a path where the existing picnic area residents and suggested that the asphalt path may be near that. Manager Perkins noted that the asphalt path will be more accessible for all. Commissioner Bryant expressed that conceptually speaking, he feels positive about this and noted that enhanced parking and restrooms are needed in order to account for future phases of the Morse Park Plan. Manager Perkins explained that the first step would be to hire a firm to complete the planning process and to involve a designer. Manager Perkins added that he believes that it would take about a year to get everything completed. Mayor Pritchett noted that TDA is aware that the Town may not use DBD as the planning or design firm because they may not be the most reasonably priced firm. Commissioner Bryant stated that DBD has worked with the Town previously and has a good understanding of the project. Commissioner Bryant expressed appreciation for the TDA and their help with this ongoing project.

Commissioner DiOrio asked if Council will need to approve the reduced scope and amend the Comprehensive Plan. Manager Perkins noted that all of the features in the reduced scope are already accounted for in the Comprehensive Plan and it was determined that the Plan would not need to be amended. Council discussed that the reduced scope will be voted on during the regular meeting in January.

**VI. UPDATE REGARDING THE LAKE LURE FLOWERING BRIDGE
EDUCATION CENTER**

Kathy Tanner, represented the Lake Lure Flowering Bridge (LLFB), joined via phone. Manager Perkins noted that the LLFB previously briefed Council on their plans for the education center and Town council was affirmative that they were in favor of the plan at that time, but plans had since been altered and the LLFB wanted to provide an update before taking their plans to the Board of Adjustment (BOA).

Mrs. Tanner noted that there is a new site plan and that the major change is the positioning and size of the building. It was detailed that these changes stem from a cost savings and logistical standpoint. Mrs. Tanner explained that another major change is that the site plan now involves an 18-spot parking lot between the back of the building and the property line by the green house. Mrs. Tanner noted that the LLFB has gotten permission from the NCDOT to proceed with egress and ingress according to the site plan. Mrs. Tanner detailed that the biggest challenge at this time is the sewer hookup and explained that a new construction committee has been evolved and they have been working with Public Services Director Dean Lindsey and Odom Engineering to locate a viable sewer hookup. Director Lindsey noted that staff completed a smoke test and the results were non-conclusive. Mrs. Tanner added that Odom Engineering found a cast iron pipe, but the issue is that it is full of tree roots and they cannot determine if it is viable. Mrs. Tanner suggested

that the best options are to run a new line near the cast iron pipe or to run a 6 inch line along Boys Camp and tie into the Sea Wish line. Mrs. Tanner stated that Charlie Ellis is working with Odom Engineering to get cost estimates for those options. It was noted that the four inch line near the education center is too small. Commissioner Doster asked if the LLFB would need to get easements to tie into Sea Wish line and it was answered yes because they would have to go across property lines to hook up. Director Lindsey stated that he will continue communications with Odom Engineering and that they will need to submit information to DEQ in order to obtain their approval. It was discussed that any commercial sewer line must be 6 inches per DEQ regulations, so the 4 inch line near the green house would not suffice. Project Manager Dydula stated that LLFB could ask DEQ for a variance, but they will likely require the 6 inch line. Commissioner Proctor noted that they could use an old line if there is an easement of prescription. Director Lindsey stated that he would speak with DEQ about various options. Mrs. Tanner reiterated that the sewer is the biggest issue at this time and other requirements have been addressed.

Commissioner asked about the process once construction begins. It was detailed that the LLFB would execute a contract for construction. Mrs. Tanner noted she spoke with Director Williams yesterday about using a commercial code pre-fab building because it could save money, but this may not be the best option and they are looking at having K Enterprises build it from the ground up. Mrs. Tanner added that there are no changes to the appearance of the building and she will have construction methods determined before going to the BOA. Director Williams explained that Lee Pace with Rutherford County had said that he prefers having it built from the ground up, but either options are fine as long as it is built by the same specs that were submitted. Director Williams noted that BOA did have initial concerns that have been addressed by the LLFB, but the remaining issues include sewer, building methods, and the buffer between the green house and the education center building. Mrs. Tanner noted that most recent site plan shows the buffer in reference and that it has been discussed that the LLFB will speak to the owner of the green house about whether or not they want a buffer installed. Manager Perkins asked if the code offers a vegetative buffer and Director Williams said yes, but the issue is light pollution shining into the adjacent property. Commissioner DiOrio noted that there has to be a buffer along Boys Camp Road, as well. Director Williams confirmed that it correct and added that the only entrance to the building will be through parking lot. Director Williams noted that another issue is that there is a street light and the LLFB has asked about having the light removed, but the light is controlled by Duke Energy. Manager Perkins stated that this can be evaluated after the LLFB submits a lighting plan.

