

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

Wednesday, September 6, 2023  
8:30 a.m.



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



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**NOTICE OF SPECIAL  
TOWN COUNCIL MEETING**

**Wednesday, September 6, 2023  
8:30 a.m.**

**Lake Lure Municipal Center (Town Hall)**

The Lake Lure Town Council will hold a special meeting on Wednesday, September 6, 2023 at 8:30 a.m. at the Lake Lure Municipal Center (Town Hall). The Lake Lure Municipal Center is located at 2948 Memorial Highway, Lake Lure, NC 28746.

The purpose of this meeting is to address the following items:

- Parks and Recreation Trust Fund (PARTF) / Boys Camp Road
- Dredging Contract Change Order
- Proposal for the Lease of the Former ABC Store Property Located at 2654 Memorial Highway
- Discuss Asset and Inventory Assessment (AIA) Grant for Water Distribution System and Consider Adoption of Resolution No. 23-09-06 for 2023 Fall AIA Grant Application

This notice is issued on the 30<sup>th</sup> day of August, 2023 in accordance with the laws and ordinances of the State of North Carolina and the Town of Lake Lure.

# **TOWN OF LAKE LURE**

## **Town Council Special Meeting**

Wednesday, September 6, 2023 - 8:30 AM

Lake Lure Municipal Center



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## **Agenda**

- I. Call to Order**
- II. Agenda Adoption**
- III. Parks and Recreation Trust Fund (PARTF) / Boys Camp Road - Page 1**
- IV. Dredging Contract Change Order - Page 2**
- V. Proposal for the Lease of the Former ABC Store Property Located at 2654 Memorial Highway - Page 4**
- VI. Discuss Asset and Inventory Assessment (AIA) Grant for Water Distribution System and Consider Adoption of Resolution No. 23-09-06 for 2023 Fall AIA Grant Application - Page 11**
- VII. Adjournment**

**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM  
Meeting Date: September 6, 2023**

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

**AGENDA INFORMATION:**

**Item Number:** III  
**Department:** Parks, Recreation, and Lake  
**Contact:** Hank Perkins, Town Manager  
**Presenter:** Hank Perkins, Town Manager

**BRIEF SUMMARY:**

As previously discussed, Town staff found that cell towers are prohibited by PARTF guidelines for land acquisition. The Town received a PARTF grant for an acquisition project for Boys Camp Road in 2019. At the time of award, the Town had no plans to place a cell tower on the property, but it is now a priority that the Town have the cell tower constructed on the proposed to increase public safety. Town staff has been in frequent contact with PARTF administrators and Town Council discussion is required to determine how to best proceed with options discussed by PARTF administrators.

**ATTACHMENTS:**

Additional materials to be available at the time of the meeting.

**LAKE LURE TOWN COUNCIL  
AGENDA ITEM REQUEST FORM  
Meeting Date: September, 6, 2023**

**SUBJECT:** Dredging Contract Change Order

**AGENDA INFORMATION:**

**Item Number:** IV  
**Department:** Lake Operations  
**Contact:** Hank Perkins, Town Manager  
**Presenter:** Hank Perkins, Town Manager

**BRIEF SUMMARY:**

It has recently been determined that the Town can proceed with dredging operations under the 2018 agreement with Tim Edwards. However, a change order will be required including an increase in pricing and a staff recommended contract extension ending in July 2025.

**ATTACHMENTS:**

Tim Edwards Updated Pricing

**Lake Lure Dredging Project**  
Dredging of the Rocky Broad River  
Town of Lake Lure

Company- Tim Edwards Landscaping Inc.      Date- 8-26-2023

	<u>Quantity</u>	<u>Unit Price</u>	
Item 1-Mobilization/Demobilization	1	4,000.00	
Item2- Hydraulic Dredge		9.00	
Item 3- Dewater/Haul off/Dispose sediment		10.00	
Item 1-Standard excavator w operator	1	125.00	125.00
Item 2-Mini excavator w/operator	1	85.00	85.00
Item 3-Long reach excavator w/operator	1	185.00	185.00
Item 4-Track/tire loader w/operator	1	100.00	100.00
Item 5-Dozer w/operator	1	115.00	115.00
Item 6-Dump truck w/operator 5-10 miles	1	125.00	125.00
Item 7- Dump truck w/operator 15-20 miles	1	125.00	125.00
Item 8- Mobilization items 1-7	1	0	0
Item 9-Hydraulic dredging	1	11.00	11.00
Item 10-Wash/dewater	1	2.00	2.00
Item 11-Haul off dispose sediment	1	6.00	6.00

