



**MINUTES OF THE SPECIAL MEETING OF THE LAKE LURE TOWN COUNCIL
HELD WEDNESDAY, SEPTEMBER 6, 2023, 8:30 A.M. AT THE LAKE LURE
MUNICIPAL HALL**

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
Michael Dydula, Project Manager

ABSENT: Commissioner Patrick Bryant

I. CALL TO ORDER

Mayor Carol C. Pritchett called the special meeting to order at 8:30 a.m.

II. AGENDA ADOPTION

Commissioner Jim Proctor made a motion to adopt the agenda, as presented. Commissioner Scott Doster seconded and the motion carried 3-0.

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

Town Manager Hank Perkins summarized past discussions that had taken place with Council regarding the Town being non-compliant with Parks and Recreation Trust Fund (PARTF) guidelines for the Boys Camp Road property due to the upcoming construction of a cell tower on the property. Manager Perkins provided Council members with a letter from the PARTF representative detailing two options. The options were as follows:

Option 1: The Town may replace, at its own expense, the 2.5 +/- acres acquired with PARTF assistance with land of at least equal current fair market value and recreational

usefulness. Replacement areas shall also be within the Town's service area; provide or be part of a viable recreation area; and be to the maximum extent possible, consistent with all current PARTF application requirements. The replacement recreation property may not be in public ownership at the time of the conversion.

Option 2: If the Town can demonstrate to DNCR's satisfaction that no viable replacement property can be found, the Town has two options to repay the Parks and Recreation Trust Fund.

- a) The Town may repay the trust fund in full the approved appraised value of the 2.5 +/- acres at the time of conversion or the original award amount, whichever is greater, or*
- b) The Town may repay the trust fund in installments the approved appraised value of the 2.5 +/- acres at the time of conversion or the original award amount, whichever is greater. The terms of the payment plan can be negotiated. The Town would not be eligible to apply for a PARTF grant until payment is made in full.*

Manager Perkins noted that staff's recommendation based on expediency is option two for reimbursement.

Commissioner DiOrio asked where the Town would get the money to pay for the reimbursement and Manager Perkins answered the general fund.

Commissioner DiOrio noted that this is not in the budget. Commissioner DiOrio asked how this would impact the cell tower and Manager Perkins answered that the cell tower will not be impacted at all and that it only impacts our ability to apply for additional PARTF grants.

Commissioner DiOrio noted that there is a two-segment property that the Town is interested in purchasing for infrastructure purposes and suggested that the property owner had already expressed that they are interested in working with the town to use a portion of the property for recreational and memorial purposes. Commissioner DiOrio recommended that a portion of that property be used in the Boys Camp property conversion detailed in option one.

Commissioner Proctor asked how cumbersome the process would be to convert a new piece of property and Manager Perkins answered that his understanding is that the Town would need to develop a new park plan, have a 30 day public comment period, a public hearing, and park approval. Manager Perkins noted that it would be a longer process than reimbursement.

Manager Perkins noted that there is also going to have to be a conversion for the Town's Land and Water Conservation Fund (LWCF) at some point. Manager Perkins noted that LWCF guidelines are more stringent than PARTF and expressed that PARTF is more urgent.

Commissioner DiOrio expressed that the property that the town is already interested in is a viable solution and noted that the only thing impact that will be had while the conversion process takes place would be a temporary hold on applying for additional PARTF funds. Commissioner DiOrio also noted that there are other benefits that could come from the property. Commissioner

DiOrio reiterated his proposal and recommended contacting the property owner to see how they feel about this option.

Commissioner Doster noted that the most important factor is that the Town can still move forward with the construction of the cell tower. Commissioner Doster asked how the Town did not know that a cell tower would put the Town out of compliance with PARTF. Commissioner DiOrio noted that a former a PARTF employee had advised the Town with incorrect information. Commissioner Doster noted that the Town needs to fully understand the details of grants moving forward. Manager Perkins noted that he thinks there was verbal indication between a former Town employee and former PARTF employee that the cell tower would not be an issue, but there was no written correspondences proving this.

Mayor Pritchett asked for verification that the timeline for the cell tower construction would not be impacted if the Town proceeds with option one and Manager Perkins confirmed that the cell tower project would not be impacted.

Commissioner Diorio expressed that cell tower is technically going towards recreational use because it increases safety on trails and other recreational facility sites, but noted that it is not considered that way by PARTF. Commissioner DiOrio and Mayor Pritchett agreed that the cell tower is the biggest priority.

Commissioner Doster expressed that the Town needs to begin proceeding and complete necessary steps before the next PARTF application cycle in order to apply for funds for Morse Park.

Manager Perkins noted that if it is consensus of the board, Town staff can tell PARTF that the Town wishes to pursue option one at this time. There was consensus to pursue option one at this time.

Council discussed how to proceed with a park plan for that property.

Manager Perkins added that he would research whether or not the property could be used for LWCF, as well.

Commissioner Doster made a motion to pursue option one presented by PARTF. Commissioner DiOrio seconded and all voted in favor.

IV. DREDGING CONTRACT CHANGE ORDER

Manager Perkins that the Town had planned to proceed with the dredging contract through change orders after the auditors confirmed that there was a paperwork issue but now agree that the Town can proceed with the existing contract. Manager Perkins added that met with Tim Edwards and Parks, Recreation, and Lake Staff and everyone is on-board. Manager Perkins noted that the issue is that there is still the question as to whether or not Mr. Edwards is required to hold a general contractor license because there are uncertainties as to whether or not dredging operations are considered maintenance or construction. Manager Perkins noted that Project Manager Michael

Dydula had been in contact with Frank Wiesner with the North Carolina Licensing Board for General Contractors and it was recommended that Town Attorney William Morgan speak with Mr. Wiesner about this issue. Manager Perkins stated that dredging operations can proceed if Mr. Edwards is able to complete the work without a general contractor license. Manager Perkins added that if operations proceed, there would be a price increase because prices haven't changed in five years and expressed that he thinks the new prices would be acceptable. Manager Perkins also added that if operations proceed, he would recommend that the contract termination date extend until June 2025 and coincide with the end of the fiscal year.

Project Manager Dydula noted that he had spoken with Kevin Hart with NCDEQ and he was informed that the dredging grant can be extended for one year. Mayor Pritchett asked if the Town could apply for another dredging grant simultaneously and Project Manager Dydula answered yes.

Commissioner Proctor asked if the Town would need advertise for bids for dredging and Manager Perkins noted that this will depend on the outcome of conversation between Attorney Morgan and Mr. Wiesner.

Commissioner DiOrio asked if it was possible to request for bids for general contractors and have a general contractor subcontract with Tim Edwards since operations had been successful in the past under Mr. Edwards. Project Manager Dydula answered that this would not be doable because the Town cannot determine who a general contractor uses as a subcontractor.

Manager Perkins stated that more information should be known after communications take place between Attorney Morgan and Mr. Wiesner.

**V. PROPOSAL FOR THE LEASE OF THE FORMER ABC STORE PROPERTY
LOCATED AT 2654 MEMORIAL HIGHWAY**

Manager Perkins explained that the Town had closed out accepting proposals for the lease of the former ABC Store property following Council review of four proposals. It was noted that Council had requested further information from Lake Lure Tours (LLT) in regard to their proposal, so Manager Perkins and Commissioner DiOrio met with Mr. George Wittmer to discuss additional details. Manager Perkins explained that LLT was interested in utilizing the boat house located on the property and that Council's concern with this was that the Police Department currently stores their boat at this location. It was further explained that following additional conversation, Mr. Wittmer expressed that LLT would be willing to allow Police to continue to use the boat house until a second phase occurs and the Town has the ability to relocated the boat. Manager Perkins noted that Mr. Wittmer also amended LLT's initial proposal to include the allowance of up to six food trucks on the Pool Creek Park property. Manager Perkins added that this would not restrict the public's use of Pool Creek Park. Manager Perkins detailed that LLT had also proposed to install two restroom facilities in Pool Creek Park and make improvements to the boat docks. It was also detailed that additional parking was requested for the use of Pool Creek Park. Manager Perkins explained that LLT would be paying the Town \$5,000 for the use of the building, boat house and docks, and Pool Creek Park. Manager Perkins added that the proposal would incorporate the

existing concession agreement for the purpose of out boarding tour boat passengers and use of the boat ramp for non-motorized boat rentals.

Commissioner DiOrio noted that when reviewing all of the proposals, Council looked at financial and recreational aspects. Commissioner DiOrio summarized that LLT proposal was almost double the financial amount of other proposals and that LLT proposal had fully incorporated the full space for recreational activities for the community. Commissioner DiOrio detailed that the church located near the property will not be impacted nor will church services. Commissioner DiOrio added that LLT proposal was more comprehensive than the other proposals.

Manager Perkins noted that he had reviewed LLT proposal with Parks, Recreation, and Lake Department staff and that it may be beneficial to consult with the Parks and Recreation Board. Manager Perkins also noted that he had spoken with Community Development Director Michael Williams who had expressed that there are no zoning conflicts. Commissioner Doster asked if there were any existing restrictions related to the property and Manager Perkins answered that he and other staff could not find any restrictions.

Mayor Pritchett asked about LLT replacing the bridge in Pool Creek Park and Manager Perkins noted that this is something that LLT will need to work on with Community Development. Commissioner Proctor noted that when the bridge was built, it was a part of the beach and it was removed whenever the two were separated and anyone could access the beach without payment. Commissioner Doster expressed the necessity for getting approval from all staff and necessary boards. Commissioner Doster also expressed that the rowing club accesses a part of that property for their operations and that he would like to ensure that the rowing club can continue successful operations in Lake Lure. Mayor Pritchett noted that would be between LLT and the Rowing Club.

Manager Perkins noted that he and Town Attorney William Morgan had discussed that it is their opinion to avoid entering into a commercial lease for the park property and only entering into one for the ease of the building while expanding the existing concession agreement to include Pool Creek Park. Commissioner DiOrio noted that this could change the financial structure and terms. Manager Perkins noted that the Town could incorporate a \$2,000 monthly payment as a concession along with the \$3,000 rent and concession percentages.

Commissioner DiOrio expressed support for the addition of food trucks to the proposal and asked for the opinions of other Council members. Commissioner Proctor expressed that he would like to see a visual of what the food trucks might look like on the property to ensure that the property will maintain attractiveness. Commissioner Doster agreed. Commissioner DiOrio noted that not all six food trucks would always be operating at once and Commissioner Proctor added that the Code of Ordinances would not allow for the food trucks to remain at that location permanently. Director Williams explained that the Pool Creek Park property is located in a flood plain and reiterated that the food trucks could not stay there permanently. Director Williams added that he had spoken with Mr. Wittmer and it was determined that an emergency response plan would be required in case a flood occurs. Commissioner DiOrio expressed that he thinks that all six food trucks would only be operating simultaneously during special events and holidays. Commissioner Proctor reiterated that he would like to see a visual to ensure that the property's views are not impacted.

Council members discussed that it is the Town's property and it is not being sold nor are zoning rights being impacted.

Commissioner DiOrio expressed support for the expansion of docks for the next phase and for the construction of restrooms. Commissioner DiOrio noted that the restrooms can easily connect to an existing manhole which would be no issue.

Commissioner Doster asked how long the lease terms would be and if LLT is wanting the lease to be in the same length as the existing concession. It was noted that this question requires follow-up. Manager Perkins noted that lease terms will need to be discussed.

Commissioner Doster read the proposal's section about parking and expressed that the language could be clearer. Other Council members agreed. Council members discussed parking and bridge access. Mayor Pritchett noted that LLT would be responsible for monitoring any illegal use of the parking lot. Commissioner DiOrio mentioned that the property may need more parking and recommended that the Town assess the demand.

Mayor Pritchett noted that the next step would be to hold an additional meeting with LLT. Commissioner DiOrio added that Council would need to official accept the proposal from LLT. It was recommended that Council allow the Parks and Recreation Board to review the proposal and provide input. Commissioner Proctor noted that the Parks and Recreation Board meets tomorrow and that they can review the proposal then.

Council members discussed implementing rules for food trucks to ensure view remains attractive. Manager Perkins noted that LLT is not interested in taking away business from any brick and mortars.

Commissioner DiOrio made a motion to accept LLT's proposal and request that Parks and Recreation Board complete an analysis of the proposal for incorporation during negotiations. Commissioner Proctor expressed that he is not ready to vote until the Parks and Recreation Board has had the opportunity to provide input. Other agreed and Commissioner DiOrio rescinded his motion. There was consensus to proceed with getting Parks and Recreation Board input and Mayor Pritchett noted that consideration for acceptance of the proposal should be on the regular September meeting agenda.

VI. DISCUSS ASSET AND INVENTORY ASSESSMENT (AIA) GRANT FOR WATER DISTRIBUTION SYSTEM AND CONSIDER ADOPTION OF RESOLUTION NO. 23-09-06 FOR 2023 FALL AIA GRANT APPLICATION

Manager Perkins explained that this is a similar grant opportunity to what was granted for the sewer and includes a study and inventory of the water system. Manager Perkins noted that Resolution No. 23-09-06 would need to be adopted by Town Council to move forward with the AIA grant application.

Commissioner Doster made a motion to adopt Resolution No. 23-09-06 for 2023 Fall AIA Grant Application. Commissioner Diorio seconded and all voted in favor. Resolution No. 23-09-06 was adopted as follows:

RESOLUTION NO. 23-09-06

RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE FOR FALL 2023 AIA GRANT APPLICATION

WHEREAS, The Town of Lake Lure has need for and intends to conduct a study on a project described as an Asset and Inventory Assessment of the water distribution system to aid the Town of Lake Lure in becoming more viable and to take a more proactive approach to the management and financing of the water distribution system, and

WHEREAS, The Town of Lake Lure intends to request State AIA 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 provide for efficient operation and maintenance of the project on completion of construction thereof.

SECTION THREE. 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 proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

SECTION FOUR. 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 FIVE. 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.

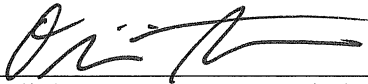
SECTION SIX. That the **Authorized Representative**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

SECTION SEVEN. 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.

VII. ADJOURNMENT

Commissioner Proctor made a motion to adjourn. Commissioner DiOrio seconded and all voted in favor. The meeting was adjourned at 9:35 a.m.

ATTEST:


Olivia Stewman, Town Clerk


Mayor Carol C. Pritchett

