



**MINUTES OF THE REGULAR WORK SESSION MEETING OF THE LAKE LURE TOWN COUNCIL HELD WEDNESDAY, AUGUST 24, 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 8:30 a.m.

**II. AGENDA ADOPTION**

Commissioner DiOrio made a motion move item XI. Closed Session to item III and renumber accordingly. Commissioner Bryant seconded the adoption of the agenda with the recommended amendments and the motion carried 4-0.

**III. CLOSED SESSION**

Commissioner DiOrio made a motion to enter closed session in accordance with G.S. 143-318.11(a) (5) for the purpose of discussing property acquisitions. Commissioner Doster seconded and the motion carried 4-0.

During closed session, Council members discussed the possible acquisition of various properties for the purpose of Town use for ongoing projects.

Commissioner Proctor made a motion to return to open session. Commissioner Doster seconded and the motion carried 4-0.

### **III. MORSE PARK PLAN AMENITIES AND OPPORTUNITIES FOR ACCESSIBILITY AND PARTF GRANTS**

Town Manager Hank Perkins explained that the Lake Lure Steering Committee has been in the process of discussing the next steps in the Morse Park Master Plan. Manager Perkins noted that a recommendation for an initial step in moving forward with the plan is to expand and improve the parking lot in order to accommodate the future plans. Manager Perkins reviewed the documents that were included in the meeting packet. It was noted that the Rutherford County Tourism and Development Authority (TDA) and Destination by Design (DBD) are going to help the Town apply for accessibility and Parks and Recreation Trust Fund (PARTF) grants. Manager Perkins explained that a PARTF grant requires a dollar-for-dollar match and an accessibility grant does not. Manager Perkins informed Council the Town plans to apply for accessibility grant first and will revert to applying for a PARTF grant if the accessibility grant is not awarded.

Manager Perkins explained that the Town will need to choose three amenities to apply for the accessibility grant. DBD recommended a playground, bathrooms, and walking paths. Manager Perkins reviewed the timeline and funding plans. Manager Perkins noted that DBD will be presenting at the September Council meeting.

Commissioner DiOrio asked if the Morse Park Master Plan had been updated. Manager Perkins stated that it was discussed by the Steering Committee that it had not been updated. Mayor Pritchett stated that the current plans fall in line with the Master Plan regardless of whether or not it has been updated. Commissioner DiOrio asked if the parking lot should be added to the plan to codify it and Manager Perkins expressed that he does not think so but will follow up.

Commissioner DiOrio asked if this is a separate accessibility application from the campground PARTF. It was noted that the PARTF campground grant is closed. Manager Perkins explained that an accessibility grant and a PARTF grant cannot be existing at the same time.

Commissioner Proctor recommended re-examine the existing Master Plan and noted that a lot of people have expressed the want for activity facilities and that the plan should remain until the Town formally changes it. Manager Perkins recommended updating existing Town facilities in the meantime.

There was agreement from Council members to re-examine the Morse Park Master Plan with additional input from residents.

### **IV. DISCUSSION REGARDING MOBILE FOOD VENDORS**

Community Development Director Williams explained that the purpose of this agenda item is to receive feedback from Council in regard to mobile food vendors. Director Williams explained that Town Attorney William Morgan, the Zoning and Planning Board, and the Chamber of Hickory Nut Gorge have individually done research and/or held discussion on

the matter, but Council input is desired before any additional time is spent on researching or discussing mobile food vendors.

Director Williams explained that the existing ordinance allows mobile food vendors at special events and noted that there is a \$160 permit fee. Director Williams also explained that the existing ordinance and fee poses issues for ongoing events, such as the farmers' market, because mobile food vendors would have to pay \$160 each week to participate. Director Williams informed Council that he had made an administrative decision in the case of the farmers' market which enforced each mobile food vendor submit an application, but the \$160 fee was only paid once and only one permit was issued for each day that the farmers' market is held. Commissioner Doster expressed that a challenge with the process under the existing ordinance is redundancy and costly.