*Tim Edwards*  
*Tim Edwards*

**LAKE LURE TOWN COUNCIL**  
**AGENDA ITEM REQUEST FORM**  
**Meeting Date: September 6, 2023**

**SUBJECT:** Proposal for the Lease of the Former ABC Store Property Located at 2654 Memorial Highway

**AGENDA INFORMATION:**

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

**BRIEF SUMMARY:**

At the August 16 work session meeting, Town Council reviewed the four proposals that were submitted for the lease of the former ABC Store property located at 2654 Memorial Highway. It was determined that the proposal submitted by Lake Lure Properties was the most satisfactory and best fit for the Town. Town Manager Hank Perkins and Mayor Pro Tem David DiOrio met with Mr. George Wittmer to discuss Lake Lure Properties' proposal. It was during this meeting that Mr. Wittmer had expressed desire to update the proposal to further address the use of the Town's covered boat house slips, to include the use of Pool Creek for a mobile food vendor court, and other more minor details. Lake Lure Properties has provided an updated revised proposal along with necessary clarifications.

**ATTACHMENTS:**

Lake Lure Properties Revised Proposal; Lake Lure Properties Map for Revised Proposal; Lake Lure Properties Proposal Clarifications

**LAKE LURE TOURS, INC**

P.O. BOX 10043

FLEMING ISLAND, FL 32006

A **REVISED** PROPOSAL for the RE-USE of the  
FORMER ABC STORE and TOWN PROPERTY  
addressed at 2654 Memorial Highway and 2662 Memorial Hwy, Lake Lure, NC  
(Parcel #1616937 and Parcel #1616938)

Whereas the Town of Lake Lure (herein Town) is interested in receiving proposals for a second-party's operation and use of the former ABC Store and property; and whereas Lake Lure Tours, Inc. (herein LLT) has interest in re-purposing 2654 Memorial Highway, Rutherford County GIS PIN # 0632878422 / Parcel #1610937 and 2662 Memorial Highway, Rutherford County GIS PIN # 0632876300 / Parcel #1616938, Lake Lure Tours, Inc. is pleased to present the following property use plan, use value proposal, and attached annotated illustration of our proposed site improvements.

Continuously since 2007, LLT has been and remains a financially-sound, mutually-beneficial Concession Agreement partner with the Town of Lake Lure (herein 'the Town'). Hence, in order to further LLT's commitments to and positive fiduciary relationship with the Town, as well as to expand our core business, LLT proposes to re-use the main former ABC Store building (Parcel #1610937), along with use and a kiosk presence at the non-motorized watercraft launch site, and operation and management of the Food Truck Court (both latter being portions of PIN #1610938). [Captioned on the site plan exhibit attached are the areas of LLT's proposed improvements to and operation of a retail & public service business complex.]

**Former ABC Store Building**

LLT's proposed use (by LLT or a responsible teaming partner) of the approximately 3,000-square-foot, former ABC Store building and its immediately-adjacent parking spaces (Parcel #1616937 ) is to remodel as needed, stock, promote, and operate an open-to-the-public retail business operated as an "outdoors store" -- catering to tourists and residents in supplying a wide variety of "outdoors" and related products and supplies including gear, accessories, and related "outdoor" products, targeting recreation and tourism in the form of fishing, hiking & climbing, camping, and lake enjoyment activities.

LLT's goal for the former ABC Store building is a well-stocked, attractive, outdoor-focused retail store. And, in order to affect a viable, quality retail storefront, LLT wishes to team with an experienced, solvent, and successful area outdoor store operator (Adair's Rod and Gun located at Tim Edwards' landscaping business, Hwy 9 & !08, Mill spring, NC) with a proven track record of quality merchandising from an attractive premises, with the teaming partner sub-letting the former store building from Lake Lure Properties. Excluded from store inventory would be firearms.



### **Non-Motorized Watercraft Launch Ramp Area**

Stocked and managed outdoors at the current non-motorized launch site (located on Parcel #1616938), non-motorized and motorized pontoon watercraft rentals and sales. The proposed public non-motorized watercraft operation adjacent to the current launch ramp would be stocked with canoes, kayaks, and stand-up paddleboards (including paddles and required life jackets) additional to and/or currently in inventory for rent by LLT at the waterpark of Lake Lure Beach. Commercial non-motorized permitting of all rental watercraft would remain responsibility of LLT. Information, rentals, and Q/A available from LLT staff at LLT's non-motorized launch ramp area kiosk.

