

# **LAKE LURE TOWN COUNCIL REGULAR MEETING PACKET**

Tuesday, March 12, 2024  
5:00 p.m.



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

**TOWN OF LAKE LURE**  
**Town Council Regular Meeting**  
Tuesday, March 12, 2024 - 5:00 PM  
Lake Lure Municipal Center



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**Agenda**

**I. Call to Order**

- A. Pledge of Allegiance and Invocation

**II. Agenda Adoption**

**III. Mayor's Communications**

**IV. Town Manager's Communications**

- A. Monthly Report – *Page 3*
- B. Review Actions Taken at February's Work Session and Action Meeting
- Authorization to remove the Pool Creek Park fence
  - Authorization to accept Conserving Carolina's donation of the Youngs Mountain Trail property, once the parking lot and trail are completed
  - Approval of the Parks, Recreation, and Lake Director position description
  - Authorization to give the three destroyed lake structures in the Quail Cove cluster mooring 90 days for condemnation and six months for engineered judgements to be provided for all of the other structures in the Quail Cove cluster mooring
  - Approval to Amend the Lake Lure Tours Concession Agreement provision to open the beach following Labor Day for unsupervised access
  - Authorization for the Town Attorney to seek injunctive relief for abatement of unsafe lake structures

**V. Public Hearing**

- A. Ordinance No. 24-03-12 Amending the Town of Lake Lure Zoning Ordinances Section 36-60 ("Building Site Minimum Dimensional Requirements") – *Page 29*
- i. Staff Report
  - ii. Public Hearing

iii. Council Deliberation

iv. Consideration of Adoption of Ordinance No. 24-03-12

**VI. Council Liaison Reports and Comments**

**VII. Public Comment**

*The public is invited to speak. Please keep comments limited to three minutes or less. Comments may also be submitted in writing to the Town Clerk, ostewman@townoflakelure.com, at least one hour prior to the meeting.*

**VIII. Consent Agenda**

A. Approval of the February 13, 2024 Regular Town Council Meeting, the February 28, 2024 Town Council Work Session and Action Meeting Minutes, and the March 4, 2024 Reconvened Minutes from the February 28, 2024 Town Council Work Session and Action Meeting – Page 36

B. Approval of Addendum to Lake Lure Tours Concession Agreement – Page 71

*At the February 28<sup>th</sup> Work Session and Action Meeting, Town Council approved the amendment of the Lake Lure Tours Concession Agreement to remove the provision to open the beach following Labor Day for unsupervised access. This addendum officially amends the Concession Agreement.*

C. Approval of Emergency Water Agreement between the Town of Lake Lure and Chimney Rock Village – Page 74

*Chimney Rock Village has expressed that they do not desire to enter into a new agreement to operate water system upon the expiration of the current agreement on June 30, 2024. Instead, Chimney Rock will be working with a private firm to operate their system. It has been agreed upon by both the Town and Village that it would be appropriate to enter into an Emergency Water Agreement, which would act as a mutual aid agreement between the two entities in the event that an emergency occurred.*

**IX. Unfinished Business**

**X. New Business**

A. Resolution No. 24-03-12 Setting Public Hearings for April 9, 2024 to Receive Comments Regarding Amendment of Zoning Ordinances Section 36-64 (5) and Amendment of Code of Ordinances Chapter 6 (“Buildings and Building Regulations”) Article III (“Lake Structures”) – Page 84

B. Budget Amendment #366 for Town Water SCADA System and Water System Consolidation – Page 90

C. Approval of LaBella Task 19 for Lead Service Lines Inventory – Page 92

D. Approval of LaBella’s Proposed Adjustments to Sewer AIA Project Scope – Page 96

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- E. Request for Town Council Approval to add Fill for Maintenance of Rumbling Bald Resort Beach Located at 153 Mountains Boulevard – *Page 99*
- F. Request for Town Council Approval to add Fill for Maintenance of Town-Owned Beach Located at 2724 Memorial Highway – *Page 105*
- G. Budget Amendment #368 for Erosion Repairs at 2654 Memorial Highway – *Page 107*

**XI. Adjournment**

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**III**  
**MAYOR'S**  
**COMMUNICATIONS**

**IV**  
**TOWN MANAGER'S**  
**COMMUNICATIONS**



## Town Manager Report February 2024

Below are the February highlights from the various departments. Full department reports are available upon request.

**Public Services** – The Public Service Department is busy keeping everything working as smoothly as possible. Routine maintenance has been completed throughout the month, such as, but not limited to, Meter Reading, Meter Installs, Water Leaks, Locates, Bulk Trash Pickup, Work Orders, Facility Maintenance, Wastewater Samples, and Dam, Wastewater Treatment Plant and Hydro Plant Maintenance. Top accomplishments/project updates:

- Cut all new ditches on North Shore RD.
- Cleaned existing ditches and cut new ditches as needed on Sidney Lanier RD.
- Cleaned ditches on Luther Burbank.
- Reseeded grass in front of Town Hall. Included cutting out preexisting problematic grass, use of fill dirt as needed and reseeding.
- Installed new culvert pipe on Tryon Bay RD.
- Cleaned up Landslide on Lakeview RD.
- Agreement for Canopy trimming has been acquired through Melgar's and canopy trimming has been completed for this year. We will pick up where it was left off next year during trimming season.
- Installed flash mixer @ Wastewater Treatment Plant.
- Repaired 4 water leaks in the month of February.
- Repaired 3 Sewer leaks in the month of February. Located by Smoke Testing.

**Community Development** – Director Williams reports another active month for community development. The department issued 43 permits for the month of February as compared to 39 permits in January and performed numerous follow-ups. This includes 10 Zoning, 9 Lake Structure, 4 Land Disturbance Permit, and 6 Vacation Rental Operators.

Top accomplishments/project updates:

- Zoning and Planning Board reviewed and approved a recommendation to Town Council for a text amendment to clarify buffer requirements for commercial projects adjacent to residential zoning. Also, a recommendation for a text amendment regarding limitations for enclosed lake structures without an associated residential dwelling.

- BOA reviewed and approved, 2 special use permits: the Flowering Bridge's new Educational Building and a recreational vehicle rental use. Also reviewed and approved a variance request to allow a 2<sup>nd</sup> ingress/egress for a new business site on Memorial Highway.
- LSAB had no new business but reviewed the February Zoning & Planning recommendation regarding enclosed lake structures at properties without an associated dwelling.
- Worked with property owners affected by stormwater damage from the January major rain storms, the Army Corp of Engineers, and NC Department of Environmental Quality to obtain permitting for emergency repairs.
- Tillman Construction (for AT&T) has obtained their county building permit for our new communication tower, staying on track for the tower to be erected and in service in May!

**Fire / Emergency Management** –It was still a busy month in February. The department responded to **41** fire/medical/rescue calls throughout the month. Firefighters completed **420** Hours of Training this month. Partial list of accomplishments:

- Attended the NC Fire Chiefs Association Mid-Winter Conference in Concord NC
- Assisted Rutherford County Fire Marshal's Office with flood siren maintenance
- Hosted Fireground Ops 6 Class
- Participated in the Duke Energy Community Forum

**Police** – Road traffic has increased on the weekend due to some great weather (when it's not raining).

Top accomplishments:

- On February 9<sup>th</sup>, The Lake House Restaurant held their annual Night of Honors for the Lake Lure Police Department. This event honors the officers and Chief Humphries presents awards to those that have given exceptional service during the past year. Additionally two Reserve Officers who were retiring soon were given Distinguished Service Awards. We would like to thank Lewis Bentley and his staff for this exceptional event held year after year. We appreciate them for everything they do for our department.
- The department took on a great service to the community many years ago by offering a Medicine Drop Box in the department's foyer. Officer Shuford oversees the collection, weighing and disposing of the unused medicine and at the beginning of February, the total weight of discarded medications was 28 pounds. That's a pretty large amount. The community is to be commended in helping us keep unused drugs safe and out of our waterway.
- Admin Kat Canant and PR&L Admin Corbie Bradley have audited past due lake citations. While last year was the first year for PR&L being a part of the citation and collection process, Kat and Corbie have this process finely tuned and are ready to begin the new year.



**Parks, Recreation & Lake** – Director Dean Givens and Parks & Trails Coordinator Dana Bradley continue to provide exemplary oversight of the Parks, Recreation, and Lake Department.

1. Boat permit sales 2. Budget planning 3. Worked on updating BCP/WPM trail map 4. Continued planning marina maintenance (pressure washing, etc.) 5. Drainage pipe installation at Green Space 6. Water fountain repair/replacement 7. Quotes for picnic table replacements 8. Began planning for spring plantings 9. Dittmer-Watts Nature Trails trail boss walked the trails and reported issues – 1 volunteer; 3 volunteer hours 10. Buffalo Creek Park trail boss walked the trail and reported issues – 1 volunteer; 4 volunteer hours 11. Weed Patch Mountain trail boss walked trail and reported issues – 1 volunteer; 7 volunteer hours 12. Volunteers removed a small tree on the Weed Patch Mountain Trail and checked for damage on 2/24 – 2 volunteers; 12 volunteer hours 13. Organized a workday on the Weed Patch Mountain trail on 2/20 to improve drainage – 2 volunteers; 6 volunteer hours 14. Organized a Buffalo Creek Park workday to work on erosion and drainage on 2/22 – 2 volunteers; 8 volunteer hours 15. Planned upcoming trail maintenance days and recruited volunteers to help 16. Checked Buffalo Creek Park, Dittmer-Watts Nature Trails, and Weed Patch Mountain for damage 17. Utilized volunteers to collect water samples – 2 volunteers; 12 volunteer hours 18. Attended staff and project meetings

Three notable projects/activities updates:

- Utilized a total of **52 volunteer hours, valued at \$1,040**
- Drainage pipe installation / Green Space walking path reroute plans moving forward
- Preparations for The Rumble Climbing Competition

**Finance** – Revenues and Expenditures Reports are provided as separate attachments to supplement this summary. Revenues continue to track as projected and departments also continue to efficiently use resources in regards to individual line items in the departmental budgets

- The Town continued to sustain its strong financial position with an unreconciled bank balance of approximately **\$11,300,000** for all funds other than special revenue funds (the Dam Fund). Regarding the Dam fund, additional draws are still being made from the reserve and capital projects fund to remit payment for the drain valve project. After this past accounting period's payment the fund still holds a balance of approximately **\$14,219,000** including accumulated interest of \$462,500.00.
- FY 23 audit procedures continue and comparable amount of detail and review as in prior years is continuing.
- Efforts are still continuing to analyze potential cost savings with vendors and possible changes and even termination of long standing service agreements or services deemed no longer necessary or outdated.
- Audit proposals have been accepted and reviewed with a recommendation to Council being prepared for consideration this month.
- Initial Budget preparation has been ongoing with the next step of initial department head meeting occurring.

**Communications** – Communications Director Krejci continues her community outreach along with progress in all areas. There were 29 news articles published on the town’s website and were sent to 2,065 by hyperlink. There were 12,000 website users in February 2024 compared to 9,094 website users in February 2023 (a 32% increase (+2,906)). The Town of Lake Lure has 21,053 followers on Facebook as of February 2024, representing a 9% increase (+1,701)) over February 2023. Lake Lure continues to wait for the State Dam Safety Office to provide it with a grant contract for Initial Field Investigations. The amount of the grant award is \$425,921.

Top Highlights:

- Grant Coordination
- Planning/Marketing for Duke Energy Meeting
- Website and Social Media Management

### **Manager / Clerk / Admin Summary**

February was a busy month including an array of staff, council, and board meetings and ever-changing day-to-day operations. In addition, the installation of the Dam valves continues to be underway and making progress.

Highlights:

- Lake Lure/Chimney Rock Village Gateway project. – Expansion of pedestrian amenities for non-vehicular traffic by way of a sidewalk along 74/64/9 between the Lake Lure Flowering Bridge and downtown Chimney Rock.

Alan Toney of Foothills Regional has submitted an application with the NCDOT State Planning and Research for funding of a complete streets application. We expect a response in a couple of months. The local match for this study would be \$6,000 split evenly between Lake Lure, Chimney Rock Village, and the TDA.

- Green Space Planning – We have an up-to-date proposal to execute for Green Space Master Planning. The project will be for a lump sum cost of \$45,650.

This project is scoped and included in this year’s FY Budget 23-24. This project has been fully discussed by Town Council and the Parks and Recreation Board.

The project was being held until the results of the Fire Department Space Needs study were completed. The new proposed public safety location that resulted from that study is on Hwy 9 across the road from Ingles.

Now that the Fire Department Study has been completed and once the Green Space Recreational Master Plan has been completed, we can examine again the inclusion of conservation easements that have been discussed with Equinox.

The Master Planning Study with McGill for the Green Space has been executed and sent to McGill.

- Morse Park Phase One Park Improvements – We now have a grant of \$100,000 from RHI Legacy and a \$200,000 grant from NC Water Resources. The Water Resources grant period is 2 years from the date of a fully executed agreement.

We are currently working on the completion of a Request for Qualifications (RFQ) for qualified design/engineering firms to answer for the project.

- Lease Agreement at 2654 Memorial Highway (Old ABC Store) - Following the work session meeting in January when the Council reviewed the first draft and gave comments, a meeting was held with the proposed tenants for the property. That meeting was on January 30<sup>th</sup>. Based on our discussions at that time, Mr. Brock and Mr. Oppliger were to provide us with notes and feedback on outstanding items related to the lease draft as a part of moving forward with the draft lease.

On Thursday, January 22<sup>nd</sup>, I received the response feedback and information that we were waiting on and on Friday of last week, I met with William Morgan and Olivia Stewman, Clerk, to review the materials that were sent to us.

Based on that feedback, and feedback provided by the Council on March 4<sup>th</sup>, we have sent the latest draft to the proposed tenants on March 5<sup>th</sup>. Once the draft has been reviewed and hopefully accepted to move forward, we anticipate a special call meeting for the Town Council to review the latest draft and determine if the proposed lease is ready for the Town to approve in a future Regular Meeting after it has been noticed by no less than 30 days ahead of its intended acceptance.

- Workforce Housing - We have been involved with workforce housing as an initiative for the Town of Lake Lure to become involved with. We have had numerous meetings with various individuals who have an interest or a stake in future discussions of workforce housing.

Micheal Williams, Community Development Director, and I will be discussing and evaluating possible site locations for a future project tomorrow February 28<sup>th</sup> with Neil Gurney of Gateway Wellness Foundation.

- Water System AIA – Lake Lure has received informal approval of its success in applying for an Asset Inventory Assessment (AIA) for the Lake Lure Water System. The grant is for \$150,000 to help map/inventory the water system and assess the infrastructure.

Work will start after the Town has received the official grant documents and have accepted them.

- Lead Service Line Inventory – The Town Council had previously authorized the application for up to \$1 million of loans for providing an inventory of Lake Lure “lead service lines” within its water system. The Town has received unofficial information that this application has been approved. The loan has been deemed 100% forgivable. A Task Order has been provided by LaBella (on-call engineer) for the scope of this investigation and inventory. This inventory is mandated by recent EPA regulations and is due no later than October of 2024. Work will begin after a formal letter of intent to fund has been received by the Town and accepted.

- Fire Apparatus/Facility Funding Requests to the General Assembly – With the much-appreciated assistance of Chief Waycaster, Laura Krejci, and John Metcalf for the Policy Group, we have sent out the funding request letters for consideration of \$925,000 to both Senator Moffitt and Representative Jake Johnson.

TOWN OF LAKE LURE  
Statement of Revenue Budget vs Actuals  
For the Accounting Period: 2 / 24

10 GENERAL FUND

Account	Received		Estimated Revenue	Revenue	
	Current Month	Received YTD		To Be Received	% Received
<b>310000 TAXES</b>					
310100 P & I - Taxes	0.00	1,445.47	10,000.00	8,554.53	14 %
Account Group Total:	0.00	1,445.47	10,000.00	8,554.53	14 %
<b>311000 Ad Valorem Taxes-2000</b>					
311190 AD VALOREM TAXES-2019	0.00	4,416.03	0.00	-4,416.03	** %
311210 AD VALOREM TAXES-2021	0.00	0.00	50,000.00	50,000.00	0 %
311213 Ad Valorem Taxes-2023	0.00	1,729,566.68	0.00	-1,729,566.68	** %
311214 Ad Valorem Taxes DV5-dam capital	0.00	956,160.33	0.00	-956,160.33	** %
311220 AD VALOREM TAX 2022-	0.00	0.00	4,492,754.00	4,492,754.00	0 %
Account Group Total:	0.00	2,690,143.04	4,542,754.00	1,852,610.96	59 %
<b>312000 Ad Valorem-Veh-2000</b>					
312021 AD VALOREM VEH TAXES-2021	0.00	0.00	20,000.00	20,000.00	0 %
312022 Ad Valorem Vehicle Tax 2022	0.00	0.00	93,850.00	93,850.00	0 %
312024 ad valorem veh taxes dv5 2023	0.00	18,651.66	0.00	-18,651.66	** %
Account Group Total:	0.00	18,651.66	113,850.00	95,198.34	16 %
<b>332000 STATE SHARED REVENUES</b>					
332200 Beer & Wine Tax	0.00	0.00	4,950.00	4,950.00	0 %
332300 Court Costs, Fees and Chrgs	18.00	213.50	550.00	336.50	39 %
332400 Utlities Franchise Tax	0.00	65,026.15	201,195.00	136,168.85	32 %
332600 Powell Bill - Tax on Gas	0.00	37,661.55	76,600.00	38,938.45	49 %
332930 State Shared Sales Tax	0.00	771,289.68	1,760,000.00	988,710.32	44 %
332933 Solid Waste Disposal Tax	0.00	275.55	780.00	504.45	35 %
332942 Video Programming Tax	0.00	0.00	15,975.00	15,975.00	0 %
332991 NC DEQ Dredging Grant	0.00	0.00	800,000.00	800,000.00	0 %
Account Group Total:	18.00	874,466.43	2,860,050.00	1,985,583.57	31 %
<b>347000 LAND USE FEES</b>					
347100 Zoning Permits	7,255.00	64,125.00	40,000.00	-24,125.00	160 %
347200 Land Disturbance Permit	0.00	1,710.00	6,600.00	4,890.00	26 %
347300 Sign Permit	0.00	120.00	500.00	380.00	24 %
347450 Subdivision Fees	0.00	250.00	0.00	-250.00	** %
347550 Vacation Rental Fees	1,500.00	4,800.00	10,000.00	5,200.00	48 %
347600 Lake Structure Permit/LSA	-960.00	-1,700.00	9,255.00	10,955.00	-18 %
347800 Fire Inspection	0.00	40.00	50.00	10.00	80 %
347900 Fines/Penalties - Land Use	0.00	4,000.00	850.00	-3,150.00	471 %
Account Group Total:	7,795.00	73,345.00	67,255.00	-6,090.00	109 %
<b>361000 LAKE</b>					
361201 Lake Lure Tours	0.00	93,106.93	60,000.00	-33,106.93	155 %
361202 Lake Fines	0.00	8,366.00	300.00	-8,066.00	*** %
361203 Lake Comm License Fees	4,150.00	48,340.00	15,000.00	-33,340.00	322 %
361204 Boat Permits	41,205.00	168,757.74	675,000.00	506,242.26	25 %
361205 RBR CONCESSIONS	0.00	2,821.73	25,000.00	22,178.27	11 %
361207 Cluster Mooring Fees	21,440.00	32,800.00	24,000.00	-8,800.00	137 %
Account Group Total:	66,795.00	354,192.40	799,300.00	445,107.60	44 %
<b>363000 BEACH</b>					
363801 Beach-Admission Fee-Adult	0.00	53,799.76	65,000.00	11,200.24	83 %

TOWN OF LAKE LURE  
Statement of Revenue Budget vs Actuals  
For the Accounting Period: 2 / 24

10 GENERAL FUND

Account	Received		Estimated Revenue	Revenue	
	Current Month	Received YTD		To Be Received	% Received
363804 Beach-Concessions	0.00	4,035.01	10,000.00	5,964.99	40 %
Account Group Total:	0.00	57,834.77	75,000.00	17,165.23	77 %
364000 MARINA					
364902 Marina-Open Slip Rental	79,400.00	225,350.00	310,000.00	84,650.00	73 %
364905 Marina-Concessions	0.00	13,493.13	18,500.00	5,006.87	73 %
364908 Marina-Rentals	0.00	29,167.43	50,000.00	20,832.57	58 %
Account Group Total:	79,400.00	268,010.56	378,500.00	110,489.44	71 %
371000					
371400 Charges for Sewer	-180.00	-180.00	0.00	180.00	** %
Account Group Total:	-180.00	-180.00	0.00	180.00	** %
383000 MISCELLANEOUS REVENUES					
383100 Interest Earned on Investments	0.00	3,152.66	4,000.00	847.34	79 %
383200 Beer and Wine Permits	0.00	0.00	1,000.00	1,000.00	0 %
383321 Fire-Rural Fire Protection	0.00	4,468.42	8,592.00	4,123.58	52 %
383430 Community Center Rental	0.00	-1,550.00	250.00	1,800.00	*** %
383440 Pavilion/Gazebo Rental	500.00	6,300.00	3,500.00	-2,800.00	180 %
383450 Meadows Rental	0.00	1,320.00	250.00	-1,070.00	528 %
383460 Water Tank Rental	0.00	1,060.90	0.00	-1,060.90	** %
383500 Sale of Assets	0.00	10,581.00	3,500.00	-7,081.00	302 %
383600 Golf Cart Permit	0.00	80.00	200.00	120.00	40 %
383700 LLABC-Distribution for Law Enforcement	0.00	500.00	750.00	250.00	67 %
383701 ABC-Dist. for Drug/Alcohol	0.00	0.00	1,250.00	1,250.00	0 %
383800 ABC-Distribution of Funds	0.00	1,402.00	20,000.00	18,598.00	7 %
383900 Misc Revenue	170.00	9,312.93	1,200.00	-8,112.93	776 %
383903 Town Promotional Materials	0.00	14.00	500.00	486.00	3 %
383910 Copies	0.00	26.00	500.00	474.00	5 %
383930 Recycling Collections	0.00	16,787.46	15,250.00	-1,537.46	110 %
Account Group Total:	670.00	53,455.37	60,742.00	7,286.63	88 %
398000 TRANSFERS					
398502 Installment Agreement Proceeds	0.00	0.00	385,000.00	385,000.00	0 %
398604 Transfer from Fund Balance	0.00	0.00	219,014.00	219,014.00	0 %
Account Group Total:	0.00	0.00	604,014.00	604,014.00	0 %
Fund Total:	154,498.00	4,391,364.70	9,511,465.00	5,120,100.30	46 %

21 Capital Reserve Fund

Account	Received		Estimated Revenue	Revenue	% Received
	Current Month	Received YTD		To Be Received	
398000 TRANSFERS					
398605 Transfer From General Fund	0.00	0.00	1,600,000.00	1,600,000.00	0 %
Account Group Total:	0.00	0.00	1,600,000.00	1,600,000.00	0 %
Fund Total:	0.00	0.00	1,600,000.00	1,600,000.00	0 %

22 DAM Capital Projects Fund

Account	Received		Estimated Revenue	Revenue	% Received
	Current Month	Received YTD		To Be Received	
383000 MISCELLANEOUS REVENUES					
383100 Interest Earned on Investments	0.00	56,905.01	0.00	-56,905.01	** %
Account Group Total:	0.00	56,905.01	0.00	-56,905.01	** %
Fund Total:	0.00	56,905.01	0.00	-56,905.01	** %

TOWN OF LAKE LURE  
Statement of Revenue Budget vs Actuals  
For the Accounting Period: 2 / 24

53 WATER AND SEWER FUND

Account	Received		Estimated Revenue	Revenue	%
	Current Month	Received YTD		To Be Received	Received
371000					
371105 Chimney Rock Water	0.00	0.00	15,000.00	15,000.00	0 %
371300 Charges for Water	28,767.20	239,689.05	330,000.00	90,310.95	73 %
371400 Charges for Sewer	104,278.00	832,977.30	1,275,000.00	442,022.70	65 %
371500 Taps and Connect-Water	0.00	4,620.00	5,000.00	380.00	92 %
371600 Taps and Connect-Sewer	2,310.00	4,620.00	5,000.00	380.00	92 %
371700 Transfer Fee-Water/Sewer	80.00	580.00	1,000.00	420.00	58 %
371800 W/S - Penalty and Interest	1,800.00	15,075.00	6,000.00	-9,075.00	251 %
371900 W/S - Misc	0.00	159.84	0.00	-159.84	** %
Account Group Total:	137,235.20	1,097,721.19	1,637,000.00	539,278.81	67 %
383000 MISCELLANEOUS REVENUES					
383100 Interest Earned on Investments	0.00	0.00	1,000.00	1,000.00	0 %
383460 Water Tank Rental	0.00	3,182.70	12,360.00	9,177.30	26 %
Account Group Total:	0.00	3,182.70	13,360.00	10,177.30	24 %
Fund Total:	137,235.20	1,100,903.89	1,650,360.00	549,456.11	67 %



56 ELECTRIC FUND

Account	Received		Estimated Revenue	Revenue	%
	Current Month	Received YTD		To Be Received	Received
372000					
372300 Charges for Utilities-Electric	0.00	132,928.56	300,000.00	167,071.44	44 %
Account Group Total:	0.00	132,928.56	300,000.00	167,071.44	44 %
383000 MISCELLANEOUS REVENUES					
383100 Interest Earned on Investments	0.00	0.00	150.00	150.00	0 %
Account Group Total:	0.00	0.00	150.00	150.00	0 %
Fund Total:	0.00	132,928.56	300,150.00	167,221.44	44 %

TOWN OF LAKE LURE  
Statement of Revenue Budget vs Actuals  
For the Accounting Period: 2 / 24

