

MINUTES OF THE REGULAR WORK SESSION MEETING OF THE LAKE LURE TOWN COUNCIL HELD WEDNESDAY, JULY 26, 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 Hank Perkins, Jr., Town Manager
William Morgan, Jr., Town Attorney
Michael Dydula, Project Manager
Brian Houston, PE, LaBella Associates
Gary Johanik, Ruby-Collins
Laura Krejci, Communications Director
Stephen Ford, Finance Director
Michael Williams, Community Development 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 Jim Proctor requested to add Item XIV for "Synagro Proposal for WWTP Sludge Removal" and renumber accordingly.

Commissioner Proctor made a motion to adopt the agenda, as amended. Commissioner Scott Doster seconded and the motion carried 4-0.

III. REVIEW RUBY-COLLINS PROPOSED AGREEMENT AMENDMENT 02

Project Manager Michael Dydula noted that had received Ruby-Collins's updated GMP numbers for a total of about \$1.5 million to allow them to do work for a three month drawdown period rather than five months. Project Manager Dydula added that this drawdown would be from January to March and the change is due to scheduling conflicts with the reservoir drain installation. Project Manager Dydula explained that Ruby-Collins would be pulling sleeves in Sunset Cove during the drawdown and there will be no need for boats to be removed from Sunset Cove. Project Manager Dydula recommended that the drawdown amendment be announced and solidified during the August regular meeting.

Brian Houston, PE, LaBella Associates, explained that the proposed GMP will include the completion of the installation piece running through casing throughout Sunset Cove. Mr. Houston added that it will include finished pipe, manholes, and laterals. Project Manager Dydula noted that everything will be done under the Ruby-Collins contract aside from use of the Town's barge and other equipment. Public Services Director Dean Lindsey added that Ruby-Collins will be using the boathouse as their base for operation. Mr. Houston expressed that there is a need to have this approved by July 28th so operations could be initiated such as permitting and review. Council members discussed holding a special session on July 28th at 9:05 a.m. Mr. Houston detailed the existing design and it was discussed that future phases can start to be planned after drawings are submitted to the Department of Environmental Quality and approved. Council discussed holding an informational meeting with Sunset Cove residents. Project Manager Dydula mentioned that he gets frequent calls from residents asking when work will be done for their portion of the sewer and noted that people are wanting to hook to the new sewer system as soon as possible. Project Manager Dydula expressed that he had been pushing the design team to complete as much as possible and that the 2024-2025 drawdown will be more intense. Mr. Gary Johanik expressed optimism for the upcoming drawdown, as well. Town Manager Hank Perkins asked if the laterals will be coming up in visual to the property and Mr. Houston answered that the laterals will be visible under the 995 ft. Council members discussed relaying pertinent information to residents in regard to what to expect. Manager Perkins recommended passing a resolution in regard to a minimal charge fees. Commissioner DiOrio agreed and noted that the framework had been established for when the new system goes into commission and is operational, which starts the clock to begin use of new system and for the implementation of fees for availability. Project Manager Dydula expressed that he would like to see as much work done as possible during each drawdown. Project Manager Dydula noted that the Department of Environmental Quality has been updated and is in support of the current plan.

IV. REVIEW PROPOSED LABELLA TASK 5 AMENDMENT

Project Manager Dydula and Mr. Houston explained that LaBella had submitted a proposed amendment to Task 5 for a \$25,000 extension of budget for various on-call services not specifically addressed by other approved Tasks. It was noted that this will be included on the August meeting agenda. Commissioner DiOrio noted that on-call services are important because the Town must keep the existing sewer system viable while the new system is being built.

V. CYCLE NC MOUNTAIN RIDE REMINDER

Communications Director Laura Krejci provided details in regard to the Cycle NC Mountain Ride event, which will take place August 4th through 6th. Director Krejci noted that there will be about 315 participants and Mayor Pritchett noted that even more people will be expected between the participants' families and volunteers. Director Krejci explained that there will be different routes, some of which will be local, and public safety is aware and prepared.

It was noted that the Olympiad event will take place the following week.

Commissioner Bryant asked if the farmers market will still take place on August 4th and Director Krejci answered yes.

Mayor Pritchett thanked Director Krejci for her hard work and for coordinating this event.