### **Connector Pedestrian Bridge between Beach and Pool Creek Food Court**

LLT will re-place former pedestrian bridge across Pool Creek, connecting East end of Beach with Pool Creek Food Court.

### **Food Truck Court Development and Use**

Given the general appeal of food truck operations, and the need for "non-pre-packaged" concessions for Beach patrons and general public, LLT proposes (at its sole expense) to add additional pole-mounted field lighting, 220V / 50Amp and 115V 30 Amp electrical connections, and potable water taps to provide necessary site illumination, electric and water sources for up to six food vending trailer / trucks within the larger-treed grassy areas currently known as Pool Creek Picnic Park. The Food Court would be accessible by sidewalk pedestrian traffic, vehicle traffic parked on site, and via a replaced walking bridge between Pool Creek Beachhouse #1 and the Food Court (same location as the connecting foot bridge formerly occupied).

LLT would be responsible for permitting, installing, and paying utility use fees associated with the additional grounds lighting, new underground electric (and meter), and water connections (to Town-installed water meter); removal of the current charcoal grills; and provision of new, all-weather tables & seating at each of the large shade trees of the current "Pool Creek Picnic Park."

Additionally, LLT will be responsible for providing , maintaining, and servicing waste collection service vendors, "grey water" collection and disposal, and patron trash receptacles collection and disposal.

### **Current Parking Area Use and Improvements**

Paved and unpaved parking of the site should remain reserved for LLT's business operations -- excepting Sunday mornings. Otherwise, any-time vehicle parking for non-motorized watercraft launchers; parking for patrons of Pool Creek Food Court; and overflow store parking. All parking at the subject site shall be reserved for patrons of the store, local and tourist watercraft launchers, and Food Court patrons.

### **EXCLUSIONS to Operations**

Because the operating business hours (store and other site uses) would include Sundays (10 a.m. opening), LLT nor our outdoor store teaming partner is interested in interrupting the use of the adjacent property and store parking area occupied by Chimney Rock Baptist Church for its seasonal, 9 a.m. Sunday services.

Additionally, the public use of Town-installed permanent iron benches and shoreline fishing access along the grassy lakefront between the non-motorized ramp and the six Town-owned slips would not be impacted by LL Tours' use.

The shared use of the non-motorized launch ramp by residents' or visitors' non-motorized watercraft would not be inhibited by LL Tours' use of the property.

### **Revenue to Town / Lease Payments and Concession Agreement fees**

The former ABC building and its current 11 parking spaces shall be sub-let to an outdoors store operator at the rate of \$3,000/month year-round – payable 100% to Town of Lake Lure.

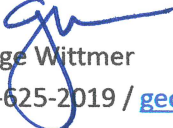
The remainder of Parcel #1616937 (store and parking) and the whole of Parcel #1616938 (lying north of ABC store' parking to and including dry land portion of police dockage and southerly to include current parking for and footprint of Pool Creek Picnic Park, including lease-hold improvements provided by LLT, shall be included as a leased property at the rate of \$2,000/month, year-round, payable 100% to Town of Lake Lure.

Additionally, any and all other revenue to LLT from leases / rentals of food truck space, non-motorized watercraft rentals or sales, motorized watercraft rent fees (if any at the site), or boat slip rents shall be subject to a 15% Concession Agreement fee to be paid by LLT to the Town, monthly.

[OF NOTE: LLT has no interest in changing, reducing, or amending any of the following: Our current operation of the Town's marina building and slips; our retail gift, souvenir, and accessory sales at the Washburn Marina building; our representing the Town in completing Lake Lure watercraft permit sales; our marine gasoline sales; or our motorized pontoon rental or guided lake tour boat business; or our admission-fee-based operation of Lake Lure beach. ]

This proposal is intended (1) to assist the Town in obtaining the highest and best use of Town-owned property; (2) to expand LLT's services to the residents and tourists of Lake Lure; (3) to invigorate Town Center's attractiveness and vitality; and (4) to enlarge LLT's commitment to a quality partnership with the Town of Lake Lure.

Respectfully,  
LAKE LURE TOURS, INC.

  
George Wittmer  
(828-625-2019 / [george@lakelure.com](mailto:george@lakelure.com))



## Hank Perkins

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**From:** George <george@lakelure.com>  
**Sent:** Sunday, August 27, 2023 1:10 PM  
**To:** Hank Perkins  
**Subject:** Your voicemail and questions re: LLT Proposal for use of former ABC Store property(ies)

Hank:

Received your Friday afternoon voice mail, