

# **LAKE LURE TOWN COUNCIL WORK SESSION MEETING PACKET**

Wednesday, July 26, 2023  
8:30 a.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 Work Session Meeting**

Wednesday, July 26, 2023 - 8:30 AM

Lake Lure Municipal Center



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## **Agenda**

- I. Call to Order**
- II. Agenda Adoption**
- III. Review Ruby-Collins Proposed Agreement Amendment 02 - Page 1**
- IV. Review Proposed LaBella Task 5 Amendment - Page 6**
- V. Cycle NC Mountain Ride Reminder - Page 9**
- VI. Lake Lure Classical Academy Discussion Follow-up - Page 12**
- VII. Review Zoning and Planning Board Recommendations Regarding Bars - Page 13**
- VIII. Parks and Recreation Trust Fund (PARTF) / Boys Camp Road Update - Page 18**
- IX. Review Resolution Supporting Foothills Rural Planning Organization (RPO) Prioritization 7 Submittals - Page 19**
- X. Review Budget Amendment #352 for Lake Lure Flowering Bridge Parking Lot - Page 22**
- XI. Lake Lure Green Space Updates - Page 24**
- XII. Project Manager Updates - Page 25**
- XIII. Town Manager Updates - Page 26**
- XIV. Adjournment**

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

**Meeting Date: July 26, 2023**

**SUBJECT:** Review Ruby-Collins Proposed Agreement Amendment 02

**AGENDA INFORMATION:**

**Item Number:** III  
**Department:** Sewer  
**Contact:** Michael Dydula, Project Manager  
**Presenter:** Michael Dydula, Project Manager

**BRIEF SUMMARY:**

Ruby-Collins has submitted Agreement Amendment 02 for the Subaqueous Sanitary Sewer Replacement Project for the amount of \$1,482,095. The purpose of Agreement Amendment 02 is to carry forward the Phase 1 GMP scope and allow the Project Team to attempt HDPE, lateral and manhole installation along the northern shore of Sunset Cove. During the upcoming drawdown period, it is anticipated that the execution of this work will help the Project Teamwork through the learning curve of pipe, manhole and lateral installation in the backshore. All boats can stay in their boathouses during the work. The HDPE pipe, manhole and lateral installation work for the North Shore of Sunset Cove will begin around January 01, 2024, and work within the window of January 01, 2024, to March 31, 2024. If approved, the contract amount with the inclusion of Amendment 02 will be \$2,972,095. This price includes materials, labor, equipment, subcontract, general conditions, design-builder fees, and bonds and insurance. Additional details can be found in the attached proposal.

**ATTACHMENT(S):**

Proposed Ruby-Collins Agreement Amendment 02

**Project:** Subaqueous Sanitary Sewer (SASS) Replacement Project Lake Lure, NC

**Reference:** NCDEQ Plan Set Lake Lure GLS North Alignment North Shore Sunset Cove Station 82+10 – 67+60

**Subject:** Agreement Amendment 02 – July 12, 2023

**Owner:** Town of Lake Lure, North Carolina

**Design-Builder:** Ruby-Collins, Inc.

The purpose of this amendment is to carry forward the Phase 1 GMP scope and allow the Project Team to attempt HDPE, lateral and manhole installation along the northern shore of Sunset Cove. All the work associated with this activity is to be completed in accordance with the approved plans. The work will be completed at the 12-foot drawdown level. Like last winter, it is anticipated that the execution of this work will help the Project Teamwork through the learning curve of pipe, manhole and lateral installation in the backshore. These learnings will be used to develop the best method for completing future scope and assist in firming up future pricing. All boats can stay in their boathouses during the work.

The HDPE pipe, manhole and lateral installation work for the North Shore of Sunset Cove will begin around January 01, 2024, and work within the window of January 01, 2024, to March 31, 2024. Together, all parties including the Town of Lake Lure, Labella, and Ruby-Collins have decided to pursue the cost of this work via an open book approach. Below are the guidelines for the open book cost.

**MATERIAL** – Material will be billed according to invoices including sales tax.

**LABOR** – Labor will be billed by the hour and by the fee schedule submitted with the GMP with the latest budget pricing from July of 2023. A summary list of the fee schedule is listed below.

Project Director	\$231.70 per hour	Crew Foreman	\$104.35 per hour
Division Director	\$191.55 per hour	Class 4 Operator	\$80.35 per hour
Senior Project Manager	\$161.25 per hour	Class 3 Operator	\$73.45 per hour
Project Manager	\$139.10 per hour	Class 2 Operator	\$64.30 per hour
Project Engineer	\$110.05 per hour	Class 5 Labor	\$64.30 per hour
Project Superintendent	\$139.10 per hour	Class 4 Labor	\$59.70 per hour
		Class 3 Labor	\$50.50 per hour

\*\*It has been discussed and agreed to by all parties that the Town of Lake Lure may choose to provide certain labor positions to help with the work. There will be no charge for labor provided by the Town and the Town is solely responsible for taxes, insurance, benefits etc. for the Town’s employees. When traveling away from home, Ruby-Collins employees are guaranteed a minimum of 40 hours per week and billings will be submitted as such regardless of inclement weather or other delays beyond our control. During normal working conditions, actual hours worked for the day will be billed for hourly positions and salaried positions will be billed 8 hours per day and 40 hours per week.

**EQUIPMENT** – It has been agreed to by all parties that the Town of Lake Lure may provide certain pieces of equipment to help with the work. For those pieces of equipment provided by the Town of Lake Lure, the Town will maintain operational responsibility. Operational responsibility is described as normal shop attention, equipment grease, oil changes, etc. Fuel will be provided by Ruby-Collins for Town provided equipment. Full rates will be charged for equipment provided by Ruby-Collins. If it is determined during the work that other equipment is needed beyond the list below, then together the Project Team will establish a fair rate for invoicing of such equipment. Normal wear and tear, such as bucket teeth, track wear, replacement hoses etc. will be held for the Town’s account. Cost associated with equipment abuse and caused by an employee of Ruby-Collins will be held for the Ruby-Collins account.