Council thanked Mrs. Tanner and the LLFB for the update.

Council expressed that they have no issues with the updated plans. It was detailed that the plans will go to the BOA for a special use permit and if the special use permit is granted, staff will proceed with reviews. Commissioner DiOrio noted that usually the owner of the property, which is the Town, would typically apply for the special use permit but since this is a unique situation the LLFB is applying which is why he wanted to discuss any updates. It was discussed that the special use permit can be approved, but the project cannot move forward without the sewer permit.

VII. PROJECT MANAGER UPDATES

Project Manager Dydula provided the following updates:

Staff received a pay app last night for the reservoir drain project and the project is approaching 39% completion. Project Manager Dydula is looking at ways to address water control issues for bay 4 and bay 5. Staff is planning to purchase safety netting for about \$70,000, but DEQ needs to weigh in on if they have any issues with the netting. Project Manager Dydula noted that repairing the old access road costed less than anticipated. It was concluded that the reservoir drain project is still on schedule.

The Town is waiting to being survey work on the dam until a decision on the dam grant is made.

The HDD drilling project will likely not occur until the next drawdown season. Ruby-Collins and LaBella Associates have been in contact with two firms who may be interested in working on the HDD project in the future.

Project Manager Dydula and other staff will meet with key players to discuss the dam bridge replacement and Wastewater Treatment Plant (WWTP) in January. LaBella Associates will present the WWTP Master Plan during the January work session and action meeting.

Project Manager Dydula is involved in ongoing coordination with home owners in Sunset Cove.

Project Manager Dydula spoke with LaBella last week about dredging and they have an engineer who is working on a similar dredging project. Staff has held discussions with the School of Government and Engineering Boards who have expressed that the Town cannot sole select firms for dredging, so the Town will have to complete a formal RFQ process. The cost estimate for completing the designs for dredging is about \$125,000. Staff is working to determine funding sources and the state is still working with staff to maintain the dredging grant.

Project Manager Dydula has been helping Community Development with engineering related details in their department.

Commissioner asked if there is a more specific timeline for cell tower and Manager Perkins answered that it still on schedule to be completed by the end of first quarter of the year. It was detailed that the contractors have the land disturbance permitting ready, but issues have emerged regarding having a North Carolina financially responsible party. Director Williams does not think this will be a big issue and all other aspects of the project are prepared to move forward.

Staff is working with DEQ to obtain variances for the sewer project. This includes procuring any necessary equipment required for the variances and staff will be following the appropriate procurement processes.

Commissioner DiOrio requested that the Town begin planning fleet management for Town boats.

VIII. TOWN MANAGER UPDATES

Manager Perkins mentioned that the Town has an intern secured for Town Hall and Community Development is developing a work scope for their intern that they will submit to Appalachian State's Geography and Planning Department in January.


Commissioner Bryant asked about upcoming trash pickup. Manager Perkins explained that Monday is Christmas and there will be no trash pickup, but it will resume on Tuesday. It was noted that this information was available on the Town's website.

Commissioner DiOrio noted that the Everbridge notification for the most recent storm and drawdown did not include reasoning for drawdown. Communications Director Laura Krejci explained that those who receive Everbridge emails were provided with the reasoning for the drawdown, which was to prepare for the storm, but those who only receive the pop-up notifications did not have this reasoning because the notifications are limited to a very minute amount of characters. Commissioner DiOrio requested that the reasoning be included in the notification if the character space allows. Commissioner DiOrio expressed that the notification was timely and efficient, but should have included more information.

IX. ADJOURNMENT

Commissioner Bryant made a motion to adjourn. Commissioner Doster seconded and all voted in favor. The meeting was adjourned at 9:32 p.m.

ATTEST:


Olivia Stewman, Town Clerk


Mayor Carol C. Pritchett