Director Williams detailed that the local ice cream business, Scoops, requested to set up a serving station on the 4<sup>th</sup> of July, but they were unable to do so due to conflicts with the existing ordinance. Director Williams also explained that he used the example of Scoops to tie into his support for local brick and mortars and noted that there had been discussion in regard to waiving fees for Lake Lure brick and mortar restaurants if they would like to set up mobile food stations during events. Director Williams clarified that the current ordinance only addresses mobile food vendors at special events.

Manager Perkins explained that there are common mobile food vendor ordinances that have been adopted by many local governments and noted that one common ordinance is allowing local businesses which do not offer food (e.g. breweries) to have on-site mobile food vendors. Manager Perkins recommended researching commonly adopted ordinances.

Commissioner DiOrio explained that the existing ordinance is in place due to concerns in regard to local business competition. Commissioner DiOrio noted that was the history, but expressed that he is open to moving forward with a different standard.

Commissioner Doster explained that the Zoning and Planning Board had discussed the concerns detailed by Commissioner DiOrio and some Board members argued that a mobile food vendor would impact existing local restaurants no differently than the emergence of a new restaurant. Commissioner Doster noted that the Zoning and Planning Board had also discussed that Relish, a mobile food vendor that is stationed directly outside of town limits, attracts those in Lake Lure but the Town does not benefit from any taxes associated with Relish because of it being stationed outside of Town limits.

Manager Perkins noted that mobile food vendors may attract more attendees during events.

Commissioner Doster expressed that he does not foresee any loss of business for existing local restaurants. Council discussed that local restaurants may benefit from allowing mobile food vendors because they would be able to set up mobile food vendor stations during events.

Commissioner Doster discussed that there is a difference between stand-alone vendors on sparse occasions and those who would come to events. Commissioner DiOrio noted that it is basically commercial properties that are prohibited under the existing ordinance.

Commissioner Doster noted the steps taken for mobile food vendors' event applications should be streamlined.

Commissioner DiOrio supported Manager Perkins' recommendation to follow a standard ordinance. Director Williams agreed but noted that Lake Lure is much different from other locations. There was consensus that a permit process should be in place regardless.

Council expressed opposition for permanently standing mobile food vendors and noted that all equipment should be removed when a vendor is not operating. Director Williams recommended that owner of the property that a mobile food vendor is stationed could also have a permitting process.

Commissioner Proctor noted that Fairfield and other properties that hold events such as weddings and family reunions have the events catered and many caterers now have mobile food vending capabilities.

Commissioner DiOrio expressed support for waiving mobile food vendor permit fees for local restaurants.

Director Williams agreed to research standard ordinances and relay ideas to the Zoning and Planning Board. Director Williams noted that there are four main considerations surrounding mobile food vendors including 1) the allowance of food vending stations as an accessory use to a special event, 2) allowing mobile food vendor businesses to apply for annual permits to set up on privately owned property, 3) whether to allow mobile food vendors on Town owned property which can be allowed under GU zoning, and 4) offering waived or reduced mobile food vendor fees for in-Town, brick and mortar restaurants.

<p><b>V. PUBLIC SERVICES REQUEST FOR DECISION TO RENT OR PURCHASE EQUIPMENT FOR SEWER REPLACEMENT PROJECT</b></p>
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Manager Perkins explained that there had been previous discussion regarding preparing for the upcoming drawdown and looking at procuring necessary equipment. Manager Perkins noted that Public Services Director Dean Lindsey had completed a five year cost-effectiveness analysis comparing the purchase versus rental of equipment. Manager Perkins noted that if the Town decides to make purchases, the process should begin soon due to waiting for state approval which might take some time.

Director Lindsey explained that his analysis includes only the equipment for the upcoming drawdown period. Director Lindsey also explained that he incorporated depreciation and estimated that the overall depreciation value will be about half of the total because the equipment would be sold after five years. Council reviewed the analysis.