Project Vehicles	Full Rate \$27.15 per hour
Kom 238 Excavator	Full Rate \$135.46 per hour
JD 135G Excavator	Full Rate \$104.63 per hour
Hoe Ram Attachment	Full Rate \$27.00 per hour
Takeuchi TL12	Full Rate \$69.81 per hour
Bomag Compactor	Full Rate \$16.05 per hour
JD 624 Loader	Full Rate \$90.52 per hour
HDPE Fusion Machines	Full Rate \$67.20 per hour/machine
Generators	Full Rate \$10.50 per hour/generator
Sweeper	Full Rate \$66.98 per hour
Trench Boxes	Full Rate \$24.71 per hour/box

Miscellaneous Small Tool Rentals will be as invoiced including sales tax.

Barge Equipment and Push Boats are to be supplied by the Town of Lake Lure and no charges are associated with these items.

\*\*\*If during the construction, the Town of Lake Lure does provide such operational responsibility as fuel, grease etc., then a credit will be applied to the equipment billings.

**SUBCONTRACT** – Specialty subcontract work i.e., welding, local surveyor, hauling etc. will be billed according to invoices including sales tax.

**GENERAL CONDITIONS** – General Conditions cost, such as project personnel living expense, field offices, site toilets, project videos and photos, permitting cost, engineering services, equipment delivery etc. will be billed according to invoices including sales tax.

**DESIGN-BUILDER FEE** – A Design-Builder Fee of 9% will be applied to the total of all cost.

**BONDS & INSURANCE** – A Bonds and Insurance Fee of 2% will be applied to all cost including the Design-Builder Fee amount.

All parties associated with the project recognize the unique nature of the work and agree that the above intends to capture as much cost summary as possible. However, if during the work the Team discovers consequential cost related to the project conditions and unbeknownst to anyone at the time of this amendment, then all parties agree to carry forward the good faith experienced in negotiations so far and resolve any issues fairly to all parties.

**General Amendment 02 Budget**

Phase 1 Contract Amount	\$640,000.00
Amendment 01 North SS1 Dock Casing Bores Budget	\$850,000.00
Amendment 02 North Shore Sunset Cove Station 82+10 – 67+60	\$1,482,095.00
Revised Contract Amount w/ Amendment 01 and 02	\$2,972,095.00

A copy of the Amendment 02 North Shore Sunset Cove Station 82+10 – 67+60 Budget is attached to this document.

All other terms of the \_\_\_\_\_, 20\_\_ Agreement shall remain in full force and effect. If there is any conflict between the Agreement and this Amendment, this Amendment shall prevail.

**Town of Lake Lure**

\_\_\_\_\_  
Signature and Date

**Ruby-Collins, Inc.**

\_\_\_\_\_  
Signature and Date

**Project:** Lake Lure - Sunset Cove North Shore Pipe  
**Date:** 7/12/2023  
**Subject:** Amendment 02 - Install pipe staion +/-67+60  
 to station +/-82+10 at 12-foot draw down  
 during the winter of 2023-2024



<b>Material</b>			
16 inch HDPE	1,360.0 feet	\$35.40	\$48,144.00
Manholes	4.0 each	\$26,807.15	\$107,228.60
57 Stone	395.0 tons	\$21.50	\$8,492.50
Sumps	10.0 each	\$355.00	\$3,550.00
Porta Jon	3.0 months	\$450.00	\$1,350.00
Wood Mats	10.0 each	\$750.00	\$7,500.00
Services	4.0 each	\$2,112.50	\$8,450.00
Cable Mats	3,160.0 sqfeet	\$15.45	\$48,822.00
Core Logs	1,355.0 feet	\$15.50	\$21,002.50
Spacers	86.0 each	\$450.00	\$38,700.00
End Seals	18.0 each	\$450.00	\$8,100.00
	xxxx	\$0.00	\$0.00
	xxxx	\$0.00	\$0.00
	xxxx	\$0.00	\$0.00
Total-----			\$301,339.60
Tax-----		7.0%	\$21,093.77
Total with Tax-----			\$322,433.37

<b>Sub-Contract</b>			
Labella	1.0 lmsm	with allowance	
Haul Stone	395.0 tons	\$20.00	\$7,900.00
Waste	35.0 loads	\$210.00	\$7,350.00
Equip Mobe	20.0 moves	\$1,350.00	\$27,000.00
Freeman	480.0 hours	\$120.00	\$57,600.00
	xxxx	\$0.00	\$0.00
	xxxx	\$0.00	\$0.00
	xxxx	\$0.00	\$0.00
	xxxx	\$0.00	\$0.00
	xxxx	\$0.00	\$0.00
	xxxx	\$0.00	\$0.00
Total-----			\$99,850.00

<b>Operations----- 60 days</b>			
Director	24.0 manhours	\$231.70	\$5,560.80
Division Director	48.0 manhours	\$191.55	\$9,194.40
Senior PM	48.0 manhours	\$161.25	\$7,740.00
Project Manager	96.0 manhours	\$139.10	\$13,353.60
Project Super	240.0 manhours	\$139.10	\$33,384.00
Project Engineer	480.0 manhours	\$110.05	\$52,824.00
Foreman	480.0 manhours	\$104.35	\$50,088.00
Class 4 Operator	600.0 manhours	\$80.35	\$48,210.00
Class 3 Operator	600.0 manhours	\$73.45	\$44,070.00
Class 5 Labor	600.0 manhours	\$64.30	\$38,580.00
Class 4 Labor	600.0 manhours	\$59.70	\$35,820.00
Class 3 Labor	600.0 manhours	\$50.50	\$30,300.00
Vehicles	1,416.0 hours	\$27.15	\$38,444.40
Kom238	480.0 hours	\$135.46	\$65,020.80
Kom138	480.0 hours	\$104.63	\$50,222.40
Hoe Ram for 138	480.0 hours	\$27.00	\$12,960.00
Takeuchi TL12	480.0 hours	\$69.81	\$33,508.80
Bomag Compactor	480.0 hours	\$16.05	\$7,704.00
JD624 Loader	480.0 hours	\$90.52	\$43,449.60
Fusing Machine - 2	480.0 hours	\$67.20	\$32,256.00
Generators - 2	480.0 hours	\$10.50	\$5,040.00
Sweeper 1/2 time	240.0 hours	\$66.98	\$16,075.20
Trench Boxes	480.0 hours	\$24.71	\$11,860.80
Misc Rentals	480.0 hours	\$11.70	\$5,616.00
	xxxx	\$0.00	\$0.00
Living Expenses	4,416.0 manhours	\$11.25	\$49,680.00
Total-----			\$740,962.80

<b>SUMMARY</b>		
Construction Cost-----		\$1,163,246.17
Engineering-----		\$0.00
Contingency-----	7.5%	\$87,243.46
Design Builder Fee-----	9.0%	\$112,544.07
Allowance Labella Design, Permit & Inspection---		\$90,000.00
Bonds and Insurance-----	2.0%	\$29,060.67
<b>Total Estimated Price-----</b>		<b>\$1,482,094.38</b>

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

**Meeting Date: July 26, 2023**

**SUBJECT:** Review Proposed LaBella Task 5 Amendment

**AGENDA INFORMATION:**

**Item Number:** IV  
**Department:** Project Management  
**Contact:** Michael Dydula, Project Manager  
**Presenter:** Michael Dydula, Project Manager

**BRIEF SUMMARY:**

LaBella Associates has submitted a proposed amendment to Task 5 for an extension of budget for *various on-call services* not specifically addressed by other approved Tasks. Such on-call services were previously addressed by Task 5 which was fully expended and invoiced in 2021. LaBella is proposing to add \$25,000 to the Task 5 budget, bringing the Task 5 total amount to \$50,000. Many services covered under Task 5 require only a minimal of effort, which is why LaBella is proposing that they will not be required to obtain written approval before charges are incurred or invoiced. However, LaBella will notify and seek such approval from the Town for any individual effort which is expected to exceed \$1,000. Work under this Amendment will be charged at hourly rates plus costs (without markup) current as of the time charged or expense incurred. LaBella will continue to submit monthly invoices that track the charges for each individual task.

**ATTACHMENT(S):**

LaBella Task 5; Task 5 Amendment Proposal Letter





July 12, 2023

Hank 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  
AMENDMENT #1 to Task 5 dated June 9, 2021 (Administrative Services)**

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 for an extension of budget for *various on-call services* not specifically addressed by other approved Tasks. Such services were previously addressed by Task 5 which was fully expended and invoiced in 2021, and therefore this is a budget amendment to Task 5. We propose to **add \$25,000** to the Task 5 budget, bringing the Task 5 **total amount to \$50,000**.

Many covered services require only a minimal (e.g., hour or two) of effort. Given the nature of work under this Task, LaBella will not be required to obtain written approval before charges are incurred or invoiced. However, we will notify and seek such approval from the Town for any individual effort which is expected to exceed \$1,000.

Work under this Amendment will be charged at hourly rates plus costs (without markup) current as of the time charged or expense incurred. (See the attached 2023 Table of Rates.) LaBella will continue to submit monthly invoices that track the charges for each individual task including this one.

**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 budget increase 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, 2023 – DECEMBER 31, 2023**

<u>CLASSIFICATION</u>	<u>BILLING RATE</u>
Principal	\$259.00/hour
Project Manager	\$235.00/hour
Senior Engineer	\$225.00/hour
Senior Project Engineer	\$185.00/hour
Project Engineer	\$150.00/hour
Design Engineer	\$139.00/hour
GIS Analyst	\$145.00/hour
Senior Engineering/GIS Technician	\$124.00/hour
Engineering Technician	\$129.00/hour
Construction Inspector	\$118.00/hour
Engineering Co-op	\$96.00/hour
Clerical	\$98.00/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: July 26, 2023**

**SUBJECT:** Cycle NC Mountain Ride Reminder

**AGENDA INFORMATION:**

**Item Number:** V  
**Department:** Communications  
**Contact:** Laura Krejci, Communications Director  
**Presenter:** Laura Krejci, Communications Director

**BRIEF SUMMARY:**

Lake Lure will be hosting the Cycle North Carolina Mountain Ride event. The event will take place from August 4, 2023 to August 6, 2023. The event is expected to bring in 300+ cyclers and their family members to Lake Lure and it is expected to have a positive impact on the economy and the community. All event waivers and applications have been completed and approved.

This is a summary of the camper locations. Note that the on the Fly Food Truck will be set up in Morse Park for Breakfast on 8/5/23 and 8/6/23.

- **Morse Park:** 88 people who have indicated they are outdoor camping
- **Roosevelt Hall:** 8 people have indicated they are indoor camping (this could change if the weather forecast is rainy.)
- **RVs: There will be 22 RVs** are register to set up in Keeter Field

The balance of the Cyclers and their families will be staying at the Lake Lure Inn and other hotels and vacation rentals in the area. We are exploring the possibility of adding a rest stop in Rumbling Bald.

**The following is a summary of the schedule for Cycle NC:**

**Friday, August 4<sup>th</sup>**

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**1pm Cycle NC Campsite at Morse Park and Roosevelt Hall at Lake Lure Inn opens for set up** – At 1 p.m. you may begin setting up your camping area (outdoor and indoor) in the designated areas only once you have checked in. Access (parking, camping, etc.) is not permitted until 1 p.m. on Friday, August 4, so please DO NOT arrive before 1 p.m. As a reminder, you must be checked-in and wearing your Cycle NC wristband prior to setting up your camping area.

**1pm-5pm Cycle NC Rider Services and Check-in Open**

Check-in opens at the Cycle NC Rider Services located at Morse Park (2948 Memorial Hwy, Lake Lure, NC). Check-in and Rider Services will be open from 1pm to 5pm. You will receive your event wristband that must be worn at all times during the weekend. You will also receive your official ride t-shirt. Cycle North Carolina merchandise will be available for purchase.

**1pm-5pm**

**Local Welcome Booth Open**

The local welcome booth will provide participants with local information, area maps, restaurant information, weekend activities and local discounts. Stop by the local welcome booth to get information about what the Lake Lure and Rutherford County area has to offer when you are not riding.

**1pm-5pm**

**Tune Up Route Option Available**

Warm up your legs for the weekend on this scenic 12-mile route that takes you along the banks of Lake Lure, including a short climb out of the valley and then back down again. SAG support will not be available.

**6pm-7:30pm**

**Cycle NC Welcome Luau at the Lake Lure Beach!**

Join the Cycle NC staff and town representatives at the covered pavilion on Lake Lure Beach for the official Cycle NC Welcome Luau. The beach is in easy walking distance of all campsites and the Lake Lure Inn & Spa. The Luau will include free beer from New Belgium Brewing Company and Hawaiian BBQ, Slaw, Fruit Salad. And no luau would be complete without Pineapple Upside-down Cake for dessert

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**Saturday, August 5<sup>th</sup>**

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**6am-9am**

**Breakfast available at Morse Park**

Lured Market and Grill/On the Fly Food Truck will be offering coffee and breakfast items in the parking lot of Morse Park.

**8am-12pm**

**Cycle NC Rider Services and Check-in Open**

Check-in and Rider Services will be open from 8am to 12pm at Morse Park. You will receive your event wristband that must be worn at all times during the weekend when you check-in. You will also receive your official ride t-shirt.

**8am-12pm**

**Local Welcome Booth Open**

The local welcome booth will provide participants with local information, area maps, restaurant information, weekend

activities and local discounts. Stop by the local welcome booth to get information about what the Lake Lure and Rutherford County area has to offer when you are not riding.

**8am-3pm**

**Cycle NC Routes Open**

All routes open at 8:00 am. All routes begin and end at Morse Park. All routes will close at 3:00 pm. Check your cue sheets for the opening and closing times for each rest stop.

**6pm-7:30pm  
Lure Beach!**

**CNC Mountain Ride Social and Low Country Boil at the Lake**

The Cycle NC Mountain Ride Social for all registered participants will take place at the covered pavilion at Lake Lure Beach. The low country boil menu features a salad, peel & eat shrimp, red potatoes, corn on the cob, andouille sausage, onions, saucy lemon and bread. Free beer will be provided by New Belgium Brewing Company.

**Sunday, August 6<sup>th</sup>**

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**6am-9am**

**Breakfast available at Morse Park**

Lured Market and Grill/On the Fly Food Truck will be offering coffee and breakfast items in the parking lot of Morse Park.

**8am-10am**

**Cycle NC Check-in Rider Services Open**

Rider Services located at Morse Park will be open until 10am. This is your last chance to purchase your Cycle NC Merchandise before you head home!

**8am-2pm**

**Cycle NC Routes Open**

All routes open at 8:00 am. All routes begin and end at Morse Park. Check your cue sheets for the opening and closing times for each rest stop. All routes close at 2:00pm.

***A Special Thanks To Our 2023 Cycle N.C Mountain Ride Partners***

**Retire North Carolina  
Blue Cross and Blue Shield of NC  
Capitol Broadcasting Company  
Fat Tire/New Belgium Brewing Company**

**BODYARMOR Sports Drink  
Truist  
Town of Lake Lure  
Rutherford County TDA**

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

**Meeting Date: July 26, 2023**

**SUBJECT:** Lake Lure Classical Academy Discussion Follow-up

**AGENDA INFORMATION:**

**Item Number:** VI  
**Department:** Fire/Emergency Management  
**Contact:** Dustin Waycaster, Fire Chief & Laura Krejci, Communications Dir.  
**Presenter:** Dustin Waycaster, Fire Chief & Laura Krejci, Communications Dir.

**BRIEF SUMMARY:**

- Lake Lure Classical Academy (LLCA) has formed a committee to assess the requirements and the costs associated with building a school cafeteria.
- Communications Director Laura Krejci is serving on the committee and the members asked her to confirm if the Town would like to utilize the Gymnatorium as an emergency shelter if the school cafeteria was built.
- If the Town is interested, they asked that the emergency shelter requirements for the cafeteria be outlined so these specifications could be incorporated into the design.
- Additionally, there was a request to confirm any financial contribution they could anticipate from the Town to cover the emergency shelter requirements.
- Ms. Krejci met with Town Manager and Fire Chief/Emergency Management Coordinator to discuss this request.
- Fire Chief Dustin Waycaster researched the requirements for an emergency shelter and these were shared with Town Council to get their input on 6/28/23.
- Chief Waycaster advised that a transfer switch, lighting, and a generator would be needed.
- There was a discussion about this and Town Council was supportive of exploring the needs further and working with the school to see what the costs would be.
- Town Manager Hank Perkins, Fire Chief/Emergency Management Coordinator Dustin Waycaster, and Communications director Laura Krejci attended the Cafeteria Committee meeting on 7/10/23. The Senior Project Manager and Architect Emily Kite presented a draft drawing of the cafeteria.
- Mr. Perkins provided an overview of the discussion with Town Council and Chief Waycaster highlighted the emergency shelter requirements.
- Mr. Perkins asked if the architect could assess the cost for the transfer switch, lighting, and a generator and advise the Town of these costs.
- The next meeting is scheduled for 8/2/23.