VI. LAKE LURE CLASSICAL ACADEMY DISCUSSION FOLLOW-UP

Town Manager Hank Perkins summarized the past Council discussion regarding Lake Lure Classical Academy (LLCA) and the inquiry about designating LLCA as an emergency shelter. Manager Perkins explained that Town staff had since met with LLCA and their architect, and it was determined that the LLCA will require a generator, a transfer switch, and lighting in order to operate as an emergency shelter. Manager Perkins added that all other required elements are already a part of a project. Manager Perkins noted that the LLCA's architect is going to continue to evaluate the needs discussed and present LLCA and the Town with cost estimates. Manager Perkins also noted that there is nothing at this time that indicates that the generator cannot be a mobile generator.

VII. REVIEW ZONING AND PLANNING BOARD RECOMMENDATIONS REGARDING BARS

Community Development Director Michael Williams explained that there is an increase in commercial activity related to alcohol and bars, and that bars can only be opened in the Commercial Shopping Center (CSC) District where Ingles is located. Commissioner Doster added that there has been confusion because of recent changes to the state ABC regulations. Commissioner Proctor explained that when the Town voted to approve alcohol sales in the 1980s, it was the Town's opinion then that alcohol sales should be allowed only when accompanied by food sales. Commissioner Proctor expressed that he is aware that new situations are emerging and that he is in favor of figuring out how to allow local businesses operate, but questioned if bars are going to be supported in the Town. Commissioner Proctor expressed that he is personally not in favor of allowing bars throughout all commercial districts. Commissioner Proctor noted that bars had to be allowed somewhere, so it was likely purposeful that the Town allowed bars in the CSC district with limited space. Commissioner Doster provided Council members with information detailed on the ABC Commission website. Commissioner Doster summarized that the Town needs to determine if the sale of alcohol without food should be allowed and in what districts to allow it.

Commissioner Doster noted that the elements recommended by the Zoning and Planning Board were adding definitions for bars and restaurants based on the state's definitions and determining whether or not bars should be allowed in all commercial districts through special use permits.

Commissioner Doster noted that recent occurrences include businesses wanting to start as a bar and then transform into a restaurant at a later date when they have the resources, which would require that they change their permits. Commissioner Proctor noted that the part of his concern would be if existing restaurants to stop serving food and start only serving alcohol.

Commissioner Doster noted that special conditions could also be imposed on bars, which would allow the Town to set parameters to meet the community's needs, similar to those imposed on adult entertainment establishments. Commissioner Proctor expressed concern with this and Mayor Pritchett agreed and noted that she fears that would become subjective. Director Williams added that public hearings are involved with a special use permit, so the public could also express their concerns if bars were allowed through a special use permit process. Mayor Pritchett noted that the Town first needs to figure out if allowing bars is appropriate for the community. Commissioner Proctor asked what businesses are requesting to be bars and Director Williams answered Fae Nectar and Grey Hawk.

Manager Perkins questioned if bars can be differentiated between subcategories. Director Williams noted in some districts you can have brewery, winery, micros, distillery, etc. Commissioner DiOrio asked where these are defined in the ordinances and Director Williams answered that they are not defined, but at these places are only allowed to sell their own products which is why they are different.

Director Williams noted that the CSC District already requires a special use permit for bars and noted that there would have to be a clear substantiated reason to deny a special use permit. Commissioner Doster expressed that he would like to have additional conversations with the ABC Commission's attorney because information is vague at this time. Director Williams noted that the Chamber and a few businesses are advocating for bars, which is why this subject is being broached. Manager Perkins expressed that there could be a way to allow those businesses to operate as they wish without allowing unwanted bars, but expressed concern with fully allowing bars. Commissioner Proctor recommended that bar occupancy be limited if they become allowed.

Council agreed that appropriate definitions be added to the ordinances. Commissioner Proctor noted that the Town may want to be cautious with defining things that are defined by the state because if they change, the Town would be in conflict with state rules. Commissioner DiOrio agreed and recommended adding language such as "per state statute" without adding specific state language. Commissioner DiOrio expressed that he is still in support of requiring food. Commissioner Doster expressed that no action be taken until the Town can get further clarifications from the ABC Commission's attorney.