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Manager Perkin noted that a caveat to purchasing equipment is insurance. Manager Perkins explained that Finance Director Stephen Ford has contacted insurance companies regarding use of Town barges and liability insurance. It was determined that the Town's insurance carrier, the North Carolina League of Municipalities (NCLM), advised the other organizations can operate a Town barge, but the Town needs to look into liability insurance and agreements with other organizations for lost or damaged equipment and property. Commissioner DiOrio noted that there would also be liabilities if the Town rented equipment. Commissioner DiOrio also noted that a rental company might not allow some equipment on the water and the Town might have to pay renters insurance.

Manager Perkins advised Council to consider the use of ARPA funds which have a limit and noted that purchases will be eligible for up-front reimbursement.

Director Lindsey noted that one item to consider is a tractor trailer to move the equipment and explained that the Town would use this item infrequently. Commissioner Doster noted that the Town could have the contractors move equipment. Commissioner Doster also noted that the Town should ensure that contractors are held accountable for the responsible use of Town equipment. Commissioner Diorio noted that the Town would ultimately act as a rental company to Ruby-Collins.

Manager Perkins noted that the Town can use the first drawdown as a trial for purchasing equipment, if the Council would like to opt for purchases instead of rentals.

Commissioner Doster asked what a large wheel loader would be used for. Director Lindsey explained that it would be used for sludge removal and mechanical dredging. Commissioner Doster questioned if there is enough personnel to run the equipment. Commissioner Doster expressed that he would like for the Town to frequently use any purchased equipment.

Manager Perkins advised that it is more beneficial to purchase any item that will be reimbursed. Manager Perkins questioned if ARPA funds must be returned if the Town sells the equipment purchased through ARPA reimbursements.

Commissioner DiOrio asked if past engineering activities can be submitted for reimbursement. Manager Perkins explained that NC DEQ is going to look into an eligible date range for reimbursement because there is a date limit. It was noted that the former Finance Director Sam Karr had submitted a request form for the use of State Revolving Fund to reimburse the past costs associated with Brown Engineering, but the Town is in the process of trying to cancel that request and use ARPA funding instead due to the time limit of ARPA fund usage.

Council members expressed support for purchasing equipment.

Manager Perkins noted that he had asked Brian Houston with LaBella Associates to confirm whether or not all of the listed equipment is eligible for ARPA reimbursements.

There was Council consensus to move forward with getting state approval for purchasing equipment and Council allotting money for reimbursement at a later date.

## **VI. PUBLIC SERVICES REQUEST FOR ADDITIONAL EQUIPMENT**

Director Lindsey explained that the he is requesting a blower and leaf & debris vacuum in order to better maintain Town streets and storm water management. Council reviewed the information provided by Director Lindsey.

Commissioner DiOrio noted that there have been lawsuits regarding neglecting storm water ditches and expressed support for the requested purchases. Manager Perkins expressed that one issue to consider is individuals mistaking Town maintenance as loose leaf collection and purposefully dumping leaves in the storm water system. Council briefly discussed a leaf collection policy.

Director Lindsey noted that equipment could also be used to collect trash after events.

There was consensus to include a budget amendment for the requested purchase of a blower and leaf & debris vacuum on the next Council meeting agenda.

Finance Director Ford explained that general fund balance would be used to purchase the equipment.

Commissioner Proctor asked where the Town plans to dispose of the collected leaves and Director Lindsey explained that the Town contracts with Nelon for other sanitation services. Commissioner Proctor noted that if the Town had space to store the leaves, the accumulated compost could eventually be sold.

## **VII. REVIEW THE DRAFT INTERLOCAL AGREEMENT BETWEEN TOWN OF LAKE LURE AND CHIMNEY ROCK VILLAGE AND DRAFT RESOLUTION DECLARING INTENT TO ENTER AN INTERLOCAL AGREEMENT**

Manager Perkins presented the Council with the draft interlocal agreement between the Town of Lake Lure and Chimney Rock Village which was crafted by the Town, LaBella Associates, and consideration of input from Chimney Rock Village. Manager Perkins stated that Chimney Rock Village Administrator Steven Duncan had confirmed that McGill Associates had reviewed the document.

Manager Perkins noted that the state is still reviewing whether or not a merger can be just sewer instead of water and sewer and explained that the draft interlocal agreement is written in a sense that infers that only the sewer system is transferred. Manager Perkins also explained that the draft resolution details that the merger is contingent upon receiving ARPA funding. Manager Perkins relayed the resolution to Chimney Rock Village.

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Manager Perkins noted that a decision needed to be made regarding whether or not to proceed with the merger if Town is granted ARPA funding that is less than the total of \$30 million worth of eligible funding between the Town and the Village. It was noted that Brian Houston with LaBella Associates has expressed that the Town should hold out for the \$30 million.

Manager Perkins reiterated that the Town is awaiting a response from DEQ in order to understand their decision as to whether or not the water merger will also be required. Manager Perkins noted that he would continue discussions with DEQ and Chimney Rock Village. Commissioner DiOrio suggested that the Town should move forward with applying for \$15 million if the merger is unfeasible due to requiring the water merger.

Manager Perkins noted that if DEQ determines that a sewer merger without water will suffice, the Council will need to adopt the draft resolution.

### **VIII. FUNDING FOR APPLICATION AND CERTIFICATION FOR PAYMENT – RUBY-COLLINS**

Director Ford explained that the Town received an invoice from Ruby Collins for \$512,000. Director Ford noted that the Town can satisfy the invoice by requesting reimbursement through ARPA funds. Director Ford informed Council that the Town can submit the bill for ARPA reimbursement prior to paying Ruby-Collins, as long as the vendor is paid within three days. Director Ford concluded that the Town can submit a request for reimbursement before making the payment.

### **IX. PROJECT MANAGER SEARCH UPDATE**

Manager Perkins explained that he will be in contact with Renee Narloch today. Manager Perkins pointed out that the outreach and recruitment process closes on the 29<sup>th</sup> of August and that Ms. Narloch will provide the Town with information about the candidates in September.

### **X. LAKE DRAWDOWN PREPARATION AND SUNSET COVE COMMUNITY COMMUNICATIONS UPDATES**

Communications Director Laura Krejci explained that she had contacted Sunset Cove property owners regarding work that will take place during the upcoming drawdown season and that most all of the individuals were receptive to the call and requests from the Town. Director Krejci reported that only one person expressed that they will not be cooperating with the request to move their boat. Director Krejci explained that all other objections involved associated costs. Director Krejci stated that she had called the Driftwood Marine to obtain price estimates and the Marine contact estimated a cost of \$100 to \$150 for boat transportation costs and \$35 to \$45 per month for boat storage.

It was noted that Director Krejci invited Sunset Cove residents to a meeting on September 20th with Brian Houston. Director Krejci informed Council that the communications packets are prepared to be sent out and that the packets were discussed with the Sunset Cove

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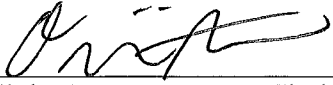
members so they are expecting them. Mayor Pritchett asked if the packets will be sent by certified mail and it was recommended to send them by certified mail along with a first class copy. Manager Perkins stated that Director Krejci will have the information available on the website and Director Krejci explained that she uploaded the document to the website yesterday and will post it in the Town News section by the end of the month.

Director Krejci informed Council that one individual requested that the September 20<sup>th</sup> meeting be available via Zoom. There was Council support to allow the use of Zoom for those who cannot attend in person.

### **XII. ADJOURMENT**

Commissioner Bryant motioned to adjourn the meeting. Commissioner DiOrio seconded and all voted in favor. The meeting was adjourned at 11:17 a.m.

ATTEST:

  
Olivia Stewman, Town Clerk

  
Mayor Carol C Pritchett