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

**Meeting Date: July 26, 2023**

**SUBJECT:** Review Zoning and Planning Board Recommendations Regarding Bars

**AGENDA INFORMATION:**

**Item Number:** VII  
**Department:** Community Development  
**Contact:** Michael Williams, Community Development Director  
**Presenter:** Michael Williams, Community Development Director

**BRIEF SUMMARY:**

The Zoning and Planning Board have been reviewing ordinances in regard to bars, taverns, nightclubs, and alcohol sales for on premise uses. The Chamber of Hickory Nut Gorge had approached the Zoning and Planning Board to discuss this subject due to recent regulation changes by the North Carolina ABC Commission and increased desire to open related businesses in the community. As of current, the Town's Code of Ordinances only allow bars, taverns, nightclubs, and alcohol sales for on premise uses in the Commercial Shopping Center (CSC) District through a special use permit. The CSC District is a small portion of Town primarily located on the Ingles Plaza property. The Board deemed that it is appropriate to define "bars" and "restaurants" in order to be consistent with the state and increase clarity. The Board deemed that it is acceptable to consider allowing bars in all commercial districts through special use permits approved by the Board of Adjustment. Following comprehensive discussions, the following recommendations were made by the Zoning and Planning Board:

- To modify Code of Ordinances Section 36-5 ("Definitions") to include definitions for "bars" and "restaurants" as follows:

*Bar* means an establishment that is primarily engaged in the business of selling alcoholic beverages and that does not serve prepared food as defined in N.C.G.S. 105-164.3(179). A bar shall not include a brewery, winery, or distillery.

*Restaurant* means an establishment substantially engaged in the business of preparing and serving meals. To qualify as a restaurant, an establishment's gross receipts from food and nonalcoholic beverages shall be not less than thirty percent (30%) of the total gross receipts from food, nonalcoholic beverages, and alcoholic beverages. A restaurant shall also have a kitchen and an inside dining area with seating for at least 10 people.

- To allow bars through special use permits in the following districts: Commercial Town Center, Commercial Shopping Center, Commercial General, and Commercial Neighborhood.
- To modify Code of Ordinances Section 36-65 (c) (2) to remove all language aside from “Bars.”

At the next Zoning and Planning Board meeting, the Board will discuss possible criteria for the Board of Adjustment to consider when reviewing special use permit applications for a bars and any comments made by Council.

**ATTACHMENT(S):**

Recommended Changes Mark Ups



## Recommended Revisions to Section 36 (“Zoning”) Regarding Alcoholic Beverage On Premise Sales

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

### Add the following to Sec. 36-5 (“Definitions”):

Bar means an establishment that is primarily engaged in the business of selling alcoholic beverages and that does not serve prepared food as defined in N.C.G.S. 105-164.3(179). A bar shall not include a brewery, winery, or distillery.

Restaurant means an establishment substantially engaged in the business of preparing and serving meals. To qualify as a restaurant, an establishment's gross receipts from food and nonalcoholic beverages shall be not less than thirty percent (30%) of the total gross receipts from food, nonalcoholic beverages, and alcoholic beverages. A restaurant shall also have a kitchen and an inside dining area with seating for at least 10 people.

### Modify Sec. 36-62 (“CN Commercial Neighborhood Districts”) as follows:

- (c) *Special use permit.* The following uses require a special use permit subject to a finding by the board of adjustment that all applicable provisions of article IV of this chapter have been met:
- (1) Convenience stores with accessory sale of motor vehicle fuels and lubricants.
  - (2) Produce stands. PART II - CODE OF ORDINANCES Chapter 36 ZONING Lake Lure, North Carolina, Code of Ordinances Created: 2022-05-15 12:44:31 [EST] (Supp. No. 1) Page 41 of 157
  - (3) Primary event venue. In issuing a special use permit for a primary event venue, the board of adjustment may impose reasonable conditions, including a maximum number of events per year and a maximum number of attendees which shall be based on the availability of parking, safe ingress and egress, sanitary facilities, potential impacts to adjacent properties and similar site-specific conditions.
  - (4) All new commercial buildings; new building additions with a gross floor area of 1,000 square feet, or more, to an existing commercial building; or any new addition to an existing commercial building where the building facade length, as existing on December 2005, will be increased by more than 50 percent as a result of an addition or multiple additions.
  - (5) Micro-breweries, micro-distilleries, and micro-wineries.
  - (6) Bars.

**Modify Sec. 36-63 (“CTC Commercial Town Center District”) as follows:**

- (d) *Special use permit.* The following uses require a special use permit subject to a finding by the board of adjustment that all applicable provisions of article IV of this chapter have been met:
- (1) Accessory residential event venue. In issuing a special use permit for an accessory residential event venue, the board of adjustment may impose reasonable conditions, including a maximum number of events per year and a maximum number of attendees which shall be based on the availability of parking, safe ingress and egress, sanitary facilities, potential impacts to adjacent properties and similar site-specific conditions.
  - (2) Primary event venue. In issuing a special use permit for a primary event venue, the board of adjustment may impose reasonable conditions, including a maximum number of events per year and a maximum number of attendees which shall be based on the availability of parking, safe ingress and egress, sanitary facilities, potential impacts to adjacent properties and similar site-specific conditions.
  - (3) All new commercial buildings; new building additions with a gross floor area of 1,000 square feet, or more, to an existing commercial building; or any new addition to an existing commercial building where the building facade length, as existing on December 2005, will be increased by more than 50 percent as a result of an addition or multiple additions.
  - (4) Distilleries, regional breweries, and wineries.
  - (5) Bars.