75 CHIMNEY ROCK WATER FUND

Account	Received		Estimated Revenue	Revenue	% Received
	Current Month	Received YTD		To Be Received	
371000					
371300 Charges for Water	6,983.28	57,926.82	0.00	-57,926.82	** %
371501 WATER TAPS - CHIMNEY ROCK	0.00	1,250.00	0.00	-1,250.00	** %
371800 W/S - Penalty and Interest	225.00	2,800.00	0.00	-2,800.00	** %
Account Group Total:	7,208.28	61,976.82	0.00	-61,976.82	** %
Fund Total:	7,208.28	61,976.82	0.00	-61,976.82	** %
Grand Total:	298,941.48	5,744,078.98	13,061,975.00	7,317,896.02	44 %

10 GENERAL FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
411000 COMMISSION							
411000 COMMISSION							
102	Salaries-Part Time	1,100.00	8,800.00	13,200.00	13,200.00	4,400.00	67 %
109	FICA	84.15	673.20	1,100.00	1,100.00	426.80	61 %
214	Supplies-Dept	0.00	309.00	6,000.00	6,000.00	5,691.00	5 %
215	Supplies-Materials	13,624.34	20,314.29	20,000.00	20,000.00	-314.29	102 %
310	Travel and Transportation	0.00	0.00	3,500.00	3,500.00	3,500.00	%
	Account Total:	14,808.49	30,096.49	43,800.00	43,800.00	13,703.51	69 %
	Account Group Total:	14,808.49	30,096.49	43,800.00	43,800.00	13,703.51	69 %
413000 ADMINISTRATION							
413000 ADMINISTRATION							
100	SALARIES	36,872.20	294,113.84	498,000.00	498,000.00	203,886.16	59 %
102	Salaries-Part Time	0.00	181.13	0.00	0.00	-181.13	%
103	Professional Services	0.00	56,941.15	65,000.00	65,000.00	8,058.85	88 %
109	FICA	2,778.80	22,337.57	38,500.00	38,500.00	16,162.43	58 %
110	Retirement	7,002.03	52,613.11	91,000.00	91,000.00	38,386.89	58 %
111	Group Insurance	3,970.62	30,169.06	67,000.00	67,000.00	36,830.94	45 %
120	401 (K) Contribution	688.70	5,369.47	25,500.00	25,500.00	20,130.53	21 %
180	Legal Services	3,410.40	22,472.86	55,000.00	55,000.00	32,527.14	41 %
182	PROPERTY JUDGEMENT SETTLEMENT	0.00	26.00	0.00	0.00	-26.00	%
190	Engineering Services	1,025.00	3,925.00	30,000.00	30,000.00	26,075.00	13 %
214	Supplies-Dept	97.91	9,298.34	9,000.00	9,000.00	-298.34	103 %
215	Supplies-Materials	0.00	295.27	3,000.00	3,000.00	2,704.73	10 %
310	Travel and Transportation	239.86	1,557.36	9,500.00	9,500.00	7,942.64	16 %
320	Postage	0.00	5,067.58	5,000.00	5,000.00	-67.58	101 %
322	Printing	0.00	0.00	1,500.00	1,500.00	1,500.00	%
324	Dues and Subscriptions	0.00	7,029.97	8,500.00	8,500.00	1,470.03	83 %
330	Utilities	0.00	13,038.49	30,000.00	30,000.00	16,961.51	43 %
350	Repairs and Maint-Buildings	0.00	9,419.94	50,000.00	50,000.00	40,580.06	19 %
353	Repairs and Maint-Equipment	0.00	150.84	8,000.00	8,000.00	7,849.16	2 %
370	Advertising	0.00	920.58	3,500.00	3,500.00	2,579.42	26 %
614	Lobbyist	0.00	18,400.00	62,000.00	62,000.00	43,600.00	30 %
687	Contractual - County Tax	0.00	14,372.00	18,000.00	18,000.00	3,628.00	80 %
691	Contractual Services	10,515.00	142,330.85	120,000.00	120,000.00	-22,330.85	119 %
	Account Total:	66,600.52	710,030.41	1,198,000.00	1,198,000.00	487,969.59	59 %
	Account Group Total:	66,600.52	710,030.41	1,198,000.00	1,198,000.00	487,969.59	59 %
420000 CENTRAL SERVICES-Technology &							
420000 CENTRAL SERVICES-Technology & Telecommunications							
109	FICA	20.03	162.79	0.00	0.00	-162.79	%
111	Group Insurance	37.73	270.56	0.00	0.00	-270.56	%
321	Telephone	1,157.38	17,737.15	27,000.00	27,000.00	9,262.85	66 %
325	Internet Services	0.00	1,283.32	5,200.00	5,200.00	3,916.68	25 %
380	IT Support Services	0.00	27,093.95	81,000.00	81,000.00	53,906.05	33 %
527	TECH-Website Update	0.00	0.00	5,000.00	5,000.00	5,000.00	%
	Account Total:	1,215.14	46,547.77	118,200.00	118,200.00	71,652.23	39 %
	Account Group Total:	1,215.14	46,547.77	118,200.00	118,200.00	71,652.23	39 %

TOWN OF LAKE LURE  
Statement of Expenditure - Budget vs. Actual Report  
For the Accounting Period: 2 / 24

10 GENERAL FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
431000 POLICE							
431000 POLICE							
100	SALARIES	43,277.08	387,438.13	573,000.00	573,000.00	185,561.87	68 %
101	OVERTIME	0.00	2,207.41	5,500.00	5,500.00	3,292.59	40 %
102	Salaries-Part Time	677.25	6,063.76	28,000.00	28,000.00	21,936.24	22 %
104	Separation Allowance-Law	1,460.16	11,681.28	20,500.00	20,500.00	8,818.72	57 %
109	FICA	3,352.79	30,439.39	49,500.00	49,500.00	19,060.61	61 %
110	Retirement	8,631.30	70,204.99	114,000.00	114,000.00	43,795.01	62 %
111	Group Insurance	6,608.76	48,403.12	103,700.00	103,700.00	55,296.88	47 %
112	Special Benefit Fund-Police	1,975.46	18,098.46	27,185.00	27,185.00	9,086.54	67 %
212	Supplies-Fuel	0.00	7,099.07	27,500.00	27,500.00	20,400.93	26 %
214	Supplies-Dept	152.94	6,551.06	11,000.00	11,000.00	4,448.94	60 %
215	Supplies-Materials	0.00	6,015.26	0.00	0.00	-6,015.26	%
217	Supplies-Uni forms	263.76	8,930.77	10,000.00	10,000.00	1,069.23	89 %
220	Alcohol & Drug Ed.	0.00	0.00	1,000.00	1,000.00	1,000.00	%
310	Travel and Transportation	265.02	1,075.98	3,000.00	3,000.00	1,924.02	36 %
324	Dues and Subscriptions	0.00	548.00	6,300.00	6,300.00	5,752.00	9 %
333	Utilities-Boat House and Range	0.00	0.00	500.00	500.00	500.00	%
350	Repairs and Maint-Buildings	0.00	187.67	0.00	0.00	-187.67	%
353	Repairs and Maint-Equipment	0.00	2,314.11	4,000.00	4,000.00	1,685.89	58 %
354	Repairs and Maint-Vehicles	13.60	7,422.79	25,000.00	25,000.00	17,577.21	30 %
490	Miscellaneous	0.00	265.00	1,000.00	1,000.00	735.00	27 %
524	Computers	0.00	0.00	10,000.00	10,000.00	10,000.00	%
691	Contractual Services	0.00	17,870.18	20,050.00	20,050.00	2,179.82	89 %
	Account Total:	66,678.12	632,816.43	1,040,735.00	1,040,735.00	407,918.57	61 %
	Account Group Total:	66,678.12	632,816.43	1,040,735.00	1,040,735.00	407,918.57	61 %
434000 FIRE							
434000 FIRE							
100	SALARIES	27,947.33	250,998.82	449,000.00	449,000.00	198,001.18	56 %
101	OVERTIME	0.00	0.00	25,000.00	25,000.00	25,000.00	%
102	Salaries-Part Time	6,050.33	31,359.26	37,300.00	37,300.00	5,940.74	84 %
109	FICA	2,523.25	20,953.63	38,800.00	38,800.00	17,846.37	54 %
110	Retirement	6,239.51	48,919.03	82,700.00	82,700.00	33,780.97	59 %
111	Group Insurance	4,649.40	36,527.51	83,900.00	83,900.00	47,372.49	44 %
120	401 (K) Contribution	1,432.82	10,573.71	23,405.00	23,405.00	12,831.29	45 %
212	Supplies-Fuel	0.00	7,144.18	20,000.00	20,000.00	12,855.82	36 %
214	Supplies-Dept	119.53	3,638.52	4,000.00	4,000.00	361.48	91 %
215	Supplies-Materials	39.16	11,773.21	10,000.00	10,000.00	-1,773.21	118 %
217	Supplies-Uni forms	0.00	2,477.34	6,000.00	6,000.00	3,522.66	41 %
218	Supplies-Equipment	0.00	1,817.80	21,000.00	21,000.00	19,182.20	9 %
310	Travel and Transportation	47.19	47.19	6,000.00	6,000.00	5,952.81	1 %
324	Dues and Subscriptions	0.00	915.00	9,500.00	9,500.00	8,585.00	10 %
330	Utilities	1,130.05	6,012.29	12,000.00	12,000.00	5,987.71	50 %
351	Repairs and Maint-Grounds	0.00	-4,021.33	6,000.00	6,000.00	10,021.33	-67 %
353	Repairs and Maint-Equipment	0.00	11,233.88	16,000.00	16,000.00	4,766.12	70 %
354	Repairs and Maint-Vehicles	0.00	37,550.68	21,000.00	21,000.00	-16,550.68	179 %
490	Miscellaneous	116.40	462.12	4,000.00	4,000.00	3,537.88	12 %
514	Protective Clothing	0.00	134.74	16,000.00	16,000.00	15,865.26	1 %
553	RADIO REPLACEMENT	0.00	0.00	10,000.00	10,000.00	10,000.00	%
693	Field Volunteer Fire Dept	0.00	67,000.00	67,000.00	67,000.00	0.00	100 %

TOWN OF LAKE LURE  
Statement of Expenditure - Budget vs. Actual Report  
For the Accounting Period: 2 / 24

10 GENERAL FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
694	Chimney Rock Volunteer Fire	0.00	35,000.00	35,000.00	35,000.00	0.00	100 %
695	Bills Creek Volunteer Fire	0.00	42,800.00	42,800.00	42,800.00	0.00	100 %
	Account Total :	50,294.97	623,317.58	1,046,405.00	1,046,405.00	423,087.42	60 %
	Account Group Total :	50,294.97	623,317.58	1,046,405.00	1,046,405.00	423,087.42	60 %
451000	PUBLIC WORKS-STREETS						
451000	PUBLIC WORKS-STREETS						
100	SALARIES	15,706.52	132,335.87	295,000.00	295,000.00	162,664.13	45 %
101	OVERTIME	0.00	0.00	16,000.00	16,000.00	16,000.00	%
109	FICA	1,194.40	10,116.44	26,000.00	26,000.00	15,883.56	39 %
110	Retirement	2,982.67	22,813.52	60,000.00	60,000.00	37,186.48	38 %
111	Group Insurance	2,639.45	20,235.90	65,000.00	65,000.00	44,764.10	31 %
120	401 (K) Contribution	607.49	4,989.58	22,000.00	22,000.00	17,010.42	23 %
211	Supplies-Automotive	143.18	10,146.55	25,000.00	25,000.00	14,853.45	41 %
212	Supplies-Fuel	0.00	153.13	0.00	0.00	-153.13	%
214	Supplies-Dept	0.00	928.82	1,200.00	1,200.00	271.18	77 %
215	Supplies-Materials	332.76	20,387.30	35,000.00	35,000.00	14,612.70	58 %
217	Supplies-Uni Forms	0.00	7,051.90	8,000.00	8,000.00	948.10	88 %
310	Travel and Transportation	0.00	220.00	2,000.00	2,000.00	1,780.00	11 %
330	Utilities	0.00	1,266.31	0.00	0.00	-1,266.31	%
331	Utilities-Street Lights	0.00	6,406.60	15,000.00	15,000.00	8,593.40	43 %
334	Utilities-Buildings	0.00	4,382.37	15,000.00	15,000.00	10,617.63	29 %
350	Repairs and Maint-Buildings	0.00	4,889.40	30,000.00	30,000.00	25,110.60	16 %
351	Repairs and Maint-Grounds	0.00	8,793.46	12,000.00	12,000.00	3,206.54	73 %
353	Repairs and Maint-Equipment	744.98	20,803.77	30,000.00	30,000.00	9,196.23	69 %
354	Repairs and Maint-Vehicles	0.00	7,019.82	20,000.00	20,000.00	12,980.18	35 %
691	Contractual Services	0.00	7,850.00	20,000.00	20,000.00	12,150.00	39 %
	Account Total :	24,351.45	290,790.74	697,200.00	697,200.00	406,409.26	42 %
	Account Group Total :	24,351.45	290,790.74	697,200.00	697,200.00	406,409.26	42 %
472000	SANITATION						
472000	SANITATION						
691	Contractual Services	0.00	89,490.00	180,000.00	180,000.00	90,510.00	50 %
692	Contractual Services-Recycling	0.00	9,288.00	15,000.00	15,000.00	5,712.00	62 %
696	Tipping Fees	0.00	18,697.49	40,000.00	40,000.00	21,302.51	47 %
	Account Total :	0.00	117,475.49	235,000.00	235,000.00	117,524.51	50 %
	Account Group Total :	0.00	117,475.49	235,000.00	235,000.00	117,524.51	50 %
473000	DAM/Watershed Protection						
473000	DAM/Watershed Protection						
351	Repairs and Maint-Grounds	0.00	0.00	10,000.00	10,000.00	10,000.00	%
352	Repairs and Maint-Dam	0.00	0.00	15,000.00	15,000.00	15,000.00	%
	Account Total :	0.00	0.00	25,000.00	25,000.00	25,000.00	%
	Account Group Total :	0.00	0.00	25,000.00	25,000.00	25,000.00	%
492000	ECONOMIC DEVELOPMENT						

10 GENERAL FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
492000 ECONOMIC DEVELOPMENT							
100	SALARIES	4,697.88	34,206.87	67,500.00	67,500.00	33,293.13	51 %
109	FICA	359.17	2,596.73	5,125.00	5,125.00	2,528.27	51 %
110	Retirement	892.13	6,093.57	12,200.00	12,200.00	6,106.43	50 %
111	Group Insurance	664.20	4,945.52	10,450.00	10,450.00	5,504.48	47 %
120	401 (K) Contribution	234.90	1,685.35	3,525.00	3,525.00	1,839.65	48 %
214	Supplies-Dept	0.00	58.69	0.00	0.00	-58.69	%
585	Community Branding	0.00	12,316.43	20,000.00	20,000.00	7,683.57	62 %
	Account Total :	6,848.28	61,903.16	118,800.00	118,800.00	56,896.84	52 %
	Account Group Total :	6,848.28	61,903.16	118,800.00	118,800.00	56,896.84	52 %
493000 COMMUNITY DEVELOPMENT							
493000 COMMUNITY DEVELOPMENT							
100	SALARIES	20,868.03	167,249.05	299,000.00	299,000.00	131,750.95	56 %
109	FICA	1,546.06	12,374.94	23,000.00	23,000.00	10,625.06	54 %
110	Retirement	3,893.00	29,554.18	54,000.00	54,000.00	24,445.82	55 %
111	Group Insurance	2,609.46	19,313.20	42,300.00	42,300.00	22,986.80	46 %
120	401 (K) Contribution	263.78	2,110.24	15,000.00	15,000.00	12,889.76	14 %
180	Legal Services	345.60	2,793.14	25,000.00	25,000.00	22,206.86	11 %
212	Supplies-Fuel	0.00	468.63	1,000.00	1,000.00	531.37	47 %
214	Supplies-Dept	0.00	195.46	6,000.00	6,000.00	5,804.54	3 %
215	Supplies-Materials	0.00	1,176.32	0.00	0.00	-1,176.32	%
310	Travel and Transportation	0.00	700.49	5,000.00	5,000.00	4,299.51	14 %
324	Dues and Subscriptions	0.00	60.00	2,000.00	2,000.00	1,940.00	3 %
370	Advertising	0.00	0.00	2,000.00	2,000.00	2,000.00	%
410	RENTS	0.00	6,000.00	20,000.00	20,000.00	14,000.00	30 %
515	In-stream Sedimentation Study	0.00	251.94	0.00	0.00	-251.94	%
691	Contractual Services	0.00	7,778.71	19,000.00	19,000.00	11,221.29	41 %
	Account Total :	29,525.93	250,026.30	513,300.00	513,300.00	263,273.70	49 %
	Account Group Total :	29,525.93	250,026.30	513,300.00	513,300.00	263,273.70	49 %
613000 PARKS, RECREATION & LAKE							
613000 PARKS, RECREATION & LAKE							
100	SALARIES	23,181.57	188,821.49	299,000.00	299,000.00	110,178.51	63 %
102	Salaries-Part Time	0.00	929.25	0.00	0.00	-929.25	%
109	FICA	1,680.22	13,799.03	24,000.00	24,000.00	10,200.97	57 %
110	Retirement	4,454.84	33,959.23	55,000.00	55,000.00	21,040.77	62 %
111	Group Insurance	3,985.20	29,439.96	62,700.00	62,700.00	33,260.04	47 %
120	401 (K) Contribution	1,156.78	9,277.69	15,000.00	15,000.00	5,722.31	62 %
212	Supplies-Fuel	0.00	9,572.32	15,000.00	15,000.00	5,427.68	64 %
213	Supplies-Boat Fuel & Supplies	0.00	581.90	12,000.00	12,000.00	11,418.10	5 %
214	Supplies-Dept	5,000.00	9,991.40	5,000.00	5,000.00	-4,991.40	200 %
215	Supplies-Materials	0.00	12,063.63	25,000.00	25,000.00	12,936.37	48 %
216	Supplies-Fish Purchase	0.00	0.00	8,000.00	8,000.00	8,000.00	%
217	Supplies-Uni forms	139.85	479.75	1,500.00	1,500.00	1,020.25	32 %
219	Boat and Fishing Permits	0.00	0.00	6,500.00	6,500.00	6,500.00	%
310	Travel and Transportation	0.00	269.97	3,000.00	3,000.00	2,730.03	9 %
330	Utilities	0.00	603.38	6,700.00	6,700.00	6,096.62	9 %
335	Flowering Bridge Lighting	0.00	794.01	3,500.00	3,500.00	2,705.99	23 %
350	Repairs and Maint-Buildings	0.00	712.68	0.00	0.00	-712.68	%
351	Repairs and Maint-Grounds	704.95	6,014.67	85,000.00	85,000.00	78,985.33	7 %

TOWN OF LAKE LURE  
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For the Accounting Period: 2 / 24

10 GENERAL FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
353	Repairs and Maint-Equipment	0.00	55,034.13	14,000.00	14,000.00	-41,034.13	393 %
508	Rewrite Zoning & Land Dev.	0.00	0.00	40,500.00	40,500.00	40,500.00	%
691	Contractual Services	3,170.72	14,789.01	40,500.00	40,500.00	25,710.99	37 %
	Account Total :	43,474.13	387,133.50	721,900.00	721,900.00	334,766.50	54 %
	Account Group Total :	43,474.13	387,133.50	721,900.00	721,900.00	334,766.50	54 %
615000	BEACH & MARINA						
615000	BEACH & MARINA						
214	Supplies-Dept	0.00	0.00	2,000.00	2,000.00	2,000.00	%
350	Repairs and Maint-Buildings	0.00	435.75	4,000.00	4,000.00	3,564.25	11 %
351	Repairs and Maint-Grounds	0.00	5,307.16	10,200.00	10,200.00	4,892.84	52 %
353	Repairs and Maint-Equipment	0.00	0.00	1,300.00	1,300.00	1,300.00	%
	Account Total :	0.00	5,742.91	17,500.00	17,500.00	11,757.09	33 %
	Account Group Total :	0.00	5,742.91	17,500.00	17,500.00	11,757.09	33 %
713000	WATER						
713000	WATER						
353	Repairs and Maint-Equipment	3,500.00	10,675.00	0.00	0.00	-10,675.00	%
	Account Total :	3,500.00	10,675.00	0.00	0.00	-10,675.00	%
	Account Group Total :	3,500.00	10,675.00	0.00	0.00	-10,675.00	%
800000	CAPITAL OUTLAY/SPECIAL PROJECTS						
800000	CAPITAL OUTLAY/SPECIAL PROJECTS						
504	VEHICLES	0.00	58,459.98	60,000.00	60,000.00	1,540.02	97 %
505	HYDRO-Emergency Small	0.00	16,281.74	0.00	0.00	-16,281.74	%
506	HVAC System/Police	0.00	3,720.67	0.00	0.00	-3,720.67	%
513	FIRE-SCBA APPARATUS	0.00	0.00	20,000.00	20,000.00	20,000.00	%
516	PUBLIC SERVICES BLDG	0.00	850.00	70,000.00	70,000.00	69,150.00	1 %
530	P&R-Mower	2,850.00	38,776.60	115,000.00	115,000.00	76,223.40	34 %
541	POLICE-Vehicles	0.00	0.00	120,000.00	120,000.00	120,000.00	%
550	Other Equipment	0.00	4,810.00	6,000.00	6,000.00	1,190.00	80 %
557	FIREFLY COVE SYSTEM	0.00	18,567.17	0.00	0.00	-18,567.17	%
592	PW-Street Paving	0.00	27,950.00	175,000.00	175,000.00	147,050.00	16 %
691	Contractual Services	0.00	7,500.00	0.00	0.00	-7,500.00	%
697	Dredging & Debris Removal	0.00	400.00	1,000,000.00	1,000,000.00	999,600.00	%
	Account Total :	2,850.00	177,316.16	1,566,000.00	1,566,000.00	1,388,683.84	11 %
	Account Group Total :	2,850.00	177,316.16	1,566,000.00	1,566,000.00	1,388,683.84	11 %
910000	DEBT SERVICE						
910000	DEBT SERVICE						
504	VEHICLES	0.00	5,966.84	44,500.00	44,500.00	38,533.16	13 %
541	POLICE-Vehicles	0.00	6,147.52	17,225.00	17,225.00	11,077.48	36 %
544	Work Truck	0.00	0.00	15,000.00	15,000.00	15,000.00	%
550	Other Equipment	0.00	8,650.80	144,500.00	144,500.00	135,849.20	6 %
561	Brdwalk-Marina Bay	0.00	0.00	101,900.00	101,900.00	101,900.00	%
573	Barge/Excavator	0.00	43,077.88	0.00	0.00	-43,077.88	%
720	Bond Interest	0.00	1,631.96	58,500.00	58,500.00	56,868.04	3 %
	Account Total :	0.00	65,475.00	381,625.00	381,625.00	316,150.00	17 %
	Account Group Total :	0.00	65,475.00	381,625.00	381,625.00	316,150.00	17 %

TOWN OF LAKE LURE  
Statement of Expenditure - Budget vs. Actual Report  
For the Accounting Period: 2 / 24

10 GENERAL FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
920000	Non-Governmental						
920000	Non-Governmental						
	130 Unemployment	0.00	0.00	5,000.00	5,000.00	5,000.00	%
	450 Insurance	0.00	202,782.02	180,000.00	180,000.00	-22,782.02	113 %
	751 Bank Fees	0.00	10.35	3,000.00	3,000.00	2,989.65	%
	Account Total:	0.00	202,792.37	188,000.00	188,000.00	-14,792.37	108 %
	Account Group Total:	0.00	202,792.37	188,000.00	188,000.00	-14,792.37	108 %
980000	TRANSFERS						
980000	TRANSFERS						
	967 Transfer to Capital Reserve	0.00	0.00	1,600,000.00	1,600,000.00	1,600,000.00	%
	Account Total:	0.00	0.00	1,600,000.00	1,600,000.00	1,600,000.00	%
	Account Group Total:	0.00	0.00	1,600,000.00	1,600,000.00	1,600,000.00	%
	Fund Total:	310,147.03	3,612,139.31	9,511,465.00	9,511,465.00	5,899,325.69	38 %



TOWN OF LAKE LURE  
Statement of Expenditure - Budget vs. Actual Report  
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21 Capital Reserve Fund

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
473000	DAM/Watershed Protection						
473000	DAM/Watershed Protection						
	180 Legal Services	0.00	1,050.00	0.00	0.00	-1,050.00	%
	Account Total:	0.00	1,050.00	0.00	0.00	-1,050.00	%
	Account Group Total:	0.00	1,050.00	0.00	0.00	-1,050.00	%
713000	WATER						
713000	WATER						
	190 Engineering Services	0.00	7,085.00	0.00	0.00	-7,085.00	%
	Account Total:	0.00	7,085.00	0.00	0.00	-7,085.00	%
	Account Group Total:	0.00	7,085.00	0.00	0.00	-7,085.00	%
980000	TRANSFERS						
980000	TRANSFERS						
	958 Transfer to Fund Balance	0.00	0.00	1,600,000.00	1,600,000.00	1,600,000.00	%
	Account Total:	0.00	0.00	1,600,000.00	1,600,000.00	1,600,000.00	%
	Account Group Total:	0.00	0.00	1,600,000.00	1,600,000.00	1,600,000.00	%
	Fund Total:	0.00	8,135.00	1,600,000.00	1,600,000.00	1,591,865.00	1 %

TOWN OF LAKE LURE  
Statement of Expenditure - Budget vs. Actual Report  
For the Accounting Period: 2 / 24

22 DAM Capital Projects Fund

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
473000	DAM/Watershed Protection						
473000	DAM/Watershed Protection						
	190 Engineering Services	0.00	36,931.44	0.00	0.00	-36,931.44	%
	691 Contractual Services	0.00	1,096,200.00	0.00	0.00	-1,096,200.00	%
	Account Total:	0.00	1,133,131.44	0.00	0.00	-1,133,131.44	%
	Account Group Total:	0.00	1,133,131.44	0.00	0.00	-1,133,131.44	%
713000	WATER						
713000	WATER						
	691 Contractual Services	0.00	592,296.50	0.00	0.00	-592,296.50	%
	Account Total:	0.00	592,296.50	0.00	0.00	-592,296.50	%
	Account Group Total:	0.00	592,296.50	0.00	0.00	-592,296.50	%
720000	ELECTRIC OPERATIONS						
720000	ELECTRIC OPERATIONS						
	691 Contractual Services	0.00	1,300.00	0.00	0.00	-1,300.00	%
	Account Total:	0.00	1,300.00	0.00	0.00	-1,300.00	%
	Account Group Total:	0.00	1,300.00	0.00	0.00	-1,300.00	%
	Fund Total:	0.00	1,726,727.94	0.00	0.00	-1,726,727.94	%

53 WATER AND SEWER FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
713000 WATER							
713000 WATER							
100	SALARIES	0.00	0.00	150,000.00	150,000.00	150,000.00	%
109	FICA	0.00	0.00	11,200.00	11,200.00	11,200.00	%
110	Retirement	0.00	0.00	24,000.00	24,000.00	24,000.00	%
111	Group Insurance	0.00	0.00	20,000.00	20,000.00	20,000.00	%
120	401 (K) Contribution	0.00	0.00	7,500.00	7,500.00	7,500.00	%
214	Supplies-Dept	0.00	2,054.42	15,000.00	15,000.00	12,945.58	14 %
310	Travel and Transportation	0.00	265.00	4,000.00	4,000.00	3,735.00	7 %
324	Dues and Subscriptions	0.00	2,050.00	2,000.00	2,000.00	-50.00	103 %
330	Utilities	0.00	8,169.73	15,000.00	15,000.00	6,830.27	54 %
350	Repairs and Maint-Buildings	0.00	17,172.57	20,000.00	20,000.00	2,827.43	86 %
353	Repairs and Maint-Equipment	3,300.00	30,317.70	60,000.00	60,000.00	29,682.30	51 %
358	Repairs and Maint-Lines	0.00	105.00	18,000.00	18,000.00	17,895.00	1 %
430	Equipment Rental	0.00	0.00	500.00	500.00	500.00	%
691	Contractual Services	0.00	5,778.71	24,000.00	24,000.00	18,221.29	24 %
	Account Total :	3,300.00	65,913.13	371,200.00	371,200.00	305,286.87	18 %
	Account Group Total :	3,300.00	65,913.13	371,200.00	371,200.00	305,286.87	18 %
714000 SEWER							
714000 SEWER							
103	Professional Services	0.00	0.00	3,000.00	3,000.00	3,000.00	%
212	Supplies-Fuel	0.00	39.79	0.00	0.00	-39.79	%
214	Supplies-Dept	0.00	65.99	800.00	800.00	734.01	8 %
215	Supplies-Materials	0.00	51,545.41	180,000.00	180,000.00	128,454.59	29 %
310	Travel and Transportation	0.00	270.00	6,000.00	6,000.00	5,730.00	5 %
320	Postage	0.00	311.10	4,000.00	4,000.00	3,688.90	8 %
330	Utilities	0.00	3,563.50	16,000.00	16,000.00	12,436.50	22 %
350	Repairs and Maint-Buildings	0.00	11,765.00	25,000.00	25,000.00	13,235.00	47 %
353	Repairs and Maint-Equipment	0.00	30,534.39	45,000.00	45,000.00	14,465.61	68 %
355	Repairs and Maint-Collection	0.00	35,146.88	25,000.00	25,000.00	-10,146.88	141 %
358	Repairs and Maint-Lines	0.00	0.00	15,000.00	15,000.00	15,000.00	%
690	Contractual Services-Sludge	0.00	112,898.74	160,000.00	160,000.00	47,101.26	71 %
691	Contractual Services	20,000.00	67,082.17	79,000.00	79,000.00	11,917.83	85 %
699	Contractual Services-WWTP	0.00	22,045.00	40,000.00	40,000.00	17,955.00	55 %
	Account Total :	20,000.00	335,267.97	598,800.00	598,800.00	263,532.03	56 %
	Account Group Total :	20,000.00	335,267.97	598,800.00	598,800.00	263,532.03	56 %
720000 ELECTRIC OPERATIONS							
720000 ELECTRIC OPERATIONS							
330	Utilities	0.00	250.62	0.00	0.00	-250.62	%
352	Repairs and Maint-Dam	2,462.00	2,462.00	0.00	0.00	-2,462.00	%
	Account Total :	2,462.00	2,712.62	0.00	0.00	-2,712.62	%
	Account Group Total :	2,462.00	2,712.62	0.00	0.00	-2,712.62	%
800000 CAPITAL OUTLAY/SPECIAL PROJECTS							

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53 WATER AND SEWER FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Commit
800000 CAPITAL OUTLAY/SPECIAL PROJECTS							
356	Repairs and Maint-Pumps and	0.00	0.00	90,000.00	90,000.00	90,000.00	%
505	HYDRO-Emergency Small	0.00	5,989.06	12,000.00	12,000.00	6,010.94	50 %
523	PW-Pickup Truck Replacement	0.00	0.00	48,000.00	48,000.00	48,000.00	%
541	POLICE-Vehicles	0.00	7,435.75	0.00	0.00	-7,435.75	%
544	Work Truck	0.00	0.00	75,000.00	75,000.00	75,000.00	%
547	CAMERAS/CAMERAS	0.00	0.00	95,000.00	95,000.00	95,000.00	%
557	FIREFLY COVE SYSTEM	0.00	127,783.94	0.00	0.00	-127,783.94	%
	Account Total:	0.00	141,208.75	320,000.00	320,000.00	178,791.25	44 %
	Account Group Total:	0.00	141,208.75	320,000.00	320,000.00	178,791.25	44 %
820000 BONUSES (PERFORMANCE & LONGEVITY							
820000 BONUSES (PERFORMANCE & LONGEVITY							
100	SALARIES	0.00	0.00	15,000.00	15,000.00	15,000.00	%
	Account Total:	0.00	0.00	15,000.00	15,000.00	15,000.00	%
	Account Group Total:	0.00	0.00	15,000.00	15,000.00	15,000.00	%
910000 DEBT SERVICE							
910000 DEBT SERVICE							
611	SRL Fund Project	0.00	0.00	55,955.00	55,955.00	55,955.00	%
612	Joint Wrapping Project	0.00	0.00	63,990.00	63,990.00	63,990.00	%
	Account Total:	0.00	0.00	119,945.00	119,945.00	119,945.00	%
	Account Group Total:	0.00	0.00	119,945.00	119,945.00	119,945.00	%
980000 TRANSFERS							
980000 TRANSFERS							
958	Transfer to Fund Balance	0.00	0.00	225,415.00	225,415.00	225,415.00	%
	Account Total:	0.00	0.00	225,415.00	225,415.00	225,415.00	%
	Account Group Total:	0.00	0.00	225,415.00	225,415.00	225,415.00	%
	Fund Total:	25,762.00	545,102.47	1,650,360.00	1,650,360.00	1,105,257.53	33 %

TOWN OF LAKE LURE  
Statement of Expenditure - Budget vs. Actual Report  
For the Accounting Period: 2 / 24

56 ELECTRIC FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
720000 ELECTRIC OPERATIONS							
720000 ELECTRIC OPERATIONS							
100	SALARIES	18,468.94	151,828.84	62,000.00	62,000.00	-89,828.84	245 %
103	Professional Services	0.00	0.00	40,000.00	40,000.00	40,000.00	%
109	FICA	1,331.96	11,011.39	4,800.00	4,800.00	-6,211.39	229 %
110	Retirement	3,507.24	26,626.01	12,090.00	12,090.00	-14,536.01	220 %
111	Group Insurance	1,992.60	14,654.80	10,000.00	10,000.00	-4,654.80	147 %
120	401 (K) Contribution	635.96	5,075.68	4,500.00	4,500.00	-575.68	113 %
212	Supplies-Fuel	0.00	1,389.07	6,000.00	6,000.00	4,610.93	23 %
214	Supplies-Dept	75.00	75.00	6,200.00	6,200.00	6,125.00	1 %
321	Telephone	0.00	-40.67	3,000.00	3,000.00	3,040.67	-1 %
330	Utilities	0.00	1,516.54	6,000.00	6,000.00	4,483.46	25 %
350	Repairs and Maint-Buildings	0.00	180.00	25,000.00	25,000.00	24,820.00	1 %
352	Repairs and Maint-Dam	0.00	2,419.00	0.00	0.00	-2,419.00	%
353	Repairs and Maint-Equipment	0.00	3,895.85	40,000.00	40,000.00	36,104.15	10 %
691	Contractual Services	0.00	0.00	42,000.00	42,000.00	42,000.00	%
967	Transfer to Capital Reserve	0.00	0.00	38,560.00	38,560.00	38,560.00	%
	Account Total:	26,011.70	218,631.51	300,150.00	300,150.00	81,518.49	73 %
	Account Group Total:	26,011.70	218,631.51	300,150.00	300,150.00	81,518.49	73 %
	Fund Total:	26,011.70	218,631.51	300,150.00	300,150.00	81,518.49	73 %

TOWN OF LAKE LURE  
Statement of Expenditure - Budget vs. Actual Report  
For the Accounting Period: 2 / 24

58 Capital Sewer Project Fund

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Avai lable Appropriation	%
714000 SEWER							
714000 SEWER							
	691 Contractual Services	0.00	14,095.00	0.00	0.00	-14,095.00	%
	Account Total :	0.00	14,095.00	0.00	0.00	-14,095.00	%
	Account Group Total :	0.00	14,095.00	0.00	0.00	-14,095.00	%
	Fund Total :	0.00	14,095.00	0.00	0.00	-14,095.00	%

TOWN OF LAKE LURE  
Statement of Expenditure - Budget vs. Actual Report  
For the Accounting Period: 2 / 24

75 CHIMNEY ROCK WATER FUND

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% Committed
713000 WATER							
713000 WATER							
	214 Supplies-Dept	0.00	700.00	0.00	0.00	-700.00	%
	968 Payments to Chimney Rock Water	6,313.41	52,040.99	0.00	0.00	-52,040.99	%
	Account Total:	6,313.41	52,740.99	0.00	0.00	-52,740.99	%
	Account Group Total:	6,313.41	52,740.99	0.00	0.00	-52,740.99	%
	Fund Total:	6,313.41	52,740.99	0.00	0.00	-52,740.99	%
	Grand Total:	368,234.14	0.00	6,177,572.22	13,061,975.00	13,061,975.00	6,884,402.78 47 %

# V

## PUBLIC HEARING

A. Ordinance No. 24-03-12 Amending the Town of Lake Lure Zoning Ordinances Section 36-60 (“Building Site Minimum Dimensional Requirements”)

- ii. Staff Report
- ii. Public Hearing
- iii. Council Deliberation
- iv. Consideration of Adoption of Ordinance No. 23-12-12



**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM  
Meeting Date: March 12, 2024**

**SUBJECT:** Ordinance No. 24-03-12 Amending the Town of Lake Lure Zoning Ordinances Section 36-60 (“Building Site Minimum Dimensional Requirements”)

**AGENDA INFORMATION:**

**Agenda Location:** Public Hearing

**Item Number:** A

**Department:** Community Development

**Contact:** Michael Williams, Community Development Director

**Presenter:** Michael Williams, Community Development Director

**BRIEF SUMMARY:**

Town staff has identified a discrepancy within the Zoning Ordinances in regard to Residential/Office District (R-4) zoning rear yard and side yard setbacks. Section 36-61 (“R-4 Residential/Office District”) in the Zoning Ordinances specifies that side yards shall be not less than 12 feet in depth and rear yards shall be not less than 15 feet in depth. However, Section 36-70 (“Building Site Minimum Dimensional Requirements”) includes a table which states that the side yard and rear yard setbacks are both 10 feet, which is true for most of the other residential districts. Town staff feels that there was intent behind the specific setbacks for R-4 within Section 36-61 and recommends amending Section 36-70 to clarify that R-4 side yards shall be not less than 12 feet in depth and rear yards shall be not less than 15 feet in depth.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:**

To adopt Ordinance No. 24-03-12 Amending the Town of Lake Lure Zoning Ordinances Section 36-60 (“Building Site Minimum Dimensional Requirements”).

**ATTACHMENTS:**

Ordinance No. 24-03-12 Amending the Town of Lake Lure Zoning Ordinances Section 36-60 (“Building Site Minimum Dimensional Requirements”)

**STAFF’S COMMENTS AND RECOMMENDATIONS:**

Staff recommends adoption.

**ORDINANCE NUMBER 24-03-12**

**AN ORDINANCE AMENDING THE TOWN OF LAKE LURE ZONING ORDINANCES SECTION 36-70 (“BUILDING SITE MINIMUM DIMENSIONAL REQUIREMENTS”)**

**WHEREAS**, the Town of Lake Lure establishes zoning regulations regarding building site minimum dimensional requirements; and

**WHEREAS**, Town staff has identified a discrepancy within the Zoning Ordinances in regard to Residential/Office District (R-4) zoning rear yard and side yard setbacks; and

**WHEREAS**, Section 36-61 (“R-4 Residential/Office District”) in the Zoning Ordinances specifies that side yards shall be not less than 12 feet in depth and rear yards shall be not less than 15 feet in depth; and

**WHEREAS**, Section 36-70 (“Building Site Minimum Dimensional Requirements”) includes a table which contradicts Section 36-61 by stating that the R-4 side yard and rear yard setbacks are both 10 feet, which is true for most of the other residential districts; and

**WHEREAS**, Town staff has concluded there was specific intent behind establishing the setbacks for R-4 within Section 36-61.

**NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF TOWN COUNCIL VOTING IN THE AFFIRMATIVE.**

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~]

**SECTION ONE.** Code of Ordinances Section 36-70 (“Building Site Minimum Dimensional Requirements”) is hereby amended as follows:

**Sec. 36-70. Building site minimum dimensional requirements.**

Zoning Classification	Lot Area (a)(g)	Lot Width at Building Site (b)(g)	Setbacks(g)			Rear Yard Open Space Percent of Lot (e)
			Front Yard *	Side Yard	Rear Yard (d)	
R-1	10,000 s.f.	100 ft.	(c)	10 ft.	10 ft.	30%
R-1A	2 acres	100 ft.	(c)	10 ft.	10 ft.	30%
R-1B	1 acre	100 ft.	(c)	10 ft.	10 ft.	30%
R-1D	0.5 acre	100 ft.	(c)	10 ft.	10 ft.	30%
R-1C	0.5 acre	60 ft.	(c)	10 ft.	10 ft.	20%
<b>R-2/R-3</b>						
Single-family	14,000 s.f.	60 ft.	(c)	7 ft.	10 ft.	20%

	Two-family	18,000 s.f.	70 ft.	(c)	8 ft.	10 ft.	20%
	Three-family	24,000 s.f.	85 ft.	(c)	10 ft.	10 ft.	20%
	Four-family	29,000 s.f.	100 ft.	(c)	10 ft.	10 ft.	25%
	R-4 (f)	10,000 s.f.		(c)	<del>10 ft.</del> 12 ft.	<del>10 ft.</del> 15 ft.	
	CN	10,890 s.f.	50 ft.	10 ft. (c)	10 ft.	15 ft.	none
	CTC	10,000 s.f.	50 ft.	0 ft. (c)	0 ft. or 10 ft.	15 ft.	none
	CG	21,780 s.f.	100 ft.	10 ft. (c)	12 ft.	15 ft.	none
	M-1	2 acres	100 ft.	(c)	12 ft.	15 ft.	none
	S-1	25 acres	100	35 (c)	35	35	none

Maximum building height in any district shall be not more than 35 feet as measured from the average finished grade at building foundation line. The average finished grade is determined by adding the elevation of the highest corner of the proposed structure to the elevation of the lowest corner of the proposed structure and divide by two.

\*See definition of "setback" for streets with no right-of-way in section 36-5.

(a) Plus 2,000 square feet of lot area for each additional dwelling unit in excess of four.

(b) The lot width at the building site minimum dimensional requirements shall not apply to existing lots of record as of the effective date of the ordinance from which this chapter is derived. For any residential lot, lot width at street line shall be not less than 35 feet. For any commercial lot, lot width at street line shall be not less than 100 feet. Lot width at street line for the R-4 district shall be not less than 50 feet. Any lot abutting Lake Lure shall have a frontage along the lake of not less than 100 feet.

(c) For primary streets, the front yard setback shall be 40 feet from the centerline, but not closer than ten feet from any right-of-way line where such line exists. For secondary streets, the front yard setback shall be 35 feet from the centerline, but not closer than ten feet from any right-of-way line where such line exists. In all commercial districts, setbacks shall be measured from the right-of-way line, or where no right-of-way exists, from a point 15 feet from the centerline of the street. In most situations, the front yard lies between the building and the street. However, for lots which abut a lake, the lake side is also considered a front yard. In any zoning district, minimum setback from the lake is 35 feet measured from the shoreline.

(d) From the rear property line to the nearest building on that lot.

(e) Excluding any space occupied by an accessory building which may be located between principal building and rear lot line.

(f) Maximum building size for office: 3,000 square feet (heated area).

(g) The minimum lot area, lot width and yard requirements may be reduced in an approved conservation design subdivision provided that the zoning and planning board approves such reduction in accordance with section 28-77(3)c. The reduced setbacks shall be clearly stated on the final plat. If the reduced setbacks are not stated on the final plat, the standard setbacks noted in this section shall apply.

**SECTION TWO.** All provisions of any Town Ordinance inconsistent with the language herein adopted are hereby repealed.

**SECTION THREE.** The Town of Lake Lure Town Council deems Ordinance No. 24-03-12 to be consistent with the Lake Lure comprehensive plan because it enhances and clarifies land use and zoning regulations.

**SECTION FOUR.** The Town of Lake Lure Town Council deems Ordinance No. 24-03-12 to be reasonable and in the public interest because it removes an ambiguity in the ordinance as to the required setback area.

**SECTION FIVE.** This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately from after the date of its final passage and adoption.

**READ, APPROVED, AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
Olivia Stewman  
Town Clerk

\_\_\_\_\_  
Carol C. Pritchett  
Mayor

Approved as to content & form:

\_\_\_\_\_  
William C. Morgan, Jr.  
Town Attorney

**VI**  
**COUNCIL LIAISON**  
**REPORTS AND**  
**COMMENTS**

# VII

## PUBLIC COMMENT

*The public is invited to speak. Please keep comments limited to three minutes or less. Comments may also be submitted in writing to the Town Clerk, [ostewman@townoflakelure.com](mailto:ostewman@townoflakelure.com), at least one hour prior to the meeting.*

# VIII

## CONSENT AGENDA

- A. Approval of the February 13, 2024 Regular Town Council Meeting, the February 28, 2024 Town Council Work Session and Action Meeting Minutes, and the March 4, 2024 Reconvened Minutes from the February 28, 2024 Town Council Work Session and Action Meeting
  
- B. Approval of Addendum to Lake Lure Tours Concession Agreement
  
- C. Approval of Emergency Water Agreement between the Town of Lake Lure and Chimney Rock Village



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL  
HELD TUESDAY, FEBRUARY 13, 2024, 5:00 P.M. AT THE LAKE LURE MUNICIPAL  
CENTER**

**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 Hank Perkins, Jr., Town Manager  
Michael Williams, Community Development Director  
Dana Bradley, Parks, Recreation, and Trails Coordinator  
Dean Lindsey, Public Services Director  
Stephen Ford, Finance Director  
Michael Dydula, Project Manager  
Laura Krejci, Communications Director

**ABSENT:** N/A

**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 and Commissioner Patrick Bryant led the invocation.

**II. APPROVE THE AGENDA**

Commissioner Scott Doster made a motion to add G.S. 143-318.11(a) (6) for the purpose of discussing personnel matters to the closed session. Commissioner David DiOrio seconded and all voted in favor.

Commissioner Patrick Bryant made a motion to approve the agenda, as amended. Commissioner DiOrio seconded and all voted in favor.



**III. MAYOR'S COMMUNICATIONS**

Mayor Pritchett thanked all individuals in attendance. Mayor Pritchett recognized the Rumbling Bald Golf Course, Rutherford County EMS, Town of Lake Lure Fire Department, and all others who assisted on an emergency call at the Rumbling Bald Golf Course. It was noted that the Lake Lure Police Department was recognized during the 2024 Night of Honors last week. Mayor Pritchett announced that in a recent article, the Town of Lake Lure was named as the safest city in North Carolina. Mayor Pritchett expressed appreciation for the Town's public safety departments for keeping the community safe. Mayor Pritchett noted that the comprehensive plan has been referenced the past couple of months and there is a need to update it, so tonight all the Commissioners received a copy of the full plan and each commissioner will go through the entire document and make highlights of what may need to be amended within the plan. Mayor Pritchett added that the comprehensive plan is an elusive process with various groups involved, but having commissioners review the entire document will be a good first step to making necessary updates. It was detailed that commissioners will review the comprehensive plan prior to the work session and action meeting when they will discuss their notes formalize the process to move forward.

**IV. TOWN MANAGER COMMUNICATIONS**

Town Manager Hank Perkins summarized highlights from his Manager's Report for January which is available in the meeting packet.

Town Manager Perkins reported that there were no actions taken at January's work session and action meeting.

**V. COUNCIL LIAISON REPORTS & COMMENTS AND BOARD PRESENTATIONS**

Commissioner Scott Doster reported that the Zoning and Planning Board did not meet this month. Commissioner Doster noted that there will be a builder's forum at the Zoning and Planning Board meeting in March,

Commissioner David DiOrio reported the activities of the Lake Advisory Board and noted that the Board of Adjustment / Lake Structure Appeals Board met.

Commissioner Jim Proctor reported the activities of the Parks and Recreation Board. Commissioner Proctor thanked Ed Dittmer for his many years of serving on the Board.

Mayor Pritchett reported the activities of the ABC Board.

**VI. PUBLIC COMMENT**

Mayor Carol C. Pritchett invited the audience to speak.

Ed Dittmer, 1136 Memorial Highway, thanked the Lake Lure Fire Department, first responders, and County EMS. Mr. Dittmer explained that he had a stroke 10 days ago and the Lake Lure Fire Department quickly responded and took action. Mr. Dittmer added that the responding firefighters were Trey Lewis and Josh Hendrix. Mr. Dittmer noted that he since found out that only two hospitals in the area, Mission and Greenville, can administer the drug he needed. Mr. Dittmer detailed that he was taken to Mission and got there in time to have the drug administered. It was noted that even though he was unconscious for much of the time, he is still here today. Mr. Dittmer explained that a few years ago, this drug was not available, so he feels blessed to be able to continue living and wanted to thank those responsible for saving his life. Mr. Dittmer also explained that he has completed 18 years on the Parks and Recreation Board, 10 of which he served as the Board chair and eight as the vice chair. Mr. Dittmer noted that Jim Walters, Bill Massey, and Moe Bay are also resigning. Mr. Dittmer expressed that each of them will be missed on the Board. Mr. Dittmer explained that chose not to reapply to give new people an opportunity to serve. Mr. Dittmer thanked the Town for allowing him to serve the Board and expressed that it is in good hands.

There were no further comments.

## **VII. CONSENT AGENDA**

Mayor Carol C. Pritchett presented the Consent Agenda items and asked if any 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 8, 2024 Special Town Council Planning Retreat, the January 16, 2024 Special Town Council Meeting Minutes and the January 24, 2024 Town Council Work Session and Action Meeting Minutes
- B. Approval of Maintenance Agreement of Electric Vehicle Chargers with NovaCHARGE

## **VIII. UNFINISHED BUSINESS**

There was no unfinished business to discuss.

## **IX. NEW BUSINESS**

- A. **RESOLUTION NO. 24-02-13A SETTING PUBLIC HEARING FOR MARCH 12, 2024 TO RECEIVE COMMENTS REGARDING AMENDMENT OF ZONING ORDINANCES SECTION 36-70 (“BUILDING SITE MINIMUM DIMENSIONAL REQUIREMENTS”)**

Community Development Director Michael Williams explained that the proposed amendment is simple and cleans-up discrepancies within the ordinances. Director Williams further explained that in the R-4 district there is a 12 ft. side setback requirement and a 15 ft. rear yard setback requirement, which is in conflict with a schedule located in Section 30-70 which shows the R-4 setbacks as being the same as most other residential districts. Director Williams noted that staff and the Zoning and Planning Board determined that it would be most beneficial to amend Section 36-70 to reflect the correct setbacks for R-4. Manager Perkins noted that this resolution sets the public hearing for the recommended amendment.

Commissioner Doster made a motion to adopt Resolution No. 24-02-13A Setting Public Hearing for March 12, 2024 to Receive Comments Regarding Amendment of Zoning Ordinances Section 36-70 (“Building Site Minimum Dimensional Requirements”). Commissioner Proctor seconded and all voted in favor. Resolution No. 24-02-13A was adopted as follows:

**RESOLUTION NO. 24-02-13A**

**RESOLUTION BY THE TOWN OF LAKE LURE TOWN COUNCIL SETTING PUBLIC HEARING FOR MARCH 12, 2024 TO RECEIVE COMMENTS REGARDING AMENDMENT OF ZONING ORDINANCES SECTION 36-70 (“BUILDING SITE MINIMUM DIMENSIONAL REQUIREMENTS”)**

**WHEREAS**, the Town staff and the Zoning and Planning Board have provided the Town Council with recommended amendments Zoning Ordinances Section 36-70 (“Building Site Minimum Dimensional Requirements”); and

**WHEREAS**, North Carolina General Statute § 160D-605 mandates that the Town must hold a public hearing prior to amending any development regulations.

**NOW, THEREFORE BE IT RESOLVED**, that the Town of Lake Lure will hold a public hearing, in accordance with North Carolina General Statutes, during its regular meeting on March 13, 2024 beginning at 5:00 p.m. or shortly thereafter at the Lake Lure Municipal Center to receive comments in regard to the recommended amendment of Zoning Ordinances Section 36-70 (“Building Site Minimum Dimensional Requirements”).

**IX. NEW BUSINESS**

**B. VOLUNTEER BOARD APPOINTMENTS**

**I. ABC BOARD**

Commissioner Doster noted that there was only one candidate, Mr. Peter O’Leary, seeking re-appointment for the ABC Board and all other members are in the midst of their terms. Commissioner Doster expressed that Mr. O’Leary is an asset to the Board. It was noted that the ABC Store covers Chimney Rock Village, so that is why a resident from there is on a Lake Lure board.

Commissioner Doster made a motion to re-appoint Peter O'Leary to serve a three year term on the ABC Board. Commissioner Bryant seconded and all voted in favor.

## II. BOARD OF ADJUSTMENT / LAKE STRUCTURE APPEALS BOARD

Commissioner DiOrio noted that Board of Adjustment (BOA) and Lake Structure Appeals Board (LSAB) are technical Boards and the people who serve typically come in as an alternate to learn regulations and then move up to a regular position. This year, Mr. Wyn Hardy is leaving the BOA/LSAB and will be replaced by a current alternate member.

Commissioner DiOrio made a motion to re-appoint Neil Gurney, Al Joyner, and Melvin Owensby to serve as regular members, and to advance Kimberly Sayles from an alternate member to a regular member, and to appoint David Lusk as an alternate member, all of which to serve three year terms. Commissioner Doster seconded and all voted in favor.

## III. LAKE ADVISORY BOARD

Commissioner DiOrio explained that the Lake Advisory Board (LAB) should be representative of the community because the community uses the lake and it is important to have public perspective. Commissioner DiOrio added that the LAB very balanced with the current members that are up for re-appointment. Commissioner DiOrio further explained that Richard Sayles is an inn keeper in Lake Lure and can communication with tourist and visitors, Sonya Ledford manages Lake Lure Tours, and David Lusk is a public safety volunteer.

Commissioner DiOrio made a motion to re-appoint Sonya Ledford, David Lusk, and Richard Sayles to serve three year terms on the Lake Advisory Board. Commissioner Proctor seconded and all voted in favor.

## IV. PARKS AND RECREATION BOARD

Commissioner Proctor explained that the Parks and Recreation Board recommended re-appointing Larry Czajkoski and Robin Worcester to be re-appointed for a three year term, advancing Ozzie McFarland from an alternate member to a regular member and serving a three year term, and appointing Debbie Warren and Matthew Manzi to serve a three year term as regular members, and to appoint Dan Gorman to fill the remaining term of Mr. McFarland as alternate.

Commissioner Proctor made a motion to approve the Parks and Recreation Board recommendation. Commissioner seconded and all voted in favor.

## V. ZONING AND PLANNING BOARD

Commissioner Doster noted that there is only one vacancy on the Zoning and Planning Board and Mr. Mac Hillabush is seeking re-appointment

Commissioner Doster made a motion to re-appoint Mac Hillabush to serve a three year term on the Zoning and Planning Board. Commissioner DiOrio seconded and all voted in favor.

Mayor Pritchett thanked all individuals who help on the Boards.

**IX. NEW BUSINESS**

**C. BUDGET AMENDMENT #364 FOR REPAIRS TO PARKS, RECREATION, AND LAKE OFFICE ROOF AND MAINTENANCE RELATED TO NCDOT REPLACEMENT AND UPSIZING OF DRAIN PIPE UNDER HIGHWAY 64/74**

Manager Perkins noted that he spoke with the Parks and Recreation Department this morning about the roof repairs and drain pipe under Highway 64/74. Manager Perkins explained that staff would like to proceed with appropriating the funds, but would like to further review what needs to be done in regard to the drain. It was noted that the roof replacement will proceed. Commissioner DiOrio noted that DOT has done a good job on the drain pipe and asked what kind of roof will be on the Parks and Recreation office. Parks, Recreation, and Trails Coordinator answered that staff is leaning towards a metal roof to maximize longevity. Commissioner DiOrio recommended proceeding with metal. It was noted that this budget amendment would cover either metal or asphalt for the roof. Manager Perkins noted that the Town is soliciting competitive bids to get the best price. Public Services Director Dean Lindsey noted that the number in the budget amendment includes a buffer and it should cover all repairs. Commissioner Proctor noted that their house has had a metal roof for over 100 years and the only reason that they replaced it is because the nails were coming up. Mayor Pritchett noted the amendment is for \$75,000.

Commissioner Bryant made a motion to approve Budget Amendment #364 for repairs to Parks, Recreation, and Lake office roof and maintenance related to NCDOT replacement and opening of drain pipe under Highway 64/74. Commissioner DiOrio seconded and all voted in favor.

**IX. NEW BUSINESS**

**D. BUDGET AMENDMENT #365 FOR MANHOLE REPLACEMENT PROJECT AND SEWER LINE STABILIZATION PROJECT AT LAKE HOUSE RESTAURANT AND HIGHWAY 9**

Manager Perkins explained that this manhole replacement project is similar to ones done before. Director Lindsey noted that the stabilization is for two culverts that have excessive erosion and the Town is adding support to avoid any further erosion or destabilization of the pipe.

Commissioner DiOrio made a motion to approve Budget Amendment #365 for manhole replacement project and sewer line stabilization project at Lake House Restaurant and Highway 9. Commissioner Doster seconded and all voted in favor.

**IX. NEW BUSINESS**

**E. RESOLUTION NO. 24-02-13A AUTHORIZING THE TOWN MANAGER TO ACT ON RUBY-COLLINS DESIGN BUILD AGREEMENT TERMS REGARDING SECTION 8.2 (“DELAYS OF WORK”) AND SECTION 11.1 (“OWNER’S RIGHT TO STOP WORK”) FOR WORK DETAILED IN AGREEMENT AMENDMENT 02**

Manager Perkins explained that as discussed in work session, Ruby-Collins will suspended sewer work for this year to avoid conflict with the drain valve installation. Manager Perkins explained that this resolution allows him to act on appropriate agreement terms.

Commissioner Proctor made a motion to adopt Resolution No. 24-02-13A authorizing the Town Manager to act on Ruby-Collins Design Build Agreement Terms Regarding Section 8.2 (“Delays of Work”) and Section 11.1 (“Owner’s Right to Stop Work”) for Work Detailed in Agreement Amendment 02. Commissioner Bryant seconded and all voted in favor. Resolution No. 24-02-13A was adopted as follows:

**RESOLUTION NO. 24-02-13A**

**RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE AUTHORIZING THE TOWN MANAGER TO ACT ON RUBY-COLLINS DESIGN BUILD AGREEMENT TERMS REGARDING SECTION 8.2 (“DELAYS OF WORK”) AND SECTION 11.1 (“OWNER’S RIGHT TO STOP WORK”) FOR WORK DETAILED IN AGREEMENT AMENDMENT 02**

**WHEREAS**, adverse weather and conflicts with the reservoir drain valve installation project has resulted in the need to suspend or delay the work of sewer replacement Design Build team Ruby-Collins that was to be completed during the 2024 drawdown under Agreement Amendment #2; and

**WHEREAS**, Section 8.2.1 of the Design Build Agreement states that if Ruby-Collins is delayed in the performance of the Work due to acts, omissions, conditions, events, or circumstances beyond its control and due to no fault of its own or those for whom Ruby-Collins is responsible, the Contract Time(s) for performance shall be reasonably extended by Change Order; and

**WHEREAS**, Section 8.2.2 of the Design Build Agreement states that in addition to Design-Builder’s right to a time extension for those events set forth in Section 8.2.1 above, Design-Builder shall also be entitled to an appropriate adjustment of the Contract Price provided, however, that the Contract Price shall not be adjusted for Force Majeure Events unless otherwise provided in the Agreement; and

**WHEREAS**, Section 11.1.1 of the Design Build Agreement states that the Town may, without cause and for its convenience, order Design-Builder in writing to stop and suspend the Work. Such suspension shall not exceed sixty (60) consecutive days or aggregate more than ninety (90) days during the duration of the Project<sup>1</sup>; and

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<sup>1</sup> The situation encountered by the Town during the current drawdown period has illustrated the need to amend Section 11.1.1 of the Design Build Agreement since each drawdown period is typically 90-120 days thus the 60 and 90 day periods referenced in paragraph 11.1.1 are not practicable. The Manager is directed to work with Ruby-Collins to negotiate appropriate amendments to paragraph 11.1.1.

**WHEREAS**, Section 11.1.2 of the Design Build Agreement states that Design-Builder is entitled to seek an adjustment of the Contract Price and/or Contract Time(s) if its cost or time to perform the Work has been adversely impacted by any suspension of stoppage of the Work by Owner; and

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

**SECTION ONE.** The Town Council authorizes the Town Manager (or his designee) to act on Ruby-Collins Design Build Agreement terms regarding Section 8.2 (“Delays of Work”) and Section 11.1 (“Owner’s Right to Stop Work”) to formally suspend work for the remainder of the 2024 drawdown period for work specified in Agreement Amendment 02. The Town Manager (or his designee) shall work with Ruby -Collins to make appropriate Amendments to the Contract Documents to account for any costs and additional time necessitated by this suspension of work.

**SECTION TWO.** The Town of Lake Lure and Ruby-Collins will abide by all terms specified in the Design Build Agreement and Agreement amendments.

**IX. NEW BUSINESS**

**F. FISCAL YEAR 2024 FALL REHABILITATION OF HIGH HAZARD POTENTIAL DAMS FUNDING OPPORTUNITY**

Manager Perkins explained that Communications Director Laura Krejci has done an excellent job dealing with the state and dam safety on these grants. It was detailed that within the last week, she was contacted by dam safety being encouraged to apply for the 2024 grant. Manager Perkins noted that reason it is before Council tonight is because the Town’s procurement policy says Council must approve matching grants. It was further noted that the Town has open grants from dam safety. Manager Perkins stated that the application deadline occurs prior to Council meeting again. Director Krejci is working with Schnabel Engineering and Project Manager Michael Dydula on the application. It was detailed that the grant would be for the 70% design of the dam. Director Krejci noted that grant will fund \$75 million nationally, but that amount is not divided yet. Commissioner DiOrio asked if the Town can use dam funds for the match and it was answered yes. Commissioner DiOrio noted that this means that it is not really a tax burden. Manager Perkins noted that it may be difficult to do a 70% design application since the Town has not yet done field work or the 30 % design because there has not been feedback received from dam safety on those two items. Commissioner DiOrio expressed support for applying for the grant.

Commissioner DiOrio made a motion to approve Town Staff submitting an application for the Fiscal Year 2024 Rehabilitation of High Hazard Potential Dams Funding Opportunity for the remaining portion (70%) design of the replacement dam. Commissioner Bryant seconded and all voted in favor.

**X. CLOSED SESSION**

Commissioner Doster made a motion to enter into closed session in accordance with G.S. 143-318.11(a) (3) for attorney client privilege or legal claims and in accordance with G.S. 143-

318.11(a) (6) for the purpose of discussing personnel matters. Commissioner Bryant seconded and all voted in favor.

During closed session, Council discussed a letter of intent to sue the Town and management of performance expectations.

Commissioner Proctor made a motion to return to open session. Commissioner Doster seconded and all voted in favor.

<b>XI. ADJOURNMENT</b>
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With no further business, Commissioner Proctor made a motion to adjourn the meeting at 7:50 p.m. Commissioner Bryant seconded and the motion carried 4-0.

ATTEST:

\_\_\_\_\_  
Olivia Stewman, Town Clerk

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Mayor Carol C. Pritchett





**MINUTES OF THE REGULAR WORK SESSION AND ACTION MEETING OF THE  
LAKE LURE TOWN COUNCIL HELD WEDNESDAY, FEBRUARY 28, 2024, 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  
Kathy Tanner, LLFB Board Chair  
Charlie Ellis, LLFB  
Michael Dydula, Project Manager  
Sandra Haynes, PE, LaBella Associates  
Keith Gray, Integrated Lakes Management (ILM)  
Stephen Ford, Finance Director  
Dana Bradley, Parks, Rec., and Trails Coordinator  
Richard Carpenter, Dev. and Enviro. Review Specialist  
Michael Williams, Community Development Director  
Laura Krejci, Communications Director  
Dustin Waycaster, Fire Chief

**ABSENT:**

<b>I. CALL TO ORDER</b>
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Mayor Carol C. Pritchett called the work session and action meeting to order at 8:30 a.m.

**II. AGENDA ADOPTION**

Commissioner Patrick Bryant made a motion to adopt the agenda, as presented. Commissioner Proctor seconded and the motion carried 4-0.

**III. PUBLIC COMMENT**

There were no comments from the public.

**IV. UPDATE FROM THE LAKE LURE FLOWERING BRIDGE IN REGARD TO THE EDUCATION CENTER**

Mrs. Kathy Tanner explained that yesterday the Board of Adjustment (BOA) granted the Lake Lure Flowering Bridge's (LLFB) Special Use Permit (SUP) with the condition of obtaining the sewer permit from NCDEQ. Mrs. Tanner explained that the LLFB has been working with Odom Engineering, K Enterprises, and Roto Rooter to prepare for obtaining the sewer permit. Mrs. Tanner further explained that there is a line that has been identified and Odom Engineering is submitting the sewer permit application to NCDEQ today.

Mr. Charlie Ellis, 126 N Shore Drive, reiterated that the SUP was approved yesterday. Mr. Ellis explained that the original purpose for being added to the agenda this meeting was to request that the Town to take over the line as it was required by NCDEQ, but NCDEQ since waived that requirement. Mr. Ellis expressed that he hopes that the LLFB can get NCDEQ approval. Mr. Ellis detailed that the 6 inch line is subject to approval of a waiver from the state, so the plan is to submit the application to the NCDEQ Asheville Office and then apply for a variance with the state. Mr. Ellis noted that it has been communicated that it is probable that the variance from the state will be granted, but not certain. It was stated that the line has been located and is larger than previously thought, and it is currently carrying waste from three homes. Mr. Ellis expressed that if NCDEQ decided that the Town is needed throughout the process, the LLFB will be back for further conversations.

Commissioner DiOrio noted that a maintenance agreement between the Town and the LLFB would be a good idea when all steps are completed, but it may hold up the project if it is done prior to construction. Commissioner DiOrio also noted that NCDEQ might want a prescriptive easement. Mr. Ellis stated that the LLFB will take the lead on looking into whether or not an easement is necessary, but it is not clear if NCDEQ has the authority to impose that requirement. Mr. Ellis added that there is a chance that there is already a prescriptive easement with the multiple parties involved. Commissioner Proctor noted that there is an implied easement regardless. Commissioner DiOrio noted that the sewer permit is the last thing that the LLFB needs before obtaining a construction permit, but land disturbance efforts can begin in the meantime. Commissioner DiOrio noted that the LLFB has a land disturbance permit, they need a sewer permit, and then construction can be permitted and can begin. Mr. Ellis agreed, but noted that even though he is hopeful, he is not sure if only the Asheville NCDEQ sewer permit approval will be sufficient with the County. It was noted that Public Services Director Dean Lindsey has had

conversations with NCDEQ and they have indicated that everything is in line to proceed and that they want to go ahead and have Odom Engineering submit the permit without easements. Director Lindsey explained that if the Town took ownership of the line, NCDEQ would require a variance from the state and would require an 8 inch line, but if the LLFB takes ownership it will likely be approved as is. Manager Perkins noted that there has been a good amount of discussions on the matter and that Odom Engineering and NCDEQ will inform the Town whether or not the LLFB is approved or insufficient, and all parties can proceed accordingly. Mr. Ellis reiterated that it was their understanding that the Town taking over the line was a condition imposed by NCDEQ, but that they removed that condition. Mr. Ellis stated that if the LLFB needs any level of cooperation from the Town, they will be back for additional discussions.

Manager Perkins asked how to enforce a prescriptive easement if necessary and Town Attorney William Morgan explained that it would need to go to court to be enforceable. Mr. Ellis expressed that the LLFB would attempt to get a letter from an attorney that an existing prescriptive easement and hopefully NCDEQ will accept that. Mr. Ellis thanked. Council expressed appreciation for Mr. Ellis and the LLFB.

**V. DREDGING PRESENTATION – SANDRA HAYNES, PE, LABELLA ASSOCIATES & KEITH GRAY, INTEGRATED LAKES MANAGEMENT (ILM)**

All dredging presentation materials can be accessed at the following link: [02-28-2024 Dredging Presentation](#)

Project Manager Dydula introduced Sandra Haynes with LaBella Associates and Keith Grey with Integrated Lakes Management (ILM).

Project Manager Dydula explained that he started with the Town last year, has been working on various project, and wanted to go over the project history. Project Manager Dydula stated that he found reports and pictures from the past, which he displayed. It was noted that the lake has been filling itself in for some time. Project Manager Dydula questioned if anything has been done with dredging long term, and questioned how it has been handled this entire time. Project Manager Dydula detailed the big dig in the 1990s. Project Manager Dydula noted that one reason that dredging it a harsh subject is because it has visible impacts. Council discussed that hotspots relate to safety concerns. It was detailed that there are currently 60,000+ acres coming down the Rocky Broad and 30-70 cubic yards of sediment per year, but there were 28-29 tributaries coming into Lake Lure when it was built. It was discussed that sediment traps have been evaluated, but have not functioned well for Lake Lure. It was noted that the main problem is runoff into the lake. Project Manager Dydula explained that the Town now has an aerial survey of the entire lake which will be helpful in determining which areas to prioritize. Commissioner DiOrio noted that the former contractor's mission was to keep the main channel open and clear for boats. It was detailed that storm events negatively impact sedimentation issues in the lake. Project Manager Dydula stated that he continues to be approached about this subject. Project Manager Dydula expressed that the main focuses are the main channel, Firefly Cove, Rumbling Bald, Lake Lure Village, and Tryon Bay Cove. Project Manager Dydula spoke with the Army Corp of Engineers and he is looking at different methods for mitigation. Commissioner DiOrio discussed that a flow study was done in 2021 and it indicated that the most cost efficient way to reduce flow was to open

up the mouth of the Rocky Broad or open up a hole, and that the stream side solution would not be efficient. Project Manager Dydula rebutted that the person indicated this was not qualified in storm water management. Commissioner Proctor explained that there was a Supreme Court case last year that could help the Town with issues related to dredging. Project Manager Dydula explained that the next steps are to prepare an RFQ and contract with an engineer to produce design plans for dredging. It was noted that per procurement laws, there is no way to sole source dredging. Project Manager Dydula added that the presenters are here as consultants and they are being compensated for their time today. Project Manager Dydula displayed an example of what he would like to publish for the RFQ. Commissioner DiOrio noted that the RFQ is for a long term project, but expressed that there is an immediate need for maintenance dredging. Project Manager Dydula explained that they are one of the same, and stated that we do not have 401 and 404 permits in place. It was discussed that the only permit the Town has is a mining permit. Parks, Recreation, and Trails Coordinator Bradley noted that the area for dredging was initial much smaller and the 401 and 404 permits were not necessary. Ms. Haynes with LaBella explained that permit requirements are determined by dredging impact, and what the Town is doing exceeds maintenance. Project Manager Dydula noted that when you start going out of the navigable water, you can no longer use the general permit that the Town has. Ms. Haynes explained that there has been limited maintenance in the past and the problem when is having excessive sedimentation creating islands and vegetation forms, which needs to be avoiding in order to not become a wetland. Ms. Haynes explained that interpretations of impact change as DEQ and Army Corp turnover occurs. Ms. Haynes noted that there is a maintenance permit, but this exceeds maintenance. Manager Perkins asked Ms. Haynes asked why the Town can no longer do the maintenance dredging that has been done in the past. Ms. Haynes expressed that she does not see what the issue was with the maintenance, but it could be due to interpretations after turnovers. Ms. Haynes noted that the Town's intentions are good, Council wants to protect assets, so she is not sure why it is not being approved because she thinks that it should have been. Ms. Haynes expressed that it is important that the Town maintain good communications with these agencies. Project Manager Dydula expressed that he thinks that everyone has a different perception of maintenance. Project Manager Dydula noted that Kevin Hart from DEQ provided him information on when dredging funds can and cannot be spent. Project Manager Dydula noted that there will be a process to keep operations going and the details are a work in progress. It was noted that in order to look at dredging in a whole, the Town needs a master plan. Commissioner DiOrio expressed confusion as to why this is an issue now and what happened to cause this issue. Commissioner DiOrio asked who is questioning if the Town is maintenance dredging or exceeding that threshold. Project Manager Dydula displayed an email from Brook Davis from Army Corp of Engineers. Commissioner DiOrio noted that the Town has not been dredging the whole lake, and that maintenance needs to continue while a master plan is crafted. Project Manager Dydula noted that he has been working based on an old Brown Engineering report that has been used for grants. Ms. Haynes noted that it is denuded area, which is that area that could potentially be disturbed as operations move. Ms. Haynes noted that part of this could be the reason that operations were advised to stop, but it could be the confusion in communication. Ms. Haynes recalled an issue that she has encountered similar to this and stated that communication is critical and dredging is not a straight forward project. Ms. Haynes noted that with dredging, you cannot see the benefits as much as you can see the problems and costs. Project Manager Dydula noted that he found a report from Lake Adger that he finds to be helpful. It was noted that obtaining dredging permits can take months and varies agencies will be in the review process.

Commissioner DiOrio expressed that what has been done is maintenance dredging and reiterated that there is we an immediate threat to the lake. Commissioner DiOrio expanded that a long term approach to avoid build up is good, but the Town needs to have an immediate focus on maintaining the lake. It was noted that hydraulic to maintain, mechanical is for long term. Commissioner DiOrio noted that maintenance has been working in the past and that it should continue in the near term. Commissioner DiOrio noted that maintenance needs to be done now because it is urgent to lake operations. Council discussed that the past operations kept the main channel open. Commissioner DiOrio noted that another issue is determining where to put spoils. It was noted that the Town has temporary dredging easements that need to be utilized. Commissioner DiOrio expressed that there is a need to find an interim solution. Project Manager Dydula noted that if the Town is able to do that per regulatory agencies, then it will be done.

Finance Director Stephen Ford noted that Coordinator Bradley does a great job with filling out dredging grant paperwork, invoices, etc. Director Ford added that this information is submitted to Kevin Hart with DEQ and the Town then receives a check. Director Ford expressed that there has never been any issues and it seems that DEQ has been fine with what the Town has done in the past. Director Ford recommended proceeding with how maintenance was being done for the time being.

Ms. Haynes noted that LaBella reproduced a former plan to get the process going, but something got held up in that process with agency reviews. Ms. Haynes expressed that she thinks that the Town should see if there is some form of communication issue and possibly re-make the maintenance plan. Project Manager Dydula noted that what the Town thought was being done in the past, was not being done well or right.

Ms. Haynes noted that she is a storm water management and transportation engineer with LaBella and noted that she is working on a dredging project similar to this. Ms. Haynes agreed that there are short term and long term goals. Ms. Haynes explained how projects can be differentiated between on-site and off-site, and by significant projects and maintenance projects. Ms. Haynes detailed various options for sedimentation control. It was noted that there are some partnership and education techniques that can be used for those in the watershed. Ms. Haynes added that there are ordinances that can be put into place to help. It was discussed that homeowners are allowed to get permits to dredge with Town approval. Ms. Haynes asked if there have been big groups of homeowners act on this and it was answered that it has happened in the past. It was discussed that sediment transportation can a major aspect and Commissioner DiOrio explained that this is the reason why the Town has been taking sediment outside of Town limits. Ms. Haynes detailed what could be done in narrow sections of the stream and explained that the theory is that it will stabilize itself, but it is difficult to address steep sections in mountainous terrain. Ms. Haynes suggested that the Town look at the project simply and take tracks in different ways to keep everything moving forward. Ms. Haynes provided examples of other projects. It was noted that there are only a few select places in Town where stream gauges could be placed. It was also noted that the Town could work with surrounding counties where sediment is coming from. Commissioner DiOrio noted that the Town has tried to work with five surrounding counties and it has made no traction because they are not interested in helping. Ms. Haynes noted that one place she worked with went to advocacy groups which fought for them towards other Counties. It was

discussed that landfills are not accepting deposits and in 2021 the Army Corps stopped accepting some project sites that aren't costal dredge material, but now have a mandate to re-use dredge material by 2030. Commissioner Proctor noted that the Town used to have a dump that was used to deposit, but the recent issue has been that sediment cannot be deposited in Town limits. Commissioner DiOrio noted that not being able to put it in town limits is a part of the general permit, but not sure why. Commissioner DiOrio added that the old dump site could be used otherwise. It was determined that the Town will look into why sediment cannot be deposited within Town limits and if this could be changed. It was noted that boundary lines create more intricacies. Ms. Haynes expressed that she thinks that there are certain ways that the Town can request permits in the future. It was discussed that funding is another factor. Project Manager Dydula noted that it would be great to do a phased dredging plan and Manager Perkins agreed and stated that it might be a good way to do it under RGP. Commissioner DiOrio noted that the Town has made the argument to DWR that the Town is impacted by storms like the coast is, so the dredging grant is applied for every year and that is the framework. Project Manager Dydula stated that the Army Corps and DEQ say over a half acre needs a permit for RGP. Ms. Haynes noted a place that she worked with got some ARPA funding from the state which was a total payback for the community, and it also applied for a grant with the NC Water and Land Fund and will continue to for future phases. Ms. Haynes discussed a community that is a good example of how sedimentation into the lake is a burden on the communities and it is difficult to control because the issue is coming from miles away. Ms. Haynes expressed that a good place to start making process is to complete an overall watershed assessment, but if the Town is not ready for that what can be controlled must be looked at. Ms. Haynes expressed that the Town must have clear but measurable goals and an action plan. Comprehensive master planning was discussed and it was noted that state and federal agencies are in favor of having these plans and are more willing to fund projects with these plans. Ms. Haynes noted that one way to limit costs of planning is to develop tools for cost estimating and provided some examples. Ms. Haynes noted that there is an environmental component. Ms. Haynes recommended really focusing in on surrounding counties and their help.

Commissioner DiOrio noted that the biggest issue is maintaining. Commissioner DiOrio asked if the Town has enough information today to define and propose a maintenance dredging plan. Commissioner DiOrio added that a long term approach is important, but there is a dire need to get control of maintenance now. Commissioner Proctor recommended completing aerial testing as the lake rises to identify priority areas because this changes with lake level. Ms. Haynes asked Mr. Gray if maintenance is sometimes done without a plan and he said sure. Ms. Haynes added that there are more complex plans to maintenance dredging as well. Ms. Haynes stated that there are in-stream structures for protective barriers. Mayor Pritchett explained that everything from the Board River goes into Firefly Cove and this was discussed. Ms. Haynes noted that just removing areas like Firefly Cove does not work, and the Town would have to go further downstream to fix issues because pockets are built and they get redistributed. Coordinator Bradley noted that the amount of sedimentation each year also depends on the amount of storms. Stream gauges and water quality were discussed.

Mr. Gray from ILM noted that he typically executes what people like Ms. Haynes designs. Mr. Gray noted that there is knowledge within this group, which is great. Mr. Gray expressed that efforts go nowhere unless the community understands it, and that public relations is important. It was detailed that maintenance or sediment reallocation are different from operations that change

the environment, which get more complicated and requires permitting. Mr. Gray stated that how a plan is framed has to do with how the reviewer approves it. Mr. Gray expressed that setting priorities eventually sets routines, and this is very important. Mr. Gray noted that the Town has to be thinking 20 years out. Mr. Gray reviewed dredging methods. It was discussed that timing, scheduling, limitations needs to be established. Mr. Gray explained that sediment bags to protect from future erosion and Commissioner Proctor noted that these have been used in coves before. Mr. Gray expressed that mechanical dredging could be messy and includes permitting limitations, structural considerations, access points. Road clean up, disposal and reuse, material analysis, multiple contractors, and bonding. Mr. Gray expanded that bonding is an issue and that his bonding company does not like to cover projects exceeding three years. Mr. Gray added that this is why he cannot bid a five year project, which is something that the Town should consider. Project Manager Dydula asked how the Town could continue to do maintenance without the major permitting and Mr. Gray answered that the Army Corps have different districts and personalities, and developing a relationship with them is important. Manager Perkins noted past operations were smaller and less costly, but operations have gotten larger as resources have increased. Mr. Gray noted that the way operations are measured is a factor.

Manager Perkins stated that it wasn't until the dredging grant exceeded \$1 million that the Town got more scrutiny and operations had to change. Project Manager Dydula stated that the Town understands the volume of the dollar amount now.

Mayor Pritchett noted that everyone knows that dredging will be going on forever and it is crucial that the Town figures out how to manage dredging now. Mayor Pritchett added that the lake is the biggest economic development factor that the Town has. Commissioner Proctor noted this could be brought up in the comprehensive plan.

Council thanked the presenters.

## **VI. DISCUSS POOL CREEK PARK FENCE**

Parks, Recreation, and Trails Coordinator Dana Bradley explained that the Pool Creek Park fence has been degrading and needs many repairs. Coordinator Bradley added that it would be more cost efficient to remove it and add boulders as a protective barrier from vehicles. Commissioner Bryant noted that three-fourths of the fence was removed previously. Manager Perkins stated that this topic has gone to the Parks and Recreation Board and they recommended the removal of the fence. Manager Perkins noted that he and Coordinator Bradley have discussed that boulders cannot be within the NCDOT right of way. Commissioner DiOrio proposed a no parking sign, rather than boulders. Commissioner Doster noted that boulders could be placed at a later date, if any issues occur. Commissioner DiOrio noted that his only concern is the possibility of children walking into the road from that location and noted that measures need to be taken to prevent this, but expressed that he thinks that staff can proceed with removing the fence. Council discussed planting a low shrub barrier as a protective measure. Commissioner Bryant asked if the vertical posts are still in useable conditions and Coordinator Bradley answered no. Council members expressed that they were in favor of the shrub planting idea. Manager Perkins noted that this will improve the appearance of the area, especially as Lake Lure Tours is making improvements.

Commissioner DiOrio asked if the Town should review upgrading amenities in the park as well. Coordinator Bradley noted that staff is in the process of replacing all picnic tables. It was discussed that staff will review the budget and determine if any budget amendments are necessary in the future.

**Commissioner Proctor made a motion authorize the removal of the Pool Creek Park fence. Commissioner DiOrio seconded and all voted in favor.**

## VII. DISCUSS YOUNGS MOUNTAIN TRAIL

Coordinator Bradley explained that Youngs Mountain Trail is about 2.2 miles and it is a great trail. Coordinator Bradley further explained that Conserving Carolina has acquired property to add a parking lot and increase the trail, and they would like to deed this to the Town after completion. It was noted that Conserving Carolina would help with maintaining the trail. Coordinator Bradley expressed that she thinks it's a good idea to accept the Trail once completed. Commissioner DiOrio asked if it will be incorporated into parks maintenance plan and Coordinator Bradley answered yes. It was discussed that the property is outside of town limits and nothing would be paid to the County for this. Commissioner Proctor stated that the Town could voluntarily annex the property. Manager Perkins noted that any taxes still owed would be the only financial impact, but these should be all paid by the time it is deeded to the Town.

**Commissioner Bryant made a motion to accept Conserving Carolina's donation of the Youngs Mountain Trail Property, once the parking lot and trail are completed. Commissioner DiOrio seconded and all voted in favor.**

Coordinator Bradley reiterated that Conserving Carolina has no issue working with the Town on maintenance, at least for a year.

## VIII. UPDATE ON THE BOYS CAMP ROAD PARKS AND RECREATION TRUST FUND (PARTF) REPAYMENT PROCESS

Coordinator Bradley noted that since it has been decided that the Town is going to proceed with the method of re-paying the Boys Camp Road Parks and Recreation Trust Fund (PARTF) grant, there are several steps that need to be taken. Coordinator Bradley noted that the steps are located in the meeting packet and that the Town has already completed steps one through three. Coordinator Bradley further explained that the Town is now at step four, which is to announce for a 30 day comment period, will write up any steps to address comments. It was detailed that after the thirty day comment period, the Town needs to hold a public meeting, pass a resolution, and then repay the cost. Mayor Pritchett noted that this needs to be advertised as soon as possible. It was noted that repayment will come out of the general fund this fiscal year.



**IX. DISCUSS TIMELINE FOR HIRING A PARKS, RECREATION, AND LAKE DIRECTOR UPON DEAN GIVENS' RETIREMENT IN JULY**

Manager Perkins noted that Council has been provided with an updated job description for the Parks, Recreation, and Lake Director. It was detailed that this position has been around a long time and the description should be updated. Manager Perkins expressed that he would like Council to approve the recommended timeline today, but if not it could be approved in March. Manager Perkins detailed that the proposed timeline is to post the advertisement next week, hold interviews in mid-April, have a job offer sent out the first week in May, and have a start date of June 1. The current Director, Dean Givens, retires the last day of July and Manager Perkins would like him to be able to trail the new Director until his retirement. Council reviewed the job description. Commissioner Bryant noted that physical requirements might need to be increased. Commissioner Doster mentioned the requirement of sworn law enforcement officer and Mayor Pritchett noted that the physical requirement could mirror law enforcement requirements. Commissioner DiOrio noted that the position description infers that the Town will maintain the ability for this position to enforce lake rules in conjunction with the Police Department and it was confirmed that this is correct. Commissioner DiOrio asked if it is a public safety position and it was answered yes, and that there would be the same retirement guidelines as other public safety positions. It was detailed that the salary grade would remain as it currently is for the position. It was re-discussed that the physical requirements would need to be met for the law enforcement requirements. Commissioner DiOrio asked if there should be a range for the salary and Manager Perkins answered that this would be included in the job advertisement. Council discussed that salary can be adjusted based on grade 29. Manager Perkins noted that this will be advertised on NC Works, NCLM, NCACC, the Town website, etc.

**Commissioner Doster made a motion to approve the job description, with the physical requirement amendments discussed. Commissioner DiOrio seconded and all voted in favor.**

**Commissioner Bryant made a motion to move Item XIII ("Discuss Lake Structure Condemnation") to Item X and renumber the remaining items. Commissioner DiOrio seconded. All voted in favor.**

**X. LAKE STRUCTURE CONDEMNATIONS**

Development and Environmental Review Specialist Richard Carpenter explained that he does not have the authority to do certain tasks, including the removal or condemnation of lake structures, which must come from the direction of Town Council. Specialist Carpenter explained that he was doing a sediment inspection and speaking with Rumbling Bald when Rumbling Bald noted a lake structure that had flown across the mooring cluster. It was noted that electrical wiring was exposed but was turned off via breaker. This prompted Specialist Carpenter to look at the structures, and Specialist Carpenter assumed that the wind took the structure and flew it about 50 feet and it landed on a pontoon and struck other structures. Specialist Carpenter explained that after speaking with the HOA president, no one is aware of any engineering or architect drawings for the lake structures in the Quail Cove cluster mooring. It was noted that there were no anchors, and that there are wind load requirements from other agencies who gave their opinions that this

would not have happened if the requirements were met. It was noted that the Town has the authority to condemn or require removal of any hazardous structure. Specialist Carpenter recommended condemning three structures and explained that one structure is warped and leaning and two other are destroyed and should be removed from the lake. Specialist Carpenter explained that there is still the issue of the existing canopies, which need engineering drawings. Specialist Carpenter recommended that for the remaining structures, property owners should have to obtain some sort of engineering standards confirming the stability of their structures or to remove them. It was noted that the Quail Cove cluster mooring has less than 12 remaining structures. Specialist Carpenter reiterated that exposed wires are not live, so that is not an issue, but from the ordinance standpoint these structures are not code compliant. Commissioner DiOrio asks if Specialist Carpenter is requesting to condemn them all of the structures. Specialist Carpenter answered that he recommends the condemnation/removal of the three that are destroyed or warped, and all of the remaining structures should be engineered or removed. Commissioner Proctor asked if Council can condemn the three damaged structures and allow staff to issue NOVs for the remaining structures until they are in compliance. Commissioner Doster explained that some of the structures are grandfathered in, but they cannot be built back as-is. Commissioner Doster expressed concern with the structures having no anchorage.

Mike McPherson, president of HOA, explained that he has been there for 20 to 22 years now. Mr. McPherson expressed that these are boat lifts, not structures. Mr. McPherson further explained that the structure that was blown away did not have a boat in it. Mr. McPherson stated that it has never been brought to their attention that they need anchorage for their lake structures, and expressed that he does not think it would be necessary when the structures have boats in them. It was noted that they are willing to add anchorage. Mr. McPherson expressed that the destroyed structure can be put back together, and that it does not need to be condemned. Mr. McPherson requested that the Town allow the structures to be fixed rather than condemning them. Mr. McPherson noted that this is a rarity. Commissioner Doster explained that not having the boat in is not always controllable, this could have happened to any of the structures at any time. An individual with the HOA explained that the shore station representative said that the covers could be retracted to the middle, which take away issues of lifting from wind may force, plus there are anchors that they can put on. Commissioner Proctor asked if the code allowed the structure to be rebuilt. Director Williams stated that Specialist Carpenter is presenting staff positions, and noted that having the structures there is not the issue, it is the roofs on the structures that are prohibited. The individual stated that this has never been enforced. It was detailed that staff's position is that they could be rebuilt with the lift, but the covers are not permitted for marinas or cluster moorings. Mr. McPherson stated that the last structure built was two to three years ago. Director Williams explained that the permit for that structure was issued prior to his tenure with the Town, so he signed off on it when he began working for the Town and informed them that there will be no more covered structures permit. It was clarified that Council and staff are just looking at condemning the structures that were damaged or destroyed. It was confirmed that when a structure is destroyed or removed, it cannot be rebuilt out of compliance. An individual with the HOA asked if the others that are not destroyed can be repaired. Staff recommended that the covers on the remaining structures be certified by a licensed engineer if they want the covers to remain and they would have to be removed if engineered covers are not met. An individual asked what qualifies as a destroyed structure and Commissioner Doster answered that it is when the structure is no longer structurally sound. Manager Perkins noted that covers need to be removed or certified as

structurally sound for the remaining structures. Specialist Carpenter recommended starting with the engineers who they bought the structures from because they may have engineered drawings already.

An individual asked if there is a timeline for the remaining structures to obtain engineering requirements and Specialist Carpenter recommended having Council provide a timeline. Commissioner Doster recommended 90 days from notice for the three condemned structures to be removed and six months for all other structures to obtain engineered drawings. It was noted that after the engineered drawings are obtained, Town staff would need to review them. Specialist Carpenter noted that parties of the condemned structures have 30 days to appeal the condemnation. Commissioner Proctor noted that a site plan would be good for things like these moving forward. It was discussed that NOV's will be issued to the remaining structures in the interim. Mr. McPherson asked if there is a permit required if an engineer determines that a cover needs additional work to be structurally sound and Specialist Carpenter answered that it will depend on the scope, but could just be shoreline stabilization or minor structural repair project. Specialist Carpenter added that to put anything back in the ground would require a lake structure permit. Specialist Carpenter stated that all of this information will be included in the NOV's or condemnation notices.

**Commissioner Doster made a motion to give the three destroyed lake structures in the Quail Cove cluster mooring 90 days for condemnation and six months for engineered judgements to be provided for all of the other structures in the Quail Cove cluster mooring. Commissioner DiOrio seconded. All voted in favor.**

<p><b>XI. UPDATE ON CHIMNEY ROCK VILLAGE AGREEMENT TO OPERATE WATER SYSTEM</b></p>
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Manager Perkins explained that the current agreement to operate water system between the Town and Chimney Rock expires at the end of June this year. Manager Perkins reported that Chimney Rock Village has expressed that they do not wish to enter into a new agreement to operate water system upon the expiration of the current one. It was detailed that Chimney Rock plans to contract with James & James Environmental to operate their water system moving forward. Manager Perkins explained that everything is in place to switch over Chimney Rock customers to James & James by April 1st. Manager Perkins stated that the Town is going to continue billing sewer to their customers for the time being, unless a written agreement is drafted that states otherwise. Manager Perkins added that the current water agreement will stay in place until the end of its term, then Chimney Rock will pay the Town for any time that staff must spend helping James & James prepare for their system. Chimney Rock Village will have their own ORC. Manager Perkins noted that this relates to the Firefly Cove System and water system consolidation, because these items will allow the Town to avoid reliance on Chimney Rock for water. It was noted that the sewer agreement will remain in place. Manager Perkins explained that Chimney Rock provided the Town with a draft emergency water agreement, which would act as a mutual aid agreement, and this should be approved at the next Council meeting.

**XII. DISCUSS WASTEWATER TREATMENT PLANT (WWTP) REPLACEMENT FINANCING**

Manager Perkins explained that replacing the wastewater treatment plant (WWTP) will cost at least \$30,000,000. Manager Perkins discussed financing through a revenue bond, but noted that the Town must do analysis and rate studies to determine if sewer rates will cover the bond for the Local Government Commission (LGC) approval. Commissioner DiOrio noted that the Town has already have done this process for the SRF loan. Finance Director Stephen Ford provided an overview of the revenue bond process. Commissioner DiOrio noted that the WWTP was included in the previous loan approval process, but the cost amount was significantly lower. Commissioner DiOrio further detailed that the Town had to go through the same process for the SRF loan which included an initial installment of \$12.5 million and the Town's plan was to return to the LGC to request additional funding after progress is made, which has already partially been done. Commissioner DiOrio noted that revenue bonds have a similar process, just different funding method. Manager Perkins recommended that a revenue bond is the best option for funding the replacement WWTP at this point. Commissioner DiOrio noted that bottom line is that the LGC wants to know how the Town can fund debt service. Commissioner DiOrio noted that this was his concern with paying from the water and sewer bond and that is why anything that is not necessary in that found should be removed to fund debt service. Manager Perkins expressed that he will be talking with financial advisors and rate setting specialist on how they can help the Town in the future. Manager Perkins suggested the possibility of developmental fees. Commissioner DiOrio recommended a tourism/recreational based fee (bed tax) to help as well. Commissioner Proctor noted that the development fee was discussed many years ago, and he would like to revisit it. It was noted that tourism tax would require discussions with the general assembly. Council had consensus to evaluate financing options.

**XIII. REVIEW ZONING AND PLANNING BOARD RECOMMENDATIONS FOR LAKE STRUCTURE ACCESSORY STORAGE CLOSETS AND AMENDMENT TO 36-64 (F) (5)**

Council reviewed the Zoning and Planning Board recommendations and there was consensus of support.

**XIV. DISCUSS THE COMPREHENSIVE PLAN**

This discussion was postponed until the re-convened meeting on March 4th.

**XV. UPDATE ON AUDIT BIDDING PROCESS**

Director Ford explained that staff advertised an RFQ and is in the process of soliciting bids for the audit. Director Ford noted that two firms are interested at this time.

Director Ford expressed that the current audit is going well, and it has more of a focus on accounting rather than policy like it did last year.

**XVI. DISCUSS AMENDMENT TO LAKE LURE TOURS CONCESSION AGREEMENT**

Manager Perkins explained that the packet includes the recommended amendment to the Lake Lure Tours Concession Agreement regarding the removal of the provision to open the beach following Labor Day for unsupervised access. Manager Perkins expressed that he would like to have the amendment approved at the regular meeting. It was noted that this amendment is encouraged by the Police Department.

**Commissioner Proctor made a motion to approve the amendment to the Lake Lure Tours Concession Agreement. Commissioner Doster seconded and all voted in favor.**

**XVII. DISCUSS TOWN WATER SCADA SYSTEM**

Director Lindsey explained that the SCADA system will allow staff to remotely monitor each well site, and it also has the capability to allow staff to monitor sewer and control the lake level. Director Lindsey stated that the budgetary request is for \$180,000 and there will be a budget amendment on the March meeting agenda. Director Lindsey noted that he is waiting on quotes, so he does not have the final figure but he estimates the cost to be about \$180,000. Commissioner DiOrio asked if this cost includes censor, transmission, and all other details and Director Lindsey said yes.

**XVIII. DISCUSS WATER SYSTEM CONSOLIDATION**

Director Lindsey reported that the Firefly Cove water system is ready to be online, but staff is still waiting for the state to complete paperwork. Director Lindsey noted that the water system consolidation will compile all of the Town's water systems into one system and this will allow for full capacity. Director Lindsey noted that SCADA will help with monitoring water usage. Director Lindsey stated that he has not gotten quotes yet, but estimates that this will cost about \$150,000. Commissioner Proctor noted that he is in support of consolidating the water systems and others agreed.

**XIX. LABELLA AIA PROJECT ADJUSTMENTS TO PROPOSAL FOR ENGINEERING SERVICES**

Manager Perkins explained that the Town was awarded a \$200,000 sewer AIA grant from the state and that it is going under-utilized if the scope is not changed because there were efficiencies identified within the current scope. Manager Perkins noted that this change order is net zero, and will only change the scope to allow for maximized use of the grant. It was noted that this will be on the regular meeting agenda for approval.

Manager Perkins noted that staff also found out that the Town was awarded an AIA grant for the water system and a \$1 million forgivable loan for lead service line inventory. It was noted that the deadline to complete the lead service line inventory is in October.

**XX. UPDATE ON FISCAL YEAR 2024 REHABILITATION OF HIGH HAZARD POTENTIAL DAMS FUNDING OPPORTUNITY**

Director Krejci thanked Council for their timely review of the grant application. It was noted that there was a narrow window to put together a proposal, and the Town was encouraged to submit the full proposal. Director Krejci reported that it was submitted on time with the help of Schnabel Engineering. It was noted that the Town has two pending grants. Director Krejci advised the Office of Dam Safety that she needed to inform Council on the status of these grants and they responded that they would send her information soon. It was detailed that the Town is currently awaiting approval of field investigation project. Director Krejci expressed that she anticipates that this will be forthcoming. Director Krejci explained that the grant for the 30% design is pending formal approval from FEMA and then it will go to Dam Safety. Commissioner DiOrio expressed that his question is if the field investigation or 30% design grants do not come through and this one does, what will happen. Director Krejci noted that she had asked these questions and she was informed that if these were going to be approved. Director Krejci expressed confidence about the field investigation, and hopefully the 30% design. Commissioner DiOrio noted that the CIP for the dam was set up to get enough seed money to match these grants and expressed that he thinks that the Town is in a good position. Council thanked Director Krejci.

**XXI. FIRE APPARATUS APPROPRIATION REQUEST TO THE GENERAL ASSEMBLY**

Manager Perkins noted that the meeting packet provided a summary of the Town's request to the general assembly for a fire apparatus appropriation. It was discussed that in short sessions, economic forecasting is not likely, but the Town is going to request funds anyways. Manager Perkins noted that for this session, the Town was advised to go for a specific item with a specific number under \$1 million. It was noted that the fire apparatus fits this criteria. Fire Chief Dustin Waycaster has crafted a letter to Senator Tim Moffitt and Representative Jake Johnson, and John Metcalf will follow up. Chief Waycaster noted that the Town kept mention of the future public safety facility in the letter, but the Town is keeping the apparatus as the priority for the upcoming short session. It was noted that next year will be a long session, and the Town needs to determine how much money can be funded towards the facility. It was noted that Mr. Metcalf was happy that the Town has completed the site plan study that includes specific cost figures. Manager Perkins noted that the Town has a financing strategy for this session. Council expressed support.

Chief Waycaster noted that there is also a state grant that the fire department is eligible for now. Chief Waycaster expanded that it is typically for volunteer departments, but it has been expanded to the Town. Chief Waycaster would like to apply by the March 8<sup>th</sup> deadline. It was detailed that it is a 50/50 grant, so the Town would have to upfront the total cost and the state

would provide a reimbursement. Chief Waycaster proposed applying for a \$30,000 grant. Council expressed support.

**XXII. PROJECT MANAGER UPDATES**

This item was postponed until the re-convened meeting on March 4th.

**XXIII. TOWN MANAGER UPDATES**

This item was postponed until the re-convened meeting on March 4th.

**XXIII. CLOSED SESSION**

Commissioner Proctor made a motion to enter into closed session in accordance with G.S. 143-318.11 (a) (5) for the purpose of discussing property acquisition and G.S. 143-218.11 (a) (3) for attorney client privilege. Commissioner Doster seconded and all voted in favor.

During closed session, Council discussed acquiring property for the dam, sewer, and WWTP. Council was also updated on a previous threat to take legal action against the Town.

Commissioner Doster made a motion to return to open session. Commissioner Proctor seconded and all voted in favor.

**XXV. ADJOURNMENT**

Commissioner Proctor made a motion to recess until Monday, March 4th, at 9:00 a.m. Commissioner Doster seconded. Meeting recessed at 1:22 p.m.

ATTEST:

\_\_\_\_\_  
Olivia Stewman, Town Clerk

\_\_\_\_\_  
Mayor Carol C. Pritchett



**MINUTES OF THE RECONVENED REGULAR WORK SESSION AND ACTION MEETING OF THE LAKE LURE TOWN COUNCIL HELD MONDAY, MARCH 4, 2024, 9:00 A.M. AT THE LAKE LURE MUNICIPAL HALL (Reconvened from February 28, 2024)**

**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  
Richard Carpenter, Dev. and Enviro. Review Specialist

**ABSENT:**

**I. CALL TO ORDER**

Mayor Carol C. Pritchett called the reconvened meeting to order at 9:00 a.m.

**II. AGENDA ADOPTION**

Commissioner DiOrio made a motion to adopt the agenda, with the addition of Item V (“lake structure demolitions”) and renumbered remaining items. Commissioner Bryant seconded and all voted in favor.

**III. DISCUSS THE COMPREHENSIVE PLAN**

Commissioner Proctor noted that the Town spent money to have updates done in 2015 and they are not reflected in the Plan. It was noted that the Town Clerk will send information that she



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has from 2015. Council discussed the updates from 2015 and that they were adopted and should have been put into the plan, but they were not.

Mayor Pritchett noted that there are a lot of things in there that need to be updated.

Commissioner Proctor expressed that he forgot that the dam inspection report was in the plan and it was fascinating to read.

Commissioner DiOrio noted that the 2006 lake study was used to update the Lake Use Regulations last year, so the Lake Advisory Board has basically already re-written the lake management section. Commissioner DiOrio noted that there are multiple studies that were done such as the 2013 TDA new survey, 2019 DOT study looking at the bridge, 2019 Schnabel study, etc. Commissioner DiOrio noted that there are a number of studies that need to re-set the foundation.

Commissioner Proctor noted that the Town needs to re-think how to conduct the survey and noted that in 2007 it was all done by mail, which good statistically but expensive.

Council discussed that multiple transportation projects can't be done that are included in the original plan.

Commissioner DiOrio questioned if the Town wants public comment from a survey or from public hearings. Commissioner DiOrio expressed support for public hearings. Commissioner Proctor noted that there are many out of town property owners which is the issue with that. Mayor Pritchett noted that if a survey is done, it does not need to be crafted by the Town, but by an outside platform. Mayor Pritchett noted that there were too many focus groups in the 2015 survey. Mayor Pritchett noted that the Town does not need a new plan and that what already exists can be updated as it is factual now. Commissioner Proctor noted that past surveys were surprisingly driving in the creation process. Council discussed what the survey would look like. Commissioner Proctor noted that he does not think the survey should be as extensive as was in the past. Manager Perkins noted that he has done a couple of surveys in the past and hired statisticians to conduct them. Manager Perkins added that the statisticians recommended defining what the Town is looking for and figure out how to ask questions to generate answers what is being sought. Manager Perkins detailed that the last time he had a survey conducted, it was about \$18,000 and was sent out as a multi-page survey in which there was a 35% return. Commissioner Proctor noted that professionals could also look at past entries and at demographics.

Mayor Pritchett asked how the Town is going to assimilate the 2015 update into the plan. Commissioner Proctor noted that some of the preliminaries can involve board looking at old plan.

Commissioner Proctor also noted that when this report was done, there was less park land but now with our extensive trail system that data is reversed and there is way more acres per capita. It was noted that the Town needs to make sure this is right and to make updates accordingly. Commissioner DiOrio asked if the Town needs to hire someone to come in and integrate updates

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and reports. Commissioner Proctor expressed that he thinks Council needs to gather more information before making that decision. It was determined that Council will get the 2015 update and try to find out where the updates would be included and they can give specific direction from there.

Commissioner Bryant asked Commissioner Proctor if the TDA and Chamber had a lot to do with the original document and Commissioner Proctor explained that the Chamber did because they were running the welcome center at that time, but the TDA did not. Commissioner Bryant noted that the regional portion of the plan needs to be looked at by other organizations in the community. Commissioner Proctor suggested that ETJ needs to be taken out of the plan. Council discussed that various chapters could be looked at by different boards and departments. Commissioner DiOrio noted that eventually Council will charter a steering committee and suggested that Council produce a precept letter to give to a future steering committees and different working groups. Commissioner Proctor noted that in the past there was a steering committee and stakeholder groups, and that they could be boards that the Town already has. Mayor Pritchett noted that departments can update data. Commissioner DiOrio expressed that he thinks, with Manager Perkins's permission, that Council and staff can get list together and from there they develop precepts to go out to a steering committee. Mayor Pritchett noted the steering committee could be compiled of current board members, likely chairs, and people from the community. Commissioner Proctor noted that most of the people on the past steering committee were no longer available. Mayor Pritchett noted that Council needs to be prudent when choosing the steering committee. Commissioner Bryant asked if Boards should elect someone to be on the steering committee and Council expressed that it is too premature to make that decision yet. Commissioner DiOrio noted that a good framework is to provide a steering committee with directive that is identified.

Commissioner Proctor noted that the plan was designed to expire on the 100<sup>th</sup> anniversary and that it would be good to have the next comprehensive plan ready by the anniversary. Mayor Pritchett noted that the current plan states that an update should take place in 2024. Mayor Pritchett noted that this needs to be reviewed annually in the future. Manager Perkins noted that part of the update will be the mutual assistance agreement with Chimney Rock Village for water. Council noted that an appendix or reference section is helpful. Commissioner Proctor explained that something that used to happen is that no ordinance changed without referencing the comprehensive plan, but that is not done as much anymore. Mayor Pritchett noted that the plan needs to be more usable and applicable. Mayor Pritchett expressed that she thinks that the plan discussed is good and efficient to get started. Mayor Pritchett noted that timelines need to be established. Council discussed that different sections could be reviewed by different parties. Commissioner DiOrio recommended setting a Council and staff meeting to discuss what may need to change in the plan.

It was discussed that Council will receive the 2015 updates, there will be a council meeting to re-discuss the comprehensive plan with updated information, Council will then hold a meeting to receive input from staff, and then committees will be established. Manager Perkins noted that staff will go ahead and begin their review and expressed that he envisions everyone working with the Clerk on a master document. Council will determine when a meeting will be held to discuss the plan by the March regular meeting.

Commissioner Proctor asked if anyone in the community loves demographics and census data and it was uncertain, but people will be on the lookout. Manager Perkins noted that the summer intern start in May, and they can help with demographic data. Mayor Pritchett noted that she can also speak with representative at Isothermal Committee College.

#### IV. PROJECT MANAGER UPDATES

The President of Steel Fab in Massachusetts reached out to him and Schnabel Engineering and they have one building and do a lot of military contracts with the Navy DPAS. Project Manager Dydula noted that this means that the jet flow valve will be built to maritime standards, but it is on hold because the Navy projects comes first. Project Manager Dydula noted that the Town should know more about the schedule next week for the jet flow valve, but expressed that he does not think it will impact the overall project schedule at this time. It was discussed that the current schedule for the drain includes a completion date of September 20<sup>th</sup>. Project Manager Dydula expressed that Morgan Corporation is doing a good job. At this time, Morgan finished all the major excavation, went down to bedrock, had three mud mat pours done, they are trying to establish floor, and are drawing anchors this week to anchor the large concrete to house the valve. It was noted that Morgan has started surveying for the hole that the valves will be placed. It was explained that a specialized drill will be used. Project Manager Dydula explained that the individuals who are making the bulkhead/cover have a photo of a dam to measure accuracy. Project Manager Dydula noted that it is a self-healing tap and 40 lbs. per 100 feet is standard. Commissioner DiOrio asked if the pipe is in there as well and Project Manager Dydula answered that this is the hard part and is a work in progress. It was discussed that Morgan will no longer need lake level protection by the end of March when the lake begins to rise. Project Manager Dydula stated that they have not had weather delays since Ruby-Collins was taken off the project. It was detailed that the next stage is drilling the anchors that the mass block of concrete will set to and this will be done in seven to eight different phases. Morgan Corporation hope to have the electrical component plan figured out by next week. Project Manager Dydula noted that Director Lindsey will need a new switch gear eventually and that this could be done during this process, but will depend on price. Commissioner DiOrio expressed that it might be worth investigating if the Town can replace the switch gear at the same time as electrical. It was noted that Morgan Corporation may try to enter this project to be published in ENR, which would look good for the Town.

Project Manager Dydula reported that Schnabel Engineering will inspect tainter gates next Tuesday after the progress meeting and this will take about two days. It was noted that they will not be able to see lower seals, but they will come back next year when the lake is drawn down lower.

Project Manager Dydula explained that he trying to set up a meeting with Ruby-Collins to establish details moving forward. It was noted that they would like to have an agreement by April 1st. Two things Ruby-Collins is looking at are the deep water access and improving the laydown area. Project Manager Dydula expressed that the biggest hurdle is access in and out of

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the lake and that the Town needs a deep water access. Manager Perkins noted that a special session may need to be held in March for Ruby-Collins to speak with Council. Commissioner DiOrio noted that his concern is how the Town will get the deep water access. Project Manager Dydula stated that using Freeman's ramp that has not worked well with Freeman trying to do his business, it is not adequate. Commissioner DiOrio noted that one issue was the way that Ruby-Collins treated Freeman, which was not good. Commissioner DiOrio explained that the original concept was to use the laydown area to store equipment and load small trucks to take the equipment across the dam bridge and use water access on the other side of the bridge. Commissioner DiOrio added that LaBella had specifications for the deep water access. Project Manager Dydula noted that this cannot be done because you cannot carry heavy equipment over the dam. Commissioner DiOrio asked what equipment he is talking about and Project Manager Dydula answered an 18 wheeler. Commissioner DiOrio noted that 18-wheelers were not involved in that process because they would put any cargo on the laydown area and it would be hauled from there. Commissioner DiOrio questioned what has changed. Commissioner DiOrio asked if Morgan Corp is interested in bidding on the sewer system and Project Manager Dydula answered that he is unsure. Project Manager Dydula noted that his number one priority to keep Ruby-Collins on the job because if they leave it will push the project back years. Commissioner Doster disagreed and stated that the Town is not burning money if they stop, but if they continue to underperform the Town is burning money. Council and Project Manager Dydula discussed time and materials versus GMP. Commissioner DiOrio noted that when Council was briefed on Amendment 02, it was based on GMP, so he is concerned because Ruby-Collins vowed to complete sunset cove with that GMP limit. Commissioner DiOrio added that if it is time and material, it was a waste. Commissioner DiOrio noted that his expectation is the GMP would take them to the North side of Sunset Cove with about 250 yards of GLS, because that is what the design inferred. Project Manager Dydula noted that the GMP is guaranteed maximum price for the contract, not hard bid numbers. Project Manager Dydula stated it is more guaranteed minimum project. Commissioner DiOrio stated that in the minutes with the approval of Amendment 02, Mr. Brian Houston stated that the GMP would complete casing in the north side of Sunset Cove. Project Manager Dydula stated they were not able to do that. Commissioner Doster asked what the Town paid for this drawdown and Project Manager Dydula stated that Ruby-Collins did a million dollars' worth of work this season and that he can go over pay apps with anyone who would like to see them. Project Manager Dydula expanded they spent it on materials. Council expressed frustration with Ruby-Collins's performance. It was noted that this can be discussed at the Ruby-Collins meeting. Project Manager Dydula noted that a true GMP price and project could not be afforded. Commissioner DiOrio noted that the Town spent \$1.2 million for amendment 01 and \$1 million on amendment 02 and they have not laid any casings yet. Commissioner DiOrio explained that decisions were made based on engineering reports, but he does not think that feasibility is established anymore and expressed that he does not want to spend any more money if it is not feasible. Project Manager Dydula noted that conversations with Ruby-Collins have been that they are unsure how certain things will be done, but they will figure it out. Commissioner Proctor noted that if this year was the test as stated in the past, then the Town is going to have to re-group because it did not go well. Council discussed the drawdown duration. Project Manager Dydula noted that it was always agreed upon that when drawdown can be deeper, the majority of the work would be done. Manager Perkins noted that

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he recalls discussions when he first got here, there were had spreadsheets that detailed GMP estimates, but it was discussed that guarantees could not yet be determined because of the unknowns with the nature of the design-build project. Manager Perkins added that he recalls discussions that better estimates could be established after completing Sunset Cove. Manager Perkins expressed that he thinks the hold on this drawdown is the valve conflict. Commissioner DiOrio stated that it is Project Manager Dydula's job to keep the project on a timeline and it was discussed that this drawdown the Town did not know that the valves and GLS work could not happen simultaneously. Commissioner DiOrio noted that Ruby-Collins should have been taken off this drawdown as soon as Project Manager Dydula realized that the projects could not work together. Manager Perkins noted that these details can be discussed with Ruby-Collins. Manager Perkins noted that part of reason that the Town tried to have Ruby-Collins complete work during this drawdown is to spend ARPA funds since they have a deadline. Mayor Pritchett asked what meaning the GMP has now and recalled that DEQ required a GMP. Mayor Pritchett noted that she would like to know reasonable expectation of GMP. Project Manager Dydula noted that with this project, it is hard to determine. Commissioner Proctor noted the Town should no longer use that term. Mayor Pritchett asked what our measurement will be to protect the town with the Design-Build contract moving forward. Project Manager Dydula noted that there is no guarantee right now and that the Town has all the risk. Mayor Pritchett asked what the restraints are for Ruby-Collins and Project Manager Dydula said that it is the Town's project, not theirs. Mayor Pritchett asked what their incentive to get the job done is if it is the Town's responsibility and no guaranteed price and asked how the Town is protected at all. Project Manager Dydula noted that the Town is only paying for the work that is done. Project Manager Dydula noted that there is not a definitive design. Commissioner DiOrio expressed that Lake Lure is a small Town with a 4 million dollar ad valorem tax base and if the Town has spent half of a tax base and not put a sleeve in the ground, it is questionable if the Town has the capacity to do this project. Commissioner DiOrio added that if that is the case, it leads to a different discussions with the state. Project Manager Dydula noted that this is worse than initially thought, and it is going to get even worse, but the Town must move forward. Commissioner DiOrio noted that the Town cannot go bankrupt. Commissioner Proctor questioned if issues could be resolved by making extensive repairs, rather than replacing the system. Commissioner Proctor noted that if maintenance would have been kept up annually for years, the Town would not have these issues. Commissioner DiOrio noted that the argument in the past was that the lake is making the pipes erode. Project Manager Dydula noted that the Town is still learning and figuring out what needs to be done, but doing nothing is not an option and the sewer issues have been procrastinated for too long. Commissioner Proctor disagreed and reiterated that if town would have taken care of the system, this would not be an issue. Project Manager Dydula expressed that he thinks that the pipes are not in as good of condition that Commissioner Proctor thinks they are. Manager Perkins noted that the valve will allow the lake to draw down to a lower level where more of the current system can be inspected. Mayor Pritchett noted that the problem is that moving forward is that there is not an infinite amount of money. Project Manager Dydula noted that he and Design-Build team are trying to get the best estimates they can. Mayor Pritchett expressed that she is concerned with having no idea what the costs are. Commissioner Proctor noted that the Town also has to pay to maintain the existing system. Manager Perkins noted that he has a meeting set up with financial advisors that may help in determining the financial aspects. Project

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Manager Dydula noted that he has the same concerns with funding that Council has. Manager Perkins noted that there is also Amendment 03 with Ruby-Collins to look at engineering over the next three years and this can establish a better plan for the next few years. Commissioner Doster noted that he thinks that when the lake is down 20ft., there will be better and more accurate information. Mayor Pritchett noted that in order to ask for more funds or determine costs, the Town needs to have good estimates. Mayor Pritchett noted Council really needs to consider this. Project Manager Dydula noted that one good thing is the Town's relations with other agencies because they will be our biggest advocates. Project Manager Dydula expressed that he does not think that The Policy Group does everything that everyone thinks that they do. Project Manager Dydula noted that there needs to be at least one full season of full drawdown to determine better estimates. Mayor Pritchett expressed that at some point it is prudent for the Town to consider how to move forward because there is no possible way that the Town can pay for the project at this rate. Mayor Pritchett added that it does not matter what was done in the past, the current staff and Council have inherited the current situation and must figure out how to accomplish what needs to be done. Project Manager Dydula expressed that if nothing is done, DEQ will lose faith in the Town. Council expressed that the Town does not have a choice but to proceed with the sewer replacement at this time. Commissioner DiOrio expressed that Ruby-Collins was disorganized. Commissioner Doster noted that in the next short term, the Town should think about this deep water access and working with Freeman. Commissioner Doster added that the Town is spending money to fix laydown area. Project Manager Dydula noted that Freeman's ramp cannot go down 20 ft. Project Manager Dydula noted that the town does not need to rely on private company to access the lake. It was discussed that Director Lindsey had past estimates for a deep water ramp, but the location would not work. – Mayor Pritchett asked what the estimated cost would be for a deep water ramp once a location is found and Project Manager Dydula answered about 1-2 million dollars, but it would depend on the location. Council discussed if the lake operations property would be a good location for access. Commissioner DiOrio noted that another factor is that it is unknown as to where the DOT will be putting the replacement dam bridge. Commissioner DiOrio expressed that the project needs to proceed, but there needs to be a focus on new techniques. Manager Perkins noted that Sunset Cove is the most difficult location and the project should get faster and cheaper as it gets to more shallow areas. Mayor Pritchett noted that it is important for Council to have these discussions prior to talking to Ruby-Collins. A meeting date will be set to speak with Ruby-Collins.

Commissioner DiOrio asked about the status of performing dredging maintenance in this year's budget. Commissioner DiOrio asked if there is enough data to go after a limited dredging contract for this drawdown. Project Manager Dydula answered no. Project Manager Dydula explained that he is gather more information and trying to figure out rules of engagement. Project Manager Dydula expressed that this week or next week he wants to sit down with LaBella and determine if there is anything that can be done now. Manager Perkins asked Coordinator to participate in contributing her knowledge and history of dredging. Manager Perkins noted that the Town does not have a consolidated area where dredging history is kept, but Coordinator Bradley is working to establish this. Commissioner DiOrio expressed that the expectation now is to maintain navigable channels to keep them open. Commissioner DiOrio added that the Town should limit a scope to these channels and move forward with that. Commissioner DiOrio

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expressed that it is uncertain how far the \$1 million grant will get the Town, but it needs to be determine and the money needs to be sent. Commissioner DiOrio expressed that he would like to see dredging start by the next drawdown.

Project Manager Dydula reported that he met with David Odom last week in Tryon Bay to inspect the slope stabilization issues at the demolished house site. It was noted that Gentry's geotech is looking at it as well. It was further noted that Odom has a synthetic blanket that could be put down to help with slope issues. Specialist Carpenter and Project Manager Dydula have looked at it, along with Odom and Kim Warner. It was detailed that David Odom recommended the geotech. Project Manager Dydula stated that it will cost couple 100 thousand to fix the slope and that he is concerned about not wanting to impact other properties. Project Manager Dydula expressed that he does not want Town to spent a significant amount of money just for the County to sell it right after. Project Manager Dydula noted that if the slope continues to fail, it will impact neighboring properties and the lake. Project Manager Dydula noted that it is a concern, but he will know more after the geotech is done. Commissioner DiOrio noted that in the estimate from DH Griffin, it included stabilization. Project Manager Dydula noted that the engineering drawings did not include it. Manager Perkins stated that discussions were in regard to having the house removed and then reviewing if the stabilization is needed. It was discussed that the house was a danger to falling into the lake and that it is uncertain if the removal of the house is what is causing the erosion issues. Specialist Carpenter noted that this slope has been failing since he started employment in the Town and he has discussed this with the neighboring property owner. Specialist Carpenter expressed that he has to assume that the slope is now exposed to rain which is causing issues and added that it not failing as bad as some other slopes. Manager Perkins asked Attorney Morgan what the Town's responsibility is from a liability standpoint after exercising the right to remove the structure. Attorney Morgan stated that if removing the house causes the conditions to worsen, it would need to be proven and there would need to be compelling evidence for the town to be liable. Attorney Morgan added that it seems that a rain event caused the issues. Attorney Morgan noted that he has not heard from the tax foreclosure attorneys lately, but he will contact them to see where they are in the foreclosure process. It was discussed that if someone bought the property, they would have to fix it in order to construct a structure and they would purchase it with that understanding. Attorney Morgan noted that the Town needs to do act quickly while there is a lean against the property. It was discussed that the property is not listed for sale, but as soon as the town removed the structure the county almost immediately started the tax foreclosure. It was added that the County did not want to start the process while the house was still there. Attorney Morgan detailed town does not own the property, but the county and town owe taxes on it. Attorney Morgan stated that he will try to expedite the foreclosure attorneys. It was stated that when the foreclosure is done, there will be an auction.

**V. LAKE STRUCTURE DEMOLITIONS**

Director Williams noted that a lot of properties have safety concerns, the dam marina being one. Director Williams explained that he and engineers rode on the lake and there are a couple dozen of houses that are very bad. Specialist Carpenter noted that he has had a list of properties that should be demolished for years. Commissioner DiOrio noted that if the Town

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condemns a structure, owners can tear it down and replace it or get an engineer it to fix it and stabilize it. It was noted that building code is not helping, but state statute enforces staff's opinion. It was further noted that building code does work with asbestos, but abstains with enforcement of removal of structures. Specialist Carpenter explained that he has removals worked out with the state and federal agencies.

Specialist Carpenter received a call that a structure had collapsed in Yacht Island. Specialist Carpenter stated that he has been working on this case for a while and the owner was supposed to get the structure repaired, but the Town's ordinances would not let him do it the way he wanted, so he said he would repairs in thirds. Specialist Carpenter said that an engineer needed to determine that it is safe and stable during this first phase. Specialist Carpenter noted that there are a list of structures for condemnation that will be coming to Council soon. Specialist Carpenter spoke with the owner and general contractor who is on Specialist Carpenter's short list of who can demolish structures. Specialist Carpenter explained that he called the owner to establish his timeline for removal and he said that he wants to let insurance play out and when concluded, bring it out piece milled by himself because he does not want to pay for someone to do it. Specialist Carpenter spoke with Director Williams, and it was noted that he does not think that will work especially with the lake coming up. Specialist Carpenter thinks that the structure come out of the lake immediately and noted that it will not be an expensive demolition. Specialist Carpenter expressed that he thinks the Town should do injunctive relieve for immediate means of abatement. It was noted that an issue is that contractors are busy as the drawdown is coming to the end. Project Manager Dydula stated that the Town needs to call DHHS for help because they have demolition jurisdiction. Specialist Carpenter recommended Town Attorney William Morgan begin the injunction process immediately to demo the structure, because if it is left to the homeowner, the hazard will get worse. Commissioner DiOrio recommended that chemical issue is immediate, and that the demo can be done with the lake up.

Mayor Pritchett noted that Specialist Carpenter has identified a list of about a dozen structures to be condemned or repaired to safety standards. Mayor Pritchett asked Specialist Carpenter what precluded him from getting authorization to condemn these structures in the past. Specialist Carpenter answered that the department in the past has taken a soft approach. Specialist Carpenter noted that he is also sending out letters to homeowners about who needs signage on their structures.

It was noted that NCDEQ would rather have the collapsed structure removed from the lake immediately, but they will defer to the Town for enforcement. Commissioner DiOrio noted that the homeowner needs to understand he will be charged for any navigation issues that emerge from his structure.

Specialist Carpenter noted that Fire Chief Dustin Waycaster may want to put the chemical boom out and he will call him to confirm.

Specialist Carpenter stated that he will provide Attorney Morgan with code language about hazardous abatements. Council discussed giving the homeowner no more than 30 days to



remove the structure from the lake. It was directed that Chief Waycaster should put up the chemical boom.

**Commissioner Proctor made a motion to direct the attorney authority to seek injunctive relief for abatement of unsafe lake structures, as he sees fit. Commissioner Doster seconded and all voted in favor.**

## VI. TOWN MANAGER UPDATES

Commissioner Bryant had to leave at 12:23 p.m.

Manager Perkins provided the following written updates:

1. Lake Lure/Chimney Rock Village Gateway project. – Expansion of pedestrian amenities for non-vehicular traffic by way of a sidewalk along 74/64/9 between the Lake Lure Flowering Bridge and downtown Chimney Rock.  
Alan Toney of Foothills Regional has submitted an application with the NCDOT State Planning and Research for funding of a complete streets application. We expect a response in a couple of months. The local match for this study would be \$6,000 split evenly between Lake Lure, Chimney Rock Village, and the TDA.
2. Green Space Planning – We have an up-to-date proposal to execute for Green Space Master Planning. The project will be for a lump sum cost of \$45,650.  
This project is scoped and included in this year’s FY Budget 23-24. This project has been fully discussed by Town Council and the Parks and Recreation Board.  
This project was being held until the results of the Fire Department Space Needs study were completed. The new proposed public safety location that resulted from that study is on Hwy 9 across the road from Ingles.  
Now that the Fire Department Study has been completed and once the Green Space Recreational Master Plan has been completed, we can examine again the inclusion of conservation easements that have been discussed with Equinox.
3. Morse Park Phase One Park Improvements – We now have a grant of \$100,000 from RHI Legacy and a \$200,000 grant from NC Water Resources. The Water Resources grant period is 2 years from the date of a fully executed agreement.  
We are currently working on the completion of a Request for Qualifications (RFQ) for qualified design/engineering firms to answer for the project.
4. Lease Agreement at 2654 Memorial Highway (Old ABC Store) - Following the work session meeting in January when Council reviewed the first draft and gave comments, a meeting was held with the proposed tenants for the property. That meeting was on January 30<sup>th</sup>. Based on our discussions at that time, Mr. Brock and Mr. Oppliger were to provide us with notes and feedback on outstanding items related to the lease draft as a part of moving forward with the draft lease. They were also working on providing the Town with a minimum of 3 quotes for the deck that has been proposed to be constructed on the back of the building.

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On Thursday of last week, I received the response feedback and information that we were waiting on and on Friday of last week, I met with William Morgan and Olivia Stewman, Clerk, to review the materials that were sent to us.

Based on that feedback, we have another draft under staff review. Once this review has been completed, the latest draft will be sent back to Mr. Brock and Mr. Oppliger for their review. Once the draft has been reviewed and hopefully accepted to move forward, we anticipate a special call meeting for the Town Council to review the latest draft and determine if the proposed lease is ready for the Town to approve in a future Regular Meeting after it has been noticed by no less than 30 days ahead of its intended acceptance.

5. Workforce Housing - We have been involved with workforce housing as an initiative for the Town of Lake Lure to become involved with. We have had numerous meetings with various individuals who have an interest or a stake in future discussions of workforce housing. Michael Williams, Community Development Director, and I will be discussing and evaluating possible site locations for a future project tomorrow February 28<sup>th</sup> with Neil Gurney of Gateway Wellness Foundation.

<b>VII. ADJOURNMENT</b>
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With no further business, Commissioner DiOrio made a motion to adjourn the meeting at 12:46 p.m. Commissioner Proctor seconded and the motion carried 4-0.

ATTEST:

\_\_\_\_\_  
Olivia Stewman, Town Clerk

\_\_\_\_\_  
Mayor Carol C. Pritchett

**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM  
Meeting Date: March 12, 2024**

**SUBJECT:** Approval of Addendum to Lake Lure Tours Concession Agreement

**AGENDA INFORMATION:**

**Agenda Location:** Consent Agenda  
**Item Number:** B  
**Department:** Administration  
**Contact:** Hank Perkins, Town Manager  
**Presenter:** Hank Perkins, Town Manager

**BRIEF SUMMARY:**

At the February 28th Work Session and Action Meeting, Town Council approved the amendment of the Lake Lure Tours Concession Agreement to remove the provision to open the beach following Labor Day for unsupervised access. This addendum officially amends the Concession Agreement.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:**

To approve the addendum to the Lake Lure Tours Concession Agreement.

**ATTACHMENTS:**

Addendum to Lake Lure Tours Concession Agreement

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

Staff recommends approval.

NORTH CAROLINA  
RUTHERFORD COUNTY

ADDENDUM TO CONCESSION AGREEMENT

This Addendum to the Concession Agreement entered this the 12th day of March, 2024 by and between the Town of Lake Lure (hereinafter “the Town”) and Lake Lure Tours, Inc. (hereinafter “LLT”):

WHEREAS, the Town and LLT entered into a “Concession Agreement for the Town of Lake Lure Beach, Marina and Tour Boats” (hereinafter the “concession agreement”) dated July 12th, 2023, which agreement is incorporated herein by reference; and,

WHEREAS, the Concession Agreement, in section three, provides hours of operation; and,

WHEREAS, there have been numerous discussions in regard to removing the provision within the Concession Agreement to open the beach following Labor Day for unsupervised access.

NOW, THEREFORE BE IT RESOLVED, in consideration of the Concession Agreement, and other good and valuable consideration, the sufficiency of which is hereby acknowledged by the parties, the Town and LLT agree as follows:

LLT Concession Agreement Section Three (“Hours of Operation”) is hereby amended as follows:

[ADDITIONS ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~]

3. Hours of Operation

LLT shall, with the approval of the Town, establish its hours of operation.

The Marina shall be open and staffed during all times that the boat tours are operating, with the exception of "after hours" special tour boat events such as Dinner, Sunset, and Special Event cruises.

The established hours of public admission use of the beach shall be from 10 a.m. through 6 p.m. daily, Memorial Day through Labor Day. ~~The Beach will be opened daily from 9 a.m. to 5 p.m., from two weeks after Labor Day until one week prior to annual lake draw-down, and remain closed onward until Memorial Day without admission fee.~~

Unless otherwise approved in advance by the Town, all Facilities will be closed from 11 p.m. to 6 a.m.

Following the closing of the beach during normal business and off-season hours, the pavilion and a portion of the beach will be available for rent by individuals, groups and organizations. Scheduling and arrangements for rental of the pavilion and a portion of the beach will be reserved and coordinated through LLT.

Except as expressly amended herein, the Concession Agreement dated July 12th, 2023 shall remain in full force and effect.

This the 12th day of March, 2024.

TOWN OF LAKE LURE

\_\_\_\_\_  
Carol C. Pritchett, Mayor

ATTEST: \_\_\_\_\_ (SEAL)  
Olivia Stewman, Town Clerk

LAKE LURE TOURS, INC.

\_\_\_\_\_  
George Wittmer, President

ATTEST: \_\_\_\_\_  
Secretary

**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM  
Meeting Date: March 12, 2024**

**SUBJECT:** Approval of Emergency Water Agreement between the Town of Lake Lure and Chimney Rock Village

**AGENDA INFORMATION:**

**Agenda Location:** Consent Agenda  
**Item Number:** C  
**Department:** Administration  
**Contact:** Hank Perkins, Town Manager  
**Presenter:** Hank Perkins, Town Manager

**BRIEF SUMMARY:**

Chimney Rock Village has expressed that they do not desire to enter into a new agreement to operate water system upon the expiration of the current agreement on June 30, 2024. Instead, Chimney Rock will be working with a private firm to operate their system. It has been agreed upon by both the Town and Village that it would be appropriate to enter into an Emergency Water Agreement, which would act as a mutual aid agreement between the two entities in the event that an emergency occurred.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:**

To approve Emergency Water Agreement between the Town of Lake Lure and Chimney Rock Village.

**ATTACHMENTS:**

Emergency Water Agreement between the Town of Lake Lure and Chimney Rock Village

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

Staff recommends approval.

Chimney Rock Village

STATE OF NORTH CAROLINA

COUNTY OF RUTHERFORD

### EMERGENCY WATER AGREEMENT

THIS EMERGENCY WATER AGREEMENT is made and entered into by and between the Chimney Rock Village, North Carolina and the Town of Lake Lure, North Carolina both located in Rutherford County. Hereinafter referred to as CHIMNEY ROCK and LAKE LURE, respectively.

#### WITNESSETH

WHEREAS, Lake Lure and Chimney Rock are political subdivisions of the State of North Carolina, both having the power and authority to enter into this agreement, and the signatories hereto have been authorized to execute this document on behalf of the Lake Lure Town Commission and the Chimney Rock Village Council; and

WHEREAS, Lake Lure owns and operates a water treatment and distribution system, and is engaged in the enterprise of managing, operating, maintaining said system and providing potable water to customers within its service area; and

WHEREAS, Chimney Rock owns and operates a water treatment and distribution system, and is also engaged in the enterprise of managing, operating, maintaining the system and providing potable water to customers within its service area; and

WHEREAS, Lake Lure and Chimney Rock previously entered into an Agreement to Operate Water System ("prior agreement") on or about April 15, 2003; and

WHEREAS, Lake Lure and Chimney Rock will terminate the prior agreement, but believe it is beneficial to both Chimney Rock and Lake Lure that provisions be set up arranging for either party to provide water from their water reserves to the other party in times of emergency; and

WHEREAS, Lake Lure and Chimney Rock have a mutual interest in maintaining a level of cooperation between their water services delivery programs for times of emergency; and

WHEREAS, by authority duly given by their governing bodies, Chimney Rock and Lake Lure have been authorized to enter into this Emergency Water Agreement.

BASED ON THE FOREGOING, and in consideration of the mutual covenants contained herein, the parties do agree:

#### **1. Purpose of the Agreement.**

1.1 The purpose of the agreement between Chimney Rock and Lake Lure is to allow Chimney Rock or Lake Lure to provide water from its water system provided there is adequate

## Chimney Rock Village

reserve capacity to meet the demands of the other party and to provide potable water to the other party in times of emergency. Emergency is defined two ways:

1.1.1. The First Definition of Emergency in this agreement is a water shortage resulting from prolonged drought, contamination of the water supply, damage to water infrastructure, or other unforeseen causes that presents an imminent threat to public health, safety, and welfare or to the environment (hereinafter "Water Shortage Emergency"). This definition is the equivalent to the definition for "water shortage emergency" in North Carolina General Statutes § 143-350.

1.1.2. The Second Definition of Emergency in this agreement is an incident such as a fire or another natural disaster that requires immediate additional water supply to prevent harm to the public (hereinafter "Disaster Emergency").

1.2 Throughout this Agreement, the various definitions of Emergency shall be used, however, if only Emergency is used, then both definitions of Emergency shall be applied unless a specific type of emergency, such as Water Shortage Emergency or Disaster Emergency is stated.

1.3 It is not the purpose of this agreement to provide an ongoing, long-term supply of water between the parties. The parties can agree to another agreement providing an ongoing, long-term supply of water and that agreement shall supersede this agreement upon the effective date of that agreement.

1.4 Chimney Rock and Lake Lure will make reasonable effort to provide water to meet the emergency needs of the other within the capacity of its water systems. However, both parties understand that the primary responsibility of each is to meet the needs and demands of its own constituents first. To this end, either party may restrict the volume of water available to the other party at any time to meet the needs of its own constituents as they may exist from time to time.

1.5 Should either party require the other's water reserves, then the party that receives the water shall pay the other party the highest rate allowable for providing such services.

1.6 Chimney Rock and Lake Lure in cases of extended emergency shall make every reasonable effort to educate and inform its customers and, if necessary, to restrict the water to effectively conserve the water utilized by customers during such extended emergency.

## **2. Declaration of Emergency and Notification**

2.1 A declaration of emergency may be made by agreement of Chimney Rock and Lake Lure through their designated individuals noted herein. Such designated individuals shall be those persons serving in the capacities indicated below at such time:

### CHIMNEY ROCK

Mayor  
Manager/Administrator  
Finance Officer

### LAKE LURE

Mayor  
Manager  
Finance Officer



2.2 Each party shall maintain a written log/record of all pertinent information from notification of declaration of emergency to the end of emergency.

2.3 The parties shall immediately notify the other upon becoming aware of any activity, problem or circumstance that might present a danger to the health, safety and welfare of their or the other's water users. Further, both parties shall take appropriate action to remedy such activity, problem or circumstance and to avoid or minimize disruptions in service. Both parties shall immediately take those steps necessary to alleviate such activity, problem or circumstance where such measures are beyond the control of Lake Lure and/or Chimney Rock.

2.4 Lake Lure and Chimney Rock agree to maintain compliance with all laws and regulations, which apply to the ownership, operation and maintenance of both water systems, including adherence to the terms and conditions of all state permits, which establish appropriate water quality standards for the systems.

### **3. Water Shortage Emergency.**

3.1 Both Chimney Rock and Lake Lure must agree that a Water Shortage Emergency is in place before acting pursuant to this Agreement. Neither party is allowed to unilaterally operate pursuant to this Agreement without the written consent of the other party regarding a Water Shortage Emergency.

3.2 The agreement of the declaration of Water Shortage Emergency shall be by direct telephone or person-to-person communication between one of the designated persons for each party. A request of declaration of Water Shortage Emergency shall include the nature of the emergency, the estimated time the agreement needs to be activated, estimated volume flow rates, and estimated length of emergency.

3.3 If either party can anticipate the issues, then that party shall provide as much time as possible in anticipation of the issue causing the Water Shortage Emergency.

3.4 Either party may unilaterally cease operations pursuant to a Water Shortage Emergency if that party determines that there is no longer a Water Shortage Emergency. Notice shall be given to this determination in written form. The Receiving party may appeal the decision from the party providing the water that there is no longer a Water Shortage Emergency within twenty-four (24) hours.

3.5 If either party continues to use the water resources of the other party outside of the twenty-four (24) hour window as provided in subsection 3.4 above, then the party receiving the water shall be liable for the residential cost per gallon rate that the party providing water charges. For the purposes of this agreement, each day is rounded up to midnight on the final day water is being supplied. This is with the exception of if the party providing water agrees with the appeal of the party receiving water.

### **4. Disaster Emergency.**

## Chimney Rock Village

4.1 Either party is allowed to unilaterally receive the water resources of the other party required to obtain the immediate consent of the other party when a Disaster Emergency occurs except when the Disaster affects both parties. Examples of a unilateral ability to receive shall be when a fire cannot be extinguished by one party's water resources alone. However, if there is a forest fire that is in both party's municipalities, then both parties need to cooperate to determine use of water resources.

4.2 The party that is providing water may unilaterally determine that the claimed Disaster Emergency is either no longer a Disaster Emergency or there was no Disaster Emergency at all. If the party providing water makes either determination, then they may unilaterally end the ability of the receiving party's access to the providing party's water.

4.3 If the party providing water determines that there was no Disaster Emergency prior to the unilateral obtaining of water by the receiving party, then the party receiving the water shall be liable for the residential cost per gallon rate that the party providing water charges. For the purposes of this agreement, each day is rounded up to midnight on the final day water is being supplied. This is with the exception of if the party providing water agrees with the appeal of the party receiving water.

### **5. Water Usage Procedures.**

5.1 Both Chimney Rock and Lake Lure, if receiving the other's water resources, shall use utmost caution when receiving the other's water resources. The parties covenant not to damage the other's water resources and agree that if damage occurs, then the party that causes the harm shall be liable to the other party.

5.2 Both Chimney Rock and Lake Lure agree that party receiving the other's water shall not be running the water system itself. However, upon approval of both parties, either party can send people to open the valves.

### **6. Quality and Quantity of Water Provided.**

6.1 Chimney Rock and Lake Lure shall take reasonable and necessary measures to comply with applicable state and federal regulations concerning the treatment, production, and distribution of potable water within their systems. Any deviation from such applicable standards in state and federal regulations shall be reported by the supplying party to the requesting party in the event of the declaration of an emergency.

6.2 Each party shall maintain its water system in the manner necessary for the distribution or treatment of water to its own customers and shall not be responsible for modifying such systems to provide any particular volume of flow to a requesting party hereunder.

6.3 Other than as set forth above, no warranty, either express or implied, including, but not limited to, any warranty of merchantability or fitness for a particular purpose, is included or made part of this agreement.

## Chimney Rock Village

### **7. Cost of Water.**

7.1 Chimney Rock and Lake Lure agree that in cases where they are receiving the other's water, then that party shall have its residents, or whatever party used the water, to pay the supplying party's current residential water rate as applied in Sections 3.5 and/or 4.3.

7.2 Any statement for water provided rendered by Chimney Rock to Lake Lure or Lake Lure to Chimney Rock under this agreement shall be due and payable on the date of delivery of the statement. Statements are past due and delinquent on the twenty-fifth (25th) day after the date of the statement. Statements past due and delinquent shall be subject to a late charge per month based upon a rate of twelve percent (12%) per annum.

7.3 Lake Lure and Chimney Rock shall review the meters indicating the amount of Water being distributed to Lake Lure or Chimney Rock and provide the other party with weekly updates concerning the water usage.

### **8. Term.**

8.1 The term of this agreement shall end on June 30, 2026. Thereafter, unless terminated as hereinafter provided, the agreement shall renew for successive terms of two (2) years each for (20) years or until June 30, 2046.

8.2 Either party may terminate this agreement as of June 30, 2026 or June 30th of any year thereafter by giving the other party written notice of such termination, such written notice to be given no less than nine (9) months prior to the effective date thereof.

8.3 In the event either party shall be in breach of a material term of this agreement and shall remain in breach for a period of three (3) months following notification from the non-breaching party, the non-breaching party may terminate this agreement upon six (6) months' notice to the breaching party.

### **9. Miscellaneous.**

9.1 This agreement may be amended or modified only by an instrument in writing authorized and executed by each of the parties hereto.

9.2 Chimney Rock and Lake Lure agree that should any disputes arise under this agreement, including but not limited to disputes pertaining to services, rates, or invoices, said disputes shall be resolved, if at all possible, through good faith negotiations between the parties. It is the intent of Chimney Rock and Lake Lure that pursuit of legal action shall be a remedy of last resort and that a negotiated resolution, including the use of outside experts or arbitrators, shall be the preferred means of resolving disputes hereunder. It is further agreed that in the event such disputes cannot be resolved within 90 days from the date they first arise, either party may seek such other remedies as may be available to it.

9.3 If any portion of this agreement shall be declared invalid or unenforceable by a court of competent jurisdiction, then, in such event, the parties shall make a good faith effort to

## Chimney Rock Village

renegotiate such agreement but, in the event such renegotiation is unsuccessful, this agreement shall be null and void.

9.4 This Agreement shall not be construed as creating an entitlement to water for any citizen or user within Lake Lure or Chimney Rock nor shall Chimney Rock or Lake Lure be liable to any person for damages for failure to furnish water.

9.5 If a dispute arises concerning this Agreement, then the parties agree that the terms of this Agreement and its terms was mutually agreed to and drafted by both parties. Therefore, this Agreement shall not be construed against the "last drafter" as both parties agree that they took an active role in drafting this Agreement.

9.6 The Chimney Rock Village Council authorizes the execution of this Agreement as approved by the Village Council of the North Carolina municipality of Chimney Rock Village this the 23<sup>rd</sup> day of January, 2024.

9.7 The Lake Lure Town Commission authorizes the execution of this Agreement as approved by the Town Commission of the North Carolina municipality of the Town of Lake Lure this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

[This Section Intentionally left blank with Signatures on following Page]

Chimney Rock Village

IN WITNESS WHEREOF, the parties have, by authority duly given, executed this agreement effective the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

CHIMNEY ROCK VILLAGE

BY: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Village Clerk

(Seal)

TOWN OF LAKE LURE

BY: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

(Seal)

**IX**  
**UNFINISHED**  
**BUSINESS**

# X

## NEW BUSINESS

- A. Resolution No. 24-03-12 Setting Public Hearings for April 9, 2024 to Receive Comments Regarding Amendment of Zoning Ordinances Section 36-64 (5) and Amendment of Code of Ordinances Chapter 6 (“Buildings and Building Regulations”) Article III (“Lake Structures”)
- B. Budget Amendment #366 for Town Water SCADA System and Water System Consolidation
- C. Approval of LaBella Task 19 for Lead Service Lines Inventory
- D. Approval of LaBella’s Proposed Adjustments to Sewer AIA Project Scope
- E. Request for Town Council Approval to add Fill for Maintenance of Rumbling Bald Resort Beach Located at 153 Mountains Boulevard
- F. Request for Town Council Approval to add Fill for Maintenance of Town-Owned Beach Located at 2724 Memorial Highway
- G. Budget Amendment #368 for Erosion Repairs at 2654 Memorial Highway

**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM  
Meeting Date: March 12, 2024**

**SUBJECT:** Resolution No. 24-03-12 Setting Public Hearings for April 9, 2024 to Receive Comments Regarding Amendment of Zoning Ordinances Section 36-64 (5) and Amendment of Code of Ordinances Chapter 6 (“Buildings and Building Regulations”) Article III (“Lake Structures”)

**AGENDA INFORMATION:**

**Agenda Location:** New Business

**Item Number:** A

**Department:** Community Development

**Contact:** Michael Williams, Community Development Director

**Presenter:** Michael Williams, Community Development Director

**BRIEF SUMMARY:**

Resolution No. 24-03-12 will set the public hearings to be held at the April 9, 2024 regular Town Council meeting beginning at 5:00 p.m. The purpose of the public hearings are to is to receive comments in regard to amendment of Zoning Ordinances Section 36-64 (5) and Amendment of Code of Ordinances Chapter 6 (“Buildings and Building Regulations”) Article III (“Lake Structures”).

**RECOMMENDED MOTION AND REQUESTED ACTIONS:**

To adopt Resolution No. 24-03-12 Setting Public Hearings for April 9, 2024 to Receive Comments Regarding Amendment of Zoning Ordinances Section 36-64 (5) and Amendment of Code of Ordinances Chapter 6 (“Buildings and Building Regulations”) Article III (“Lake Structures”).

**ATTACHMENTS:**

Resolution No. 24-03-12 Setting Public Hearings for April 9, 2024 to Receive Comments Regarding Amendment of Zoning Ordinances Section 36-64 (5) and Amendment of Code of Ordinances Chapter 6 (“Buildings and Building Regulations”) Article III (“Lake Structures”); Draft Ordinance No. 24-04-09 Amending Zoning Ordinances Section 36-64 (5); Draft Ordinance No. 24-04-09A Amending Code of Ordinances Chapter 6 (“Buildings and Building Regulations”) Article III (“Lake Structures”)

**STAFF’S COMMENTS AND RECOMMENDATIONS:**

Staff recommends adoption.





**RESOLUTION NO. 24-03-12**

**RESOLUTION BY THE TOWN OF LAKE LURE TOWN COUNCIL SETTING PUBLIC HEARINGS FOR APRIL 9, 2024 TO RECEIVE COMMENTS REGARDING AMENDMENT OF ZONING ORDINANCES SECTION 36-64 (5) AND AMENDMENT OF CODE OF ORDINANCES CHAPTER 6 (“BUILDINGS AND BUILDING REGULATIONS”) ARTICLE III (“LAKE STRUCTURES”)**

**WHEREAS**, the Town staff and the Zoning and Planning Board have provided the Town Council with recommended amendments to Zoning Ordinances Section 36-64 (5) and Code of Ordinances Chapter 6 (“Buildings and Building Regulations”) Article III (“Lake Structures”); and

**WHEREAS**, North Carolina General Statute § 160D-605 mandates that the Town must hold a public hearing prior to amending any development regulations.

**NOW, THEREFORE BE IT RESOLVED**, that the Town of Lake Lure will hold two public hearings, in accordance with North Carolina General Statutes, during its regular meeting on April 9, 2024 beginning at 5:00 p.m. or shortly thereafter at the Lake Lure Municipal Center to receive comments in regard to the recommended amendment of Zoning Ordinances Section 36-64 (5) and Amendment of Code of Ordinances Chapter 6 (“Buildings and Building Regulations”) Article III (“Lake Structures”).

**READ, APPROVED AND ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**ATTEST:**

\_\_\_\_\_  
Olivia Stewman, Town Clerk

\_\_\_\_\_  
Mayor Carol C. Pritchett

**DRAFT ORDINANCE NUMBER 24-04-09**

**AN ORDINANCE AMENDING ZONING ORDINANCES SECTION 36-64 (5)**

**WHEREAS**, the Town of Lake Lure establishes zoning regulations for the Commercial General District; and

**WHEREAS**, the Zoning Ordinances currently deem that a Commercial General lot that abuts upon property used for residential purposes must provide a buffer strip as defined within the ordinances; and

**WHEREAS**, the Zoning and Planning Board has recommended that it would be more appropriate to determine buffer requirements for Commercial General lots abutting upon property using zoned for residential, rather than used for residential.

**NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF TOWN COUNCIL VOTING IN THE AFFIRMATIVE.**

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~]

**SECTION ONE.** Zoning Ordinances Section 36-46 (“CG Commercial General District”), Subsection (f) (“Front, Rear, and Side Yard Requirements”), subsection (5) is hereby amended as follows:

(5) Where the lot abuts upon property used zoned for residential purposes, a buffer strip shall be provided along the side and/or rear lot line of such abutting residential ~~use zone~~. If a fence or wall is used, such fence or wall shall be opaque and not less than eight feet in height. If a planted buffer is used, such buffer strip shall be not less than eight feet in width and shall be composed of evergreen trees or shrubs which at planting will be at least four feet high and at maturity will be not less than eight feet high. This requirement may be modified by the board of adjustment where sufficient natural buffering exists.

**SECTION TWO.** All provisions of any Town Ordinance inconsistent with the language herein adopted are hereby repealed.

**SECTION THREE.** The Town of Lake Lure Town Council deems Ordinance No. 24-04-09 to be consistent with the Lake Lure comprehensive plan because it enhances and clarifies land use and zoning regulations.

**SECTION FOUR.** The Town of Lake Lure Town Council deems Ordinance No. 24-04-09 to be reasonable and in the public interest because because it requires that the buffer be established in conjunction with commencement of the commercial use.

**SECTION FIVE.** This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately from after the date of its final passage and adoption.

**READ, APPROVED, AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
Olivia Stewman  
Town Clerk

\_\_\_\_\_  
Carol C. Pritchett  
Mayor

Approved as to content & form:

\_\_\_\_\_  
William C. Morgan, Jr.  
Town Attorney

**DRAFT ORDINANCE NUMBER 24-04-09A**

**AN ORDINANCE AMENDING CODE OF ORDINANCES CHAPTER 6 (“BUILDINGS AND BUILDING REGULATIONS”), ARTICLE III (“LAKE STRUCTURES”)**

**WHEREAS**, the Town of Lake Lure establishes regulations for the lake structures; and

**WHEREAS**, the Lake Structures ordinances do not address accessory storage closets; and

**WHEREAS**, it has been deemed necessary to define and regulate accessory storage closets within the Lake Structures ordinances; and

**WHEREAS**, the Zoning and Planning Board has provided a recommendation to incorporate the definition and regulation of accessory storage closets to the Lake Structures ordinances.

**NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF TOWN COUNCIL VOTING IN THE AFFIRMATIVE.**

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK-THROUGH~~]

**SECTION ONE.** The following definition is hereby added to Code of Ordinances Chapter 6 (“Buildings and Building Regulations”), Article III (“Lake Structures”), Section 6-48 (“Definitions”):

Accessory storage closet means an exterior located, enclosed space on a dock, pier, or covered boat slip, used for permanent or temporary storage

**SECTION TWO.** A new subsection 8 to Code of Ordinances Chapter 6 (“Buildings and Building Regulations”), Article III (“Lake Structures”), Section 6-51 (“Design and Construction Standards”), is hereby added as follows:

Accessory storage closets shall not exceed 50% of the area of a dock, pier, or covered boat slip or 144 square feet, whichever is less; shall have no utilities other than electrical that is inspected and approved by the county building inspector, shall not be rooftop located and shall not be used as living space.

**SECTION THREE.** The existing subsection 8 shall become subsection 9 and the remaining subsections within Section 6-51 shall be renumbered accordingly.

**SECTION FOUR.** All provisions of any Town Ordinance inconsistent with the language herein adopted are hereby repealed.

**SECTION FIVE.** The Town of Lake Lure Town Council deems Ordinance No. 24-04-09A to be consistent with the Lake Lure comprehensive plan because it enhances and clarifies land use and lake structure regulations.

**SECTION SIX.** The Town of Lake Lure Town Council deems Ordinance No. 24-04-09A to be reasonable and in the public interest because it addresses a need that is demonstrated by recurring requests from citizens and provides for the safe storage of personal property.

**SECTION SEVEN.** This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately from after the date of its final passage and adoption.

**READ, APPROVED, AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
Olivia Stewman  
Town Clerk

\_\_\_\_\_  
Carol C. Pritchett  
Mayor

Approved as to content & form:

\_\_\_\_\_  
William C. Morgan, Jr.  
Town Attorney

**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM  
Meeting Date: March 12, 2024**

**SUBJECT:** Budget Amendment #366 for Town Water SCADA System and Water System Consolidation

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** B  
**Department:** Finance  
**Contact:** Stephen Ford, Finance Director  
**Presenter:** Dean Lindsey, Public Services Director

**BRIEF SUMMARY:**

Budget Amendment #366 is for the purpose of funding the installation of the town water SCADA system and the water system consolidation. The total cost associated with Budget Amendment #366 is \$180,000.00

The installation of the SCADA system will provide staff with the ability to control and monitor the town's water supply system and has the ability to be expanded for sewer monitoring and control in the future. The total cost for the SCADA system is \$180,000.00

The water system consolidation includes cross-connecting the 80 well system to the downtown water system, and consolidating the Lake Lure water system with the Firefly Cove System. The total cost for the water system consolidation is \$150,000.00

**RECOMMENDED MOTION AND REQUESTED ACTIONS:**

To approve Budget Amendment #366 for Town Water SCADA System and Water System Consolidation.

**FUNDING SOURCE:**

Water Fund

**ATTACHMENTS:**

Budget Amendment #366

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

Staff recommends approval.

**TOWN OF LAKE LURE  
BUDGET AMENDMENT**

Be it ordained by the Board of Commissioners of the Town of Lake Lure that the following amendment be made to the budget ordinance for the fiscal year ending June 30, 2024:

**Department:** Sewer

**Purpose:** To fund for Town Water SCADA System and related Water System Consolidation

**Section 1.** To amend the Sewer Fund, the expenditures are to be changed as follows:

Line Item	Account Number	Amount Decrease	Amount Increase	Amended Budget
691	714000		\$180,000	\$334,000*

\*also in addition to other budget amendments approvals

To provide the additional expenditures for the above, the following revenues will be increased:

Account Name: **Transfer From Sewer Fund-Retained Earnings**  
Account Number: 53-398600  
Amount: **\$180,000**

**Section 2.** I certify that the accounting records provide for this budget amendment, and that the revenue source(s) are available:

\_\_\_\_\_  
Finance Officer

\_\_\_\_\_  
Date

**Section 3.** Copies of this amendment shall be delivered to the Budget/Finance Officer and Town Auditor for their direction.  
Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM  
Meeting Date: March 12, 2024**

**SUBJECT:** Approval of LaBella Task 19 for Lead Service Lines Inventory

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** C  
**Department:** Public Services  
**Contact:** Dean Lindsey, Public Services Director  
**Presenter:** Dean Lindsey, Public Services Director

**BRIEF SUMMARY:**

The Town has been awarded a 100% ‘principal forgiveness’ \$1,000,000 loan under the NCDEQ Department of Water Infrastructure (DWI) Lead Service Line (LSL) Replacement program. This funding is specifically for the purpose of investigation and determination of the presence or absence of lead service lines, in compliance with the December 16, 2021 EPA issuance of the Lead and Copper Rule Revisions (LCCR). LaBella Task 19 propose efforts that will enable the Town to comply with the LSL inventory requirements. LaBella’s efforts would include a tabletop evaluation, customer input solicitation, and field investigations. This is time sensitive, as LSL inventories must be completed by October 16, 2024. For Task 19, LaBella is proposing to bill on a time and materials basis at their standard rates.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:**

To approve LaBella Task 19 for Lead Service Lines Inventory, contingent upon the Town receiving official notice of award.

**FUNDING SOURCE:**

NCDEQ DWI Principal Forgiveness Loan

**ATTACHMENTS:**

Proposed LaBella Task 19

**STAFF’S COMMENTS AND RECOMMENDATIONS:**

Staff recommends approval contingent upon the Town receiving official notice of award.



February 26, 2024

William H. Perkins, Town Manager  
Michael Dydula, PE, Project Manager  
Town of Lake Lure  
2948 Memorial Highway  
Lake Lure, NC 28746

**SUBJECT: Lake Lure On-Call Professional Services  
Task 19 – Lead Service Lines Inventory**

Dear Hank and Mike:

LaBella Associates appreciates the opportunity to continue to work with the Town of Lake Lure (Town). We hope to continue the ongoing relationship as we work with you through your various engineering needs. We have previously provided an engineering services agreement (Contract), and this work would be performed under that agreement. This proposal letter provides a scope of work and budget to provide the Task 19 deliverables as described below.

### **Overview**

The Town has been awarded a 100% ‘principal forgiveness’ \$1,000,000 loan (i.e., essentially a grant) under the NCDEQ Department of Water Infrastructure (DWI) Lead Service Line (LSL) Replacement program. This funding is specifically for the purpose of investigation and determination of the presence or absence of lead service lines, in compliance with the December 16, 2021 EPA issuance of the Lead and Copper Rule Revisions (LCCR).

LaBella’s proposed efforts will enable the Town to comply with the LSL inventory requirements. As this is an investigative effort to determine *if* LSLs are present, to *what extent* they may be, and then to provide required detail on those LSLs identified, the scope is necessarily uncertain at this time.

### **Scope**

Specifically, the proposed Work may consist of the following:

1. Tabletop Evaluation:
  - a. Develop inventory of all of the Town’s water customers, using data made available by the Town (e.g., any prior reports, GIS, building records, billing records, as-built drawings). Notwithstanding clear indication, categorize the services as possible lead-impacted (i.e., pre-1988) or non-lead (post-1987 installation). (*Lead was banned in March 1987.*)
2. Customer Input Solicitation:
  - a. Prepare survey to be included in billing for potential LSL-impacted customers, advising them of the opportunity for LSL replacement, and soliciting any information they can provide regarding their service(s).
3. Filed Investigations:
  - a. Perform inspections and testing at potential LSL-impacted customers’ water meters. NCDEQ advises that such tests should be performed outside of the meter box, which would require ‘soft dig’ (vacuum) excavation both watermain-side and house-side of the meter box. LaBella will secure a subconsultant to perform this field work.

In extenuating circumstances where conclusions cannot be reached by the above methods, other methodologies are permitted by NCDEQ for LSL investigation, and LaBella will determine which of these methods to pursue should it become necessary. Results will be prepared on the NCDEQ Template for systems with 500-50,000 connections.

### **Fee & Schedule**

We propose to bill on a Time and Materials basis at our standard rates, according to the current Contract Rate Schedule (attached). Invoices will be payable within 30 days of receipt by the Town. The completion of this Scope is driven by the funding requirements, which stipulate that the initial inventory must be submitted to NCDEQ by October 16, 2024. LaBella anticipates that the Town will make all necessary information available promptly upon request.



**Conclusion**

Brian Houston, P.E. will continue to serve as LaBella's Program Manager for this contract, providing direction and oversight for other staff assigned to specific tasks under this contract. Other staff assigned to this contract shall have appropriate experience for the assigned task.

If this proposal is acceptable to the Town, please sign this proposal on the signature line below to authorize the scope defined in this proposal and return one copy to us. We appreciate the opportunity to continue our relationship with the Town of Lake Lure. If you have any questions or need additional information, please call me directly at (704) 941-2110.

Sincerely,  
**LaBella Associates, P.C.**

Brian Houston, P.E.  
Water/Wastewater Market Leader

**Town of Lake Lure, North Carolina**

By: \_\_\_\_\_  
*Authorized Signature*

Title \_\_\_\_\_

Date \_\_\_\_\_



**LABELLA ASSOCIATES  
Lake Lure ON-CALL ENGINEERING SERVICES**

**RATE SCHEDULE FOR HOURLY + EXPENSES TASKS  
JANUARY 1, 2024 – DECEMBER 31, 2024**

<u>CLASSIFICATION</u>	<u>BILLING RATE</u>
Principal	\$275.00/hour
Project Manager	\$250.00/hour
Senior Engineer	\$239.00/hour
Senior Project Engineer	\$197.00/hour
Project Engineer	\$159.00/hour
Design Engineer	\$148.00/hour
GIS Analyst	\$154.00/hour
Senior Engineering/GIS Technician	\$137.00/hour
Engineering Technician	\$132.00/hour
Construction Inspector	\$126.00/hour
Engineering Co-op	\$102.00/hour
Clerical	\$104.00/hour
Mileage	at current IRS rate
Expenses	at cost
Sub-consultants	at cost plus 10 percent

**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM  
Meeting Date: March 12, 2024**

**SUBJECT:** Approval of LaBella’s Proposed Adjustments to Sewer AIA Project Scope

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** D  
**Department:** Public Services  
**Contact:** Dean Lindsey, Public Services Director  
**Presenter:** Dean Lindsey, Public Services Director

**BRIEF SUMMARY:**

In October 2022, Town Council approved LaBella Associates’ proposal for preliminary scope of the Asset Inventory and Assessment (AIA) Project. This scope included overall project management and field observation, data review, analysis, and condition assessment, preparation of the final report, bathymetric survey, and GIS license for the Town. The total lump sum for these items was \$124,300. In addition, the T&M phase included CCTV inspection and smoke testing for \$75,700 total. After the adoption of *Resolution No. 23-02-14B Accepting American Rescue Plan Funding for Subaqueous Sanitary Sewer AIA* in February 2023, LaBella was authorize to act on proposed services. Since then, the Town chose to conduct a portion of the previously-scoped LaBella effort, while LaBella’s efforts have been focused on GIS development and support, and completion of the bathymetric survey. In recent discussions, it was determined that a portion of the grant funding accepted under Resolution No. 23-02-14B will be unused unless reallocated to additional tasks not previously scoped. LaBella anticipates invoicing only portions of scope items 1 and 2 (Project Management and Data Review / Analysis), and not invoicing scope item 5 or the T&M scope items at all. As a result, the following scope items are therefore proposed to be added:

- The Town will spend \$20,000 (10% - the maximum portion of the grant allowable) on software and/or equipment.
- LaBella will send a GIS technician to the Town to work with and train the Town’s field personnel to collect land-based manhole and sewer data for one full week.
- LaBella will perform the necessary research to determine if easements exist for the land-based sewers.
- 

**RECOMMENDED MOTION AND REQUESTED ACTIONS:**

To approve LaBella’s proposed adjustments to sewer AIA project scope.

**FUNDING SOURCE:**

American Rescue Plan Grant

**ATTACHMENTS:**

Proposed Adjustments for AIA Project Scope

**STAFF’S COMMENTS AND RECOMMENDATIONS:**

Staff recommends approval.



February 21, 2024 (via email only)

William H. Perkins, Town Manager  
Town of Lake Lure  
2948 Memorial Hwy  
Lake Lure, North Carolina 28746

SUBJECT: Town of Lake Lure 2022 AIA Project (Task 14)  
Adjustments to Proposal for Engineering Services

Dear Hank:

Progress on the subject project has been under way since authorization was received from the Town in February 2023. The Town, however, chose to conduct a portion of the previously-scoped LaBella effort, while LaBella's effort has been focused on GIS development and support, and completion of the Bathymetric survey.

Recently, we met with the Town (Dean Lindsey and Randy Rollins) to determine where the Town's efforts stood, and how much of the funding the Town has expended, in order to plan for completion of the Work. That discussion revealed a potential amount of grant funding that will be unused unless reallocated to additional tasks not previously scoped.

The following scope items are therefore proposed to be added, and LaBella anticipates invoicing only portions of scope items 1 and 2 (Project Management and Data Review / Analysis), and not invoicing scope item 5 or the T&M scope items at all. (The smoke testing was performed with Town forces and the CCTV inspection downstream of Lake-side manholes proved infeasible due to the excessive slope of the sewers.)

6. The Town will spend \$20,000 (10% - the maximum portion of the grant allowable) on software and/or equipment. This is expected to include a (portion of the cost of a) Trimble GPS unit, and the already-purchased GIS License, which was previously covered under scope item 5 and expected to be purchased by LaBella. *The Town will need to provide certification to DEQ-DWI that the balance of the cost of items partially paid by AIA grant funds will be covered by other funds available to the Town.*
7. LaBella will send a GIS technician to the Town to work with and train the Town's field personnel to collect land-based manhole and sewer data for one full week. This will include training on the Town's new Trimble unit as well as mobile data collection applications LaBella has developed for the Town.
8. As the Town has little or no information on-hand for easements they may or may not have for the land-based sewers, LaBella will perform the necessary research to determine if they exist and if so, establish GIS-level mapping and documentation of the easements.

The resulting revised budget allocation is as indicated in the attached table. We have reviewed this with NCDEQ-DWI on February 21 and received verbal and also written follow-up concurrence, which is forwarded to you, accompanying this letter.

Please advise if this proposed revision is acceptable to the Town. We appreciate your continued confidence in LaBella Associates.

Sincerely,  
LaBella Associates, P.C.

Brian Houston, PE  
Water/Wastewater Market Leader



Task & Description (* see notes below)	Budget	Status	Already spent & by...	To be spent
1* Overall Project Management & Field Observation	\$26,500	Ongoing	LaBella \$13,250	\$9,171
2* Data Review, Analysis, & Condition Assessment (includes GIS data updates)	\$32,450	Ongoing	LaBella \$11,335	\$11,380
3 Preparation of Final Report	\$31,000	Starting	\$0	\$31,000
4 Bathymetric Survey	\$31,350	COMPLETE	LaBella \$31,350	\$0
5 GIS License for Town (part of max 10% of Grant Fund - see Line 6 below)	\$3,000	PURCHASED	Town \$3,871	\$0
<b>TOTAL LUMP SUM FEE</b>	<b>\$124,300</b>		<b>\$59,806</b>	<b>\$51,551</b>
A CCTV Inspection	\$55,000	Abandoned	\$0	\$0
B Smoke Testing	\$20,700	COMPLETE	Town \$24,498	\$0
<b>TOTAL TIME &amp; MATERIALS FEE</b>	<b>\$75,700</b>		<b>\$24,498</b>	<b>\$0</b>

**GRAND TOTAL**

\$200,000 \$84,304

\$51,551

**SPENT OR ALREADY ALLOCATED BUT NOT YET SPENT**

\$135,855

**Additional / Not Previously Scoped (i.e., Requests for Scope Change)**

6 Hardware & Equipment (Trimble GPS Unit, Plotter for GIS Maps)	(max 10% of Grant Fund)	Town	\$16,129
7 Perform Field Data Collection of Land-Based Manholes & Sewers		LaBella	\$20,016
8 Easement Investigation and Mapping (Licensed Surveyor)		LaBella	\$28,000

**REQUESTED REALLOCATION TOTAL**

\$64,145

**GRAND TOTAL**

\$200,000

\$200,000

**Net LaBella Total Invoices Anticipated**

\$155,502 (now)

**\* Notes**

1, 2 Most Task 1 & 2 scope items have not been performed by LaBella, but GIS work has been substantially more extensive than originally scoped, including developing the framework and field data collection tools for the Town's future use, and guidance & training on GIS implementation.

**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM**

**Meeting Date:** March 12, 2024

**SUBJECT:** Request for Town Council Approval to add fill for maintenance of Rumbling Bald Resort beach located at 153 Mountains Boulevard.

**AGENDA INFORMATION:**

**Agenda Location:** New Business

**Item Number:** E

**Department:** Community Development

**Contact:** Michael Williams, Community Development Director

**Presenter:** Michael Williams, Community Development Director

**BRIEF SUMMARY:**

Section 6-61(1) of the Town of Lake Lure Code of Ordinances states that any activity such as dredging or filling at or below the shoreline without written permission from the town or any land disturbance which alters the shoreline is prohibited. Fairfield Mountains Property Owners (RBR) has requested written approval from Town Council to add fill for the purpose of re-sanding existing resort beach located at 153 Mountains Boulevard.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:**

To approve authorization of written approval from Town Council to allow applying 150-200 tons of sand, to the beach area at and above the normal shoreline of 990.5 MSL, for the maintenance of existing beach located at 153 Mountains Boulevard.

**ATTACHMENTS:**

Section 6-61(1) of the Town of Lake Lure Code of Ordinance; October 26, 2022 and November 17, 2023 Allowance Notices from US Army Corps of Engineers, site plan and written request from RBR.

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

Staff recommends the authorization of written approval from Town Council to allow beach sand fill on the upland portion of the beach located at 153 Mountains Boulevard.

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## Sec. 6-61. Prohibited uses.

The following uses or activities shall be prohibited unless written approval is given by the town council:

- (1) Any activity such as dredging or filling at or below the shoreline without written permission from the town or any land disturbance which alters the shoreline other than as required by action of the town council.
- (2) The cutting of standing trees at or below the lake boundary.
- (3) Disposal of any trash, brush, leaves, or scrap building materials into the lake.
- (4) Allowing any livestock or commercially raised animals to have access to the lake or its shoreline.
- (5) Allowing a boat to remain on the lake bottom after sinking.
- (6) Using the waters of the lake for commercial irrigation purposes.
- (7) The permanent or temporary mooring of a boat or any other floating object in such a way that it extends beyond the boundaries established in section 6-51 and restrict the passage of boats.
- (8) The permanent mooring of more than three motorized boats at any one lake structure or combination of lake structures, other than a marina or cluster mooring facility, adjacent to an upland lot with a measurable shoreline length of 100 feet or more.
- (9) The permanent mooring of more than two motorized boats at any one lake structure or combination of lake structures, other than a marina or cluster mooring facility, adjacent to an upland lot of record with a measurable shoreline length of 35 to 100 feet.
- (10) The permanent mooring of more than one motorized boat at any one lake structure, other than a marina or cluster mooring facility, adjacent to an upland lot of record with a measurable shoreline length of less than 35 feet.
- (11) The permanent mooring at a cluster mooring facility of more than three motorized boats per 100 front feet at shoreline of upland lot adjacent to a cluster mooring facility.
- (12) The permanent mooring at a marina of more than five motorized boats per 100 front feet at shoreline of upland lot adjacent to a marina.
- (13) The permanent mooring of any boats licensed for commercial use at a lake structure with an upland lot that is not zoned in accordance with or having a special use permit to comply with section 1.59 of the lake use regulations requirements for lake commercial licensing and supporting criteria.
- (14) The use of any lake structure as temporary or full-time living quarters.
- (15) The rental of a mooring at a dock, boathouse or any other lake structures in the manner of a marina when the adjacent upland lot is zoned R-1.
- (16) The commercial or multi-dwelling use of a lake structure adjacent to an upland lot that is zoned R-1 with the exception of lake structure approved by town council for commercial or multi dwelling use or those lake structure that are approved as the permanent mooring address on an annual lake commercial license during the applicable calendar year.
- (17) Any temporarily moored inflatable water recreation device larger than 80 square feet in area or ten feet in diameter, and any such device in the lake from December 1 through March 31.
- (18) Sale of fuel, lubricants, boats, marine accessories, bait and fishing supplies and repair of boats shall be prohibited at restricted marinas.



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(Code 1989, § 94.15; Ord. of 10-20-1998; Ord. of 4-12-2005; Ord. of 8-14-2007; Ord. of 4-12-2011; Ord. of 4-12-2016)

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(Supp. No. 1)

Created: 2022-05-15 12:44:34 [EST]

## Michael Williams

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**From:** Boggs, Brandee C CIV USARMY CESAD (USA) <Brandee.C.Boggs@usace.army.mil>  
**Sent:** Wednesday, October 26, 2022 1:59 PM  
**To:** Michael Williams  
**Subject:** update on sand beaches

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mike, I have consulted with multiple agencies and colleagues and we decided since the sand beaches are already in place, we will allow the TOLL to continue the practice of re-sanding the beaches to the minimum amount. I would appreciate a simple heads up each time so I can at least keep track of how often and approximately how much for each beach.

I would like to work with the TOLL to determine how we can prevent any new sand beaches by both the TOLL and residents as this practice is not permissible under any NWP or RGPs and would not be allowed without going through the Individual Permitting process.

I know you wanted this to be a quick and simple answer, but it is not. I hope this helps you and TOLL determine your next steps.

Kindest Regards,  
Brandee Boggs (she/her)  
Regulatory Specialist

Work Hours: Tues-Thurs 930a.m-6pm  
828.271.7980 x 4224

US Army Corps of Engineers  
Wilmington District, Asheville Field Office  
151 Patton Avenue, Suite 208  
Asheville, NC 28801

## Olivia Stewman

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**From:** Healy, Shannon CIV USARMY CESAW (USA) <Shannon.Healy@usace.army.mil>  
**Sent:** Friday, November 17, 2023 8:56 AM  
**To:** Michael Williams  
**Subject:** RE: Beach re-sanding conversation from 11/14FW: Scanned image from Town of Lake Lure

Hi Mike,

Great seeing you the other day and thank you for passing this along. I will discuss with Brandee and be in touch.

Please don't hesitate to reach out to me if you ever have any questions.

Have a great weekend,  
Shannon

Shannon Healy  
Regulatory Specialist  
USACE Wilmington District-Asheville Regulatory Field Office  
151 Patton Avenue, Room 208  
Asheville, NC 28801-5006  
828-271-7980, ext. 4233  
[shannon.healy@usace.army.mil](mailto:shannon.healy@usace.army.mil)

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**From:** Michael Williams <MWilliams@townoflakelure.com>  
**Sent:** Thursday, November 16, 2023 11:22 AM  
**To:** Healy, Shannon CIV USARMY CESAW (USA) <Shannon.Healy@usace.army.mil>  
**Subject:** [Non-DoD Source] Beach re-sanding conversation from 11/14FW: Scanned image from Town of Lake Lure

Hi Shannon, thanks for coming to the Rumbling Bald Resort site to discuss the seawall project. I am very thankful to have had the opportunity to meet you and appreciate the support that you have provided since you began working our Lake Lure area.

I've attached the information that we discussed Tuesday regarding Brandee and the existing beach re-sanding situations. Mike

**Mike Williams, CZO, CFM**  
*Community Development Director*

**Office:** 828-625-9983, ext.117  
**Email:** [mwilliams@townoflakelure.com](mailto:mwilliams@townoflakelure.com)  
**Website:** [www.townoflakelure.com](http://www.townoflakelure.com)



Site Plan for sand re-nourishment



**From:** Liz Geary <[lgeary@rumblingbald.com](mailto:lgeary@rumblingbald.com)>  
**Sent:** Wednesday, February 21, 2024 5:13 PM  
**To:** Michael Williams <[MWilliams@townoflakelure.com](mailto:MWilliams@townoflakelure.com)>  
**Cc:** Jeff Geisler <[jgeisler@rumblingbald.com](mailto:jgeisler@rumblingbald.com)>  
**Subject:** Rumbling Bald - 2024 Sand Application

Mike,

It is that time of year again!

We need to ask for approval to replenish the sand at our beach this spring. I know that this needs to go to the Council for approval. Is there any way to get on the March agenda for their consideration?

I've attached a picture of the beach area, and 150-200 tons of sand will be applied. If there is anything else you need, just let me know. I'll get it right over to you!

- Liz

**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM**

**Meeting Date:** March 12, 2024

**SUBJECT:** Request for Town Council Approval to add fill for maintenance of Municipal beach located at 2724 Memorial Highway.

**AGENDA INFORMATION:**

**Agenda Location:** New Business

**Item Number:** F

**Department:** Community Development

**Contact:** Michael Williams, Community Development Director

**Presenter:** Michael Williams, Community Development Director

**BRIEF SUMMARY:**

Section 6-61(1) of the Town of Lake Lure Code of Ordinances states that any activity such as dredging or filling at or below the shoreline without written permission from the town or any land disturbance which alters the shoreline is prohibited. Lake Lure Tours, Inc. (concession operator of beach) has requested written approval from Town Council to add fill for the purpose of re-sanding existing public beach located at 2724 Memorial Highway.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:**

To approve authorization of written approval from Town Council to allow applying minimal sand, as required, to the beach area at and above the normal shoreline of 990.5 MSL, for the maintenance of existing beach located at 2724 Memorial Highway.

**ATTACHMENTS:**

Section 6-61(1) of the Town of Lake Lure Code of Ordinance; October 26, 2022 and November 17, 2023 Allowance Notices from US Army Corps of Engineers, site plan and written request from RBR.

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

Staff recommends the authorization of written approval from Town Council to allow beach sand fill on the upland portion of the beach located at 2724 Memorial Highway.

Site Plan for sand re-nourishment



Reply Reply All Forward

Sat 3/2/2024 1:03 PM



George <george@lakelure.com>

Renourishing sand at Lake Lure Beach approval request

To Michael Williams

Cc 'Julie Belcher'; Sonya Ledford

Follow up. Start by Monday, March 4, 2024. Due by Monday, March 4, 2024.  
You replied to this message on 3/3/2024 4:41 PM.

Action Items

Michael:

Please accept this communication as our request for approval for our re-nourishing sand at the Lake Lure Beach. We may be adding sand, minimally and only where replacement sand is required, this Spring prior to re-opening of the beach to the public on Memorial Weekend.

Any questions or additional information needed, please let me know.

Thanks,  
LAKE LURE TOURS, INC.

George

**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM  
Meeting Date: March 12, 2024**

**SUBJECT:** Budget Amendment #368 for Erosion Repairs at 2654 Memorial Highway

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** G  
**Department:** Finance  
**Contact:** Stephen Ford, Finance Director  
**Presenter:** Dean Lindsey, Public Services Director

**BRIEF SUMMARY:**

A recent storm event caused erosion issues to occur at 2654 Memorial Highway, formerly known as the ABC Store. Budget Amendment #368 is for the purpose of restoring and repairing the property grounds. The total cost associated with Budget Amendment #368 is \$29,000.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:**

To approve Budget Amendment #368 for Erosion Repairs at 2654 Memorial Highway.

**FUNDING SOURCE:**

General Fund Balance

**ATTACHMENTS:**

Budget Amendment #368

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

Staff recommends approval.

TOWN OF LAKE LURE
BUDGET AMENDMENT

Be it ordained by the Board of Commissioners of the Town of Lake Lure that the following amendment be made to the budget ordinance for the fiscal year ending June 30, 2024:

Department: Public Services

Purpose: To fund for former ABC Building Town Owned Property Immediate Restoration and Repair related to property grounds.

Section 1. To amend the General Fund, the expenditures are to be changed as follows:

Table with 5 columns: Line Item, Account Number, Amount Decrease, Amount Increase, Amended Budget. Row 1: 691, 451000, (blank), \$29,000, \$49,000

To provide the additional expenditures for the above, the following revenues will be increased:

Account Name: Transfer From Fund Balance
Account Number: 10-398600
Amount: \$29,000

Section 2. I certify that the accounting records provide for this budget amendment, and that the revenue source(s) are available:

Finance Officer

Date

Section 3. Copies of this amendment shall be delivered to the Budget/Finance Officer and Town Auditor for their direction.

Adopted this \_\_\_ day of \_\_\_, 2024.



**XI**

**ADJOURNMENT**