VIII. PARKS AND RECREATION TRUST FUND (PARTF) / BOYS CAMP ROAD UPDATE

Manager Perkins explained that the Parks and Recreation Trust Fund (PARTF) related to the Boys Camp Road property had been discussed during a previous meeting and it was

summarized that the Town had found out that there was a conflict between PARTF and .17 acres of the property being used for the communications tower. Manager Perkins noted that Parks, Recreation, and Trails Coordinator Dana Bradley had been in communication with PARTF representatives and that they have advised that the Town may re-pay the value of the .17 acres. Manager Perkins added that this would involve the original appraisal and an additional appraisal, and whichever is higher will be the basis for value of the .17 acres. Manager Perkins explained that the alternative would be to purchase a .17 acre parcel and designate it for recreation, but that option has not looked promising due to the small size of the land needed. It was noted that existing Town-owned property is not applicable. Manager Perkins explained that Coordinator Bradley had been taking responsibility for leading efforts to resolve the PARTF issue and work towards being able to pay back the portion needed. Manager Perkins added that the Town should have more information from the PARTF contact by the end of the week and will proceed with completing appraisals as soon as possible. Manager Perkins noted that the Town currently has an active application for additional PARTF funds and that staff does not want that to be compromised, but the Town must prioritize moving forward with the cell tower. Mayor Pritchett expressed that the cell tower is important and that time is of the essence.

IX. REVIEW RESOLUTION SUPPORTING FOOTHILLS RURAL PLANNING ORGANIZATION (RPO) PRIORITIZATION 7 SUBMITTALS

Manager Perkins explained that the Foothills Rural Planning Organization (RPO) will submit their requests for plans in Prioritization 7 in the near future. It was noted that there was controversy with Polk County removing an approved project in the past, and the Department of Transportation is not requesting that every jurisdiction adopt a resolution of support to ensure that all entities are in favor of prioritization projects. Commissioner DiOrio expressed concern with this and asked how other jurisdictions are allowed to dictate support for others' projects. Manager Perkins expressed optimism that this will not be an issue. It was noted that holding tanks are projects that were not previously submitted. Council agreed that this will be addressed on the consent agenda at the next regular meeting.

X. REVIEW BUDGET AMENDMENT #352 FOR LAKE LURE FLOWERING BRIDGE PARKING LOT

Manager Perkins explained that Budget Amendment #352 is related to the previously approved request from the Lake Lure Flowering Bridge for the Town's help in funding their volunteer parking lot. Manager Perkins agreed that the amount associated with Budget Amendment #352 is \$8,000.

XI. LAKE LURE GREEN SPACE UPDATES

Manager Perkins detailed two green-space related projects were discussed in the past including a space needs study for the fire department and master planning for the Green Space. Manager Perkins recalled the golf course revitalization proposal and noted that he had been in contact with the proposer, Mr. Luke Davis. Manager Perkins detailed that Mr. Davis had expressed in a recent follow-up that he requires the entire green space property and is not open to entering into a concession agreement. Manager Perkins asked if the Town would like to move forward with Mr. Davis' request to solicit

request for proposals and accept sealed bids or if the Council would prefer to begin the other projects. Commissioner Proctor expressed that if all of the property is required for the revitalization proposal, it is his opinion that the offer is off the table. Commissioner Bryant expressed that he supports moving forward with space needs study and master planning. Commissioner Bryant also expressed that public safety is the main concern and that portions of the property will be needed to enhance public safety. Other members of Council agreed. Commissioner Proctor added that he thinks that a concession agreement would be appropriate and other Council members agreed. There was consensus to discontinue negotiations regarding the golf course revitalization proposal and to proceed with the space needs study and the master planning.

Commissioner Doster asked for an update on the washout on the green space property. Coordinator Bradley answered that the Town put in a request to the Department of Transportation to repair their pipe and the Town can proceed resolving other issues.

XII. PROJECT MANAGER UPDATES

Manager Perkins noted that the Firefly Cove Water System Management Plan (WSMP) will be submitted by the end of the week and that pipes are starting to be hooked up, but they cannot be connected until the WSMP is approved. Commissioner DiOrio noted that there will need to be some system testing to ensure that the system responds correctly. Public Services Director Dean Lindsey agreed and noted that the next phase will be reconfiguration of the downtown system and Firefly Cove will be the backup to the downtown system. Mayor Pritchett asked when the Town might get approval for the WSMP and Director Lindsey estimated two weeks.

Commissioner Doster asked about the water line being worked on near Scoops Ice Cream. Director Lindsey explained that a septic tank failed and the owner's had requested to hook up to the Town's system.

Project Manager Dydula noted that the reservoir drain project is facing complications related to geotech and land transaction. Project Manager Dydula expanded that Morgan Corporation is concerned that the Town has liquidated damages on them. It was noted that the Town is looking at properties that may be needed for the project and that Morgan Corporation may work on obtaining prescriptive easements. Project Manager Dydula noted that staff and engineers are evaluated how to re-route the sewer pipe on the bottom where the reservoir drain pipe ends. Project Manager Dydula added that an electrical package will be necessary and the Town will keep everything under the original contract with Morgan Corporation, who is willing to add that the electrical package to their contract through a change order.

Project Manager Dydula reported that the Town had solicited 6 bids for the Tryon Bay House demolition and two bids were received. It was detailed that one bid was from Champion Construction for over 200,000 and DH Griffin was the other bidder with a bid of \$80,850. Project Manager Dydula agreed to follow up with Finance Director Stephen Ford to ensure that there are sufficient funds in the budget. Project Manager Dydula noted that both firms included a 10% contingency and that there may be additional costs. Commissioner Doster asked if the bid price will demolish the structure down to the foundation and Project Manager Dydula answered yes and recommended leaving the foundation there. Project Manager Dydula noted that there might be some additional infilling involved. Manager Perkins noted that the Town will need to decide how to handle any leans for the property or foreclosure. Town Attorney William Morgan noted that a lean will be required regardless and it was noted that the

Town can add the \$80,000 cost of demolition to the lean. Mayor Pritchett asked when the demolition would take place and Project Manager Dydula expressed that if this is approved during the August 8th meeting, it could be rewarded by the 9th and demolition could start as soon as possible. Commissioner DiOrio recommended warning the residents of Tryon Bay and others that this will be taking place soon. It was noted that Communications Director Krejci would put an announcement on the website. Project Manager Dydula explained that he had discussed work being done during the week to avoid disrupting the busy weekends.

Project Manager Dydula noted a couple of easements are slowing down progress with the dam and dam bridge, but added that he would be sending out an email to discuss this with the Department of Transportation this week. Project Manager Dydula also noted that the Town is waiting on FEMA grant approve to approve the contract that will allow Schnabel to start doing investigation work. Project Manager Dydula explained that he is working with Schnabel to get ahead on future land transactions and recommended getting in contact with a land attorney and involving the Department of Transportation.

XIII. TOWN MANAGER UPDATES

Manager Perkins explained that Chimney Rock Village is requesting that the Town add a line item on sewer bills that will allow the Village to collect extra funds for maintenance and cleaning. Commissioner DiOrio asked if this is legal and Manager Perkins said yes. Manager Perkins noted that he discussed the matter with Chimney Rock Village and determined that neither of the Town's agreements with the Village allow for moving forward with their request and that if this were to be done, it would have to be detailed in an agreement.

Commissioner DiOrio asked how many proposals had been submitted for leasing the former ABC Store location. Manager Perkins detailed that two proposals had been received and that the Town can expect at least two more. Commissioner DiOrio asked for a timeline to review the proposals and make a decision and Manager Perkins expressed that he would like to relay the proposals to Council soon. Commissioner DiOrio asked if a special work session meeting will be needed to review the proposals and Council members discussed. Commissioner DiOrio expressed that the Town needs to select a proposal by September to have it ready for the next in-season. Council members agreed to amend the meeting schedule to hold the August work session meeting on the August 16th.

Council members discussed holding round table meetings in September.

XIV. SYNAGRO PROPOSAL FOR WWTP SLUGE REMOVAL


Manager Perkins explained that this is in regard to a change order for the Town's agreement for the Wastewater Treatment Plant sludge removal. Manager Perkins asked Public Services Director Dean Lindsey what his estimate was for the cost of the proposal and Director Lindsey answered that the total cost will be about \$85,000 to \$100,000. Director Lindsey explained that this will include emptying sediment basin, cleaning, and preparation for the belt press. Director Lindsey added that the sediment basin is currently full. It was noted that the duration for completion is four to six weeks. It was also noted that a budget amendment would be required.

The importance of sludge removal was discussed and there was consensus to address this item and the budget amendment during the August meeting.

XV. ADJOURNMENT

Commissioner Bryant made a motion to adjourn. Commissioner Proctor seconded and all voted in favor. The meeting was adjourned at 10:34 a.m.

ATTEST:


Olivia Stewman, Town Clerk


Mayor Carol C. Pritchett