**Modify Sec. 36-64 (“CG Commercial General District”) as follows:**

- (d) *Special use permit.* The following uses require a special use permit subject to a finding by the board of adjustment that all applicable provisions of article IV of this chapter have been met:
- (1) Gasoline service or filling stations, including accessory auto repair in completely enclosed buildings.
  - (2) Produce stands.
  - (3) Automobile and/or boat sales lots for the retail sale of new and used automobiles and/or boats, but excluding wholesale sales lots of any description and vehicle fix-up shops.
  - (4) Outdoor recreational facilities, excluding campgrounds.
  - (5) Planned unit developments.

- (6) All telecommunications tower requirements listed in section 36-72(4).
- (7) Marinas.
- (8) Bars.
- ~~(8)~~ (9) Adult entertainment establishments, provided no such use shall be located on property which lies within:
  - a. 1,000 feet, as directly measured, of any property on which there is any other adult entertainment establishment.
  - b. 1,000 feet, as directly measured, of any property used as a school or place of worship.
  - c. 400 feet, as directly measured, of any property zoned for residential purposes.

**Sec. 64-65. CSC Commercial Shopping District**

- (c) *Special use permit.* The following uses require special use permits subject to a finding by the board of adjustment that all applicable provisions of article IV of this chapter have been met:
  - (1) Garden centers other than in completely enclosed buildings.
  - (2) Bars, ~~taverns, nightclubs, or sale of alcoholic beverages for on-premises consumption.~~
  - (3) Primary event venue. In issuing a special use permit for a primary event venue, the board of adjustment may impose reasonable conditions, including a maximum number of events per year and a maximum number of attendees which shall be based on the availability of parking, safe ingress and egress, sanitary facilities, potential impacts to adjacent properties and similar site-specific

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

**Meeting Date: July 26, 2023**

**SUBJECT:** Parks and Recreation Trust Fund (PARTF) / Boys Camp Road Update

**AGENDA INFORMATION:**

**Item Number:** VIII  
**Department:** Parks, Recreation, and Lake  
**Contact:** Dana Bradley, Parks, Recreation, and Trails Coordinator  
**Presenter:** Dana Bradley, Parks, Recreation, and Trails Coordinator

**BRIEF SUMMARY:**

Considering recent findings in regarding to the guidelines of Parks and Recreation Trust Fund (PARTF) grants, Town staff conducted research to ensure that all PARTF guidelines are being met for all Town projects. In 2019, the Town received a PARTF grant for an acquisition project for Boys Camp Road. At the time of award, the Town had no plans to place a cell tower on that property. Town staff found that cell towers are prohibited by PARTF guidelines for land acquisition. Due to the necessity to constructing the planned cell tower, Town staff has been in the process of requesting approval for a conversion of that portion of the property. In most recent communications, Town staff learned that PARTF administrators are requesting that the .17 acres required for the cell tower be exchanged for an alternative Town location with similar value to be designated for recreation uses following PARTF guidelines. Parks, Recreation, and Trails Coordinator Dana Bradley is in the process of gathering additional information from the Town's contact.

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

**Meeting Date: July 26, 2023**

**SUBJECT:** Review Resolution Supporting Foothills Rural Planning Organization (RPO) Prioritization 7 Submittals

**AGENDA INFORMATION:**

**Item Number:** IX  
**Department:** Administration  
**Contact:** Hank Perkins, Town Manager  
**Presenter:** Hank Perkins, Town Manager

**BRIEF SUMMARY:**

The Foothills RPO are one party actively working to develop comprehensive transportation submittals for the region, including Lake Lure. The purpose of the submittals is to work towards improving all modes of transportation for the region. The Foothills RPO is requesting that the Town of Lake Lure adopt a resolution establishing support submittals to the State Transportation Improvement Program during Prioritization 7.

**ATTACHMENT(S):**

List of Prioritization 7 Projects; Resolution Template Provided by Foothills RPO

## 2023 Prioritization Projects for Foothills RPO

County	Project ID	Holding Tank or CTP	Mode	Category	Route	From	To	Description	Improvement Type	Cost	Impact Score
Polk, Rutherford, Cleveland	H141905	Holding Tank	Highway	Statewide Mobility	US 74	I-26	West terminus of the future Shelby Bypass	Upgrade freeway to interstate standards	17 - Upgrade Freeway to Interstate Standards	\$155,800,000	Statewide: 69.56 Regional: 41.78 Division: 26.71
Polk	P21	CTP	Bike and Ped		Ozone Dr			Add Sidewalk From: Louisiana Ave   To: I-26   0.42 miles From: US 176   To: Louisiana Ave   0.76 miles	Pedestrian		
Polk	P05	CTP	Highway		NC-108	I-26 WB Roundabout	Walker St / Houston Rd	Access Management to relieve congestion and improve mobility along the corridor, particularly around the Food Lion/Weaver St area due to traffic from the number of driveways and type of businesses.	Access Management		
Polk	P11	CTP	Highway		Ozone Dr	Main St (176)	Green River Cove Rd	Modernization: add paved shoulder to improve safety and mobility; add sidewalk from Main St to I-26 EB Ramp.	Modernization		
Polk	P28	CTP	Highway		Houston Rd	Intersection with White Dr		Realign White Dr to improve angle of intersection to improve safety	Intersection		
McDowell	B142019	Holding Tank	Bike and Ped	Division Needs	Sugar Hill Rd	Reid Street		Construct Sidewalk from Reid Street to City Limits (I-40) <b>Note: Comment about extending this to Pilot gas station</b>	7 - Protected Linear Pedestrian Facility	\$1,100,000	Division: 29.98
McDowell	B192890	Holding Tank	Bike and Ped	Division Needs	PeaVine Rail Trail	State Street		Improve rail trail from gravel surface to 10' wide ADA-compliant asphalt surface <b>Note: This project currently looks at the PeaVine Trail from State Street to College Drive. There was a comment about testing another option from State Street to Jacktown Road.</b>	2 - Off-Road/Separated Linear Bicycle Facility	\$1,480,000	Division: 22.40
McDowell	H090846	Holding Tank	Highway	Regional Impact	NC 226	NC 226 Alternate	Blue Ridge Parkway	Modernize roadway by improving to current design standard lane and/or shoulder width. Include climbing lanes where appropriate.	16 - Modernize Roadway	\$135,100,000	Regional: 34.29 Division: 20.39
McDowell	H191390	Holding Tank	Highway	Regional Impact	US 70	ViewPoint Dr	US 70, US 221 Business	Reduce lanes from 5 to 4 lanes with a sidewalk on the east side and a side shared-use path on the west side. <b>Note: Possibility of rolling Bike Ped project (B142006) into this submittal.</b>	24 - Implement Road Diet to Improve Safety	\$22,700,000	Regional: 38.54 Division: 28.65
McDowell	B142006	Holding Tank	Bike and Ped	Division Needs	US-70 / US221B	US 70 (Logan Street)	West McDowell Junior High School Rd	Construct Sidewalk	7 - Protected Linear Pedestrian Facility	\$2,750,000	Division: 29.98
McDowell	M11 (EB-5755)	CTP	Highway		N Main St (US 70 & 221)	New Street	US 70 / Main Street split (north)	Reduce from 5 lanes to 4 (with median); add sidepath to one side, bike lane and sidewalk to other side; improve mobility, safety and multimodal connectivity.	Access Management		
McDowell	M09	CTP	Highway		Bat Cave Rd	Old Fort Sugar Hill Rd	I-40 WB Ramp	Widen to 3 lanes, with center turn lane and curb & gutter to relieve congestion; replace bridge over Catawba River; improve intersection with I-40 ramps & Catawba River Rd; add bike lanes on whole length; sidewalk from Catawba River to I-40 WB Ramp.	Congestion		
McDowell	M15	CTP	Highway		Yancey Rd	Marion Planning Boundary	Lentz Rd	Modernize Roadway: Widen lanes from 8 feet to 11 feet wide to improve mobility, safety and multimodal connectivity; sidepath (Fonta Flora State Trail); in Great Trails State network.	Modernization		
McDowell	M18	CTP	Highway		Reid St & Ashworth Rd	Henderson Street	I-40	Modernize Roadway: Widen lanes from 8 feet to 12 feet wide; add paved shoulder to improve safety and mobility; add sidewalk to both sides on Stroud/Reid Sts from Sugar Hill Rd to Elmer St.	Modernization		
McDowell	M12	CTP	Highway		West Henderson Street	US 221	Burgin Street	Reduce from 4 lanes to 3 (center turn lane) to improve safety and mobility; add sidewalks and bike lanes throughout; multi-use path from US 221 to Railroad St	Access Management		
McDowell / Regional		CTP	Rail		Asheville to Salisbury Passenger Rail restoration	Asheville	Salisbury	Restoration of passenger rail service from Asheville to Salisbury.	Amtrak / Freight route		
Rutherford	B172023	Holding Tank	Bike and Ped	Division Needs	Charlotte Rd	NC 108 (Maple Street)	Yelton Street	Add sidewalks and either on-road or off-road bicycle facilities given cost/constructibility considerations	7 - Protected Linear Pedestrian Facility	\$4,372,000	Division: 31.04
Rutherford	B172047	Holding Tank	Bike and Ped	Division Needs	Edwards Rd	NC 108 (Maple Street)	Forest Hills Circle	Construct sidewalks on Edwards/Ridgecrest from Maple Street to Forest Hills Circle	7 - Protected Linear Pedestrian Facility	\$780,000	Division: 26.57
Rutherford	B192951	Holding Tank	Bike and Ped	Division Needs	McNair Sidewalk	Main Street	Trade Street	Build a sidewalk and close the gap between two existing sidewalks.	7 - Protected Linear Pedestrian Facility	\$410,000	Division: 26.91
Rutherford	H191520	Holding Tank	Highway	Regional Impact	US 74 Business (West Main Street)	Smith Grove Rd	South Church Street	Modernize roadway by removing center turn lane where appropriate, and consolidating driveways. Include bicycle and pedestrian infrastructure, as appropriate.	16 - Modernize Roadway	\$25,900,000	Regional: 33.95 Division: 27.30
Rutherford	H191522	Holding Tank	Highway	Division Needs	Oak Street	Young Street	US 74 Alternate	Modernize the roadway by removing the center turn lane and adding bicycle and pedestrian improvements. Evaluate traffic lights at major intersections	16 - Modernize Roadway	\$27,100,000	Division: 24.98
Rutherford	H191593	Holding Tank	Highway	Regional Impact	US 221 Alternate (South Broadway Street)	US 74	US 74 Business (East Main Street)	Upgrade facility to current design standards.	16 - Modernize Roadway	16,700,000	Regional: 39.68 Division: 32.48
Rutherford	H192646	Holding Tank	Highway	Regional Impact	US 74 Alternate	US 221 Alternate (Charlotte Rd)	US 64, US 74 Alternate	Modernize roadway by improving shoulders and improving intersections.	16 - Modernize Roadway	\$15,600,000	Regional: 40.66 Division: 25.37
Rutherford	R43	CTP	Highway		Rock Rd	Oscar Justice Rd	Broyhill Rd	Modernization: add paved shoulder to improve safety and mobility	Modernization		
Rutherford (Rutherfordton)	A130289	Holding Tank	Aviation	Division Needs	FOD - Rutherford County - Marchman Field: East Airfield Development & Terminal Building	Marchman Airport. The area of influence would cover Rutherford, Polk, and McDowell counties. This is part of the East Airfield Development.		Design and site work to provide a partial parallel taxiway and new apron for larger corporate aircraft parking fueling and hangar development. This project also consists of a terminal building to serve the east side of the airport. (2269, 2920)	1225 - Apron / Helipad: Construction	\$9,123,500	Division: 25.78
Rutherford (Rutherfordton)	A171850	Holding Tank	Aviation	Division Needs	FOD - Rutherford County - Marchman Field: Full Parallel Taxiway	Marchman Field. The area of influence is Rutherford, McDowell, and Polk counties.		Construct a new taxiway with the standard 300' of separation from the Runway (3798)	1125 - Taxiway: Construction	\$13,900,000	Division: 29.74
Rutherford (Rutherfordton)	A192710	Holding Tank	Aviation	Division Needs	FOD - Rutherford County - Marchman Field: Runway 5 Extension to 6,000'	Marchman Field. The area of influence is Rutherford, Polk and McDowell Counties		Extend the runway to 6000' as shown on the current ALP. (includes Project Request Numbers: 3209 )	0530 - Runway Length: Construction	\$6,450,000	Division: 36.13
Rutherford	A130288	Holding Tank	Aviation	Division Needs	FOD - Rutherford County - Marchman Field	FOD - New Terminal Building		This project will consist of a new terminal building near the eastside development area. (includes Project Request Numbers: 2920 )	1305 - General Aviation Terminal Building: New Construction	\$1,620,000	

## **Your unit of local government**

After further discussion and review, upon a motion of \_\_\_\_\_, seconded by \_\_\_\_\_ and, upon being put to a vote, was carried. \_\_\_\_\_, the (Your Board Makeup) approved the following resolution:

***Resolution  
Supporting Foothills RPO Prioritization 7 submittals  
For Your Government, North Carolina***

**WHEREAS**, Your government, the Foothills Rural Planning Organization, and The North Carolina Department of Transportation actively worked to develop comprehensive transportation submittals for Your Government and the Foothills Rural Planning Organization region; and

**WHEREAS**, the the unit of local government, The Foothills Rural Planning Organization, and The North Carolina Department of Transportation are submitting transportation projects in accordance with the North Carolina Strategic Transportation Investments Law; and

**WHEREAS**, unit of local government wishes to improve all modes of transportation for the region; and

**WHEREAS**, after full study of the submittals, unit of local government wishes to support these submittals to the State Transportation Improvement Program during Prioritization 7;

**NOW THEREFORE, BE IT RESOLVED:** that the unit of local government supports these submittals to the State Transportation Improvement Program.

**ADOPTED**, this the date of adoption.

I, clerk name, Clerk to the your government, North Carolina, hereby certify that the foregoing is a true and correct copy of a resolution adopted in an adjourned meeting of said municipality held on date. WITNESS my hand and the official seal of your government this the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(Seal)

\_\_\_\_\_  
Clerk name, Clerk to the Board

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

**Meeting Date: July 26, 2023**

**SUBJECT:** Review Budget Amendment #352 for Lake Lure Flowering Bridge  
Parking Lot

**AGENDA INFORMATION:**

**Item Number:** X  
**Department:** Finance  
**Contact:** Stephen Ford, Finance Director  
**Presenter:** Stephen Ford, Finance Director

**BRIEF SUMMARY:**

Town Council recently approved a request from the Lake Lure Flowering Bridge (LLFB) in regard to assistance with funding for volunteer parking in the amount of \$8,000. Budget Amendment #352 is for the purpose of funding the approved request. This Budget Amendment will be on the August 8<sup>th</sup> regular Town Council meeting agenda for approval.

**ATTACHMENT(S):**

Budget Amendment #352

**FUNDING SOURCE:**

General Fund Balance



**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:** Administration

**Purpose:** To ensure approved funding for the Lake Lure Flowering Bridge Volunteer Parking.

**Section 1.** To amend General Fund (Fund 10), the expenditures are to be changed as follows:

Line Items	Account Number	Amount Decrease	Amount Increase	Amended Budget
501	800000		\$8,000	\$8,000

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

Account Name: Transfer To General  
Account Number: **10-398602 (Fund Balance)**  
Amount: **\$ 8,000**

**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 \_\_\_\_\_, 2023.

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

**Meeting Date: July 26, 2023**

**SUBJECT:** Lake Lure Green Space Updates

**AGENDA INFORMATION:**

**Item Number:** XI  
**Department:** Administration  
**Contact:** Hank Perkins, Town Manager  
**Presenter:** Hank Perkins, Town Manager

**BRIEF SUMMARY:**

Town Manager Hank Perkins will lead discussion in regard to the Lake Lure Green Space including plans for the space needs study related to the Fire Department, master planning, and communications with the interested party who submitted the golf course revitalization proposal. Town staff requests Council input and direction on how to proceed with the future of the Lake Lure Green Space.

**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM  
Meeting Date: July 26, 2023**

**SUBJECT:** Project Manager Updates

**AGENDA INFORMATION:**

**Item Number:** XII  
**Department:** Project Management  
**Contact:** Mike Dydula, Project Manager  
**Presenter:** Mike Dydula, Project Manager

**BRIEF SUMMARY:**

Project Manager Mike Dydula will provide Council with an update in regard to ongoing major projects.

**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM  
Meeting Date: July 26, 2023**

**SUBJECT:** Town Manager Updates

**AGENDA INFORMATION:**

**Item Number:** XIII  
**Department:** Administration  
**Contact:** Hank Perkins, Town Manager  
**Presenter:** Hank Perkins, Town Manager

**BRIEF SUMMARY:**

Town Manager Hank Perkins will provide Council with any updates that are not included on the meeting agenda. Council will also have the opportunity to ask any questions.

**XIV**

**ADJOURNMENT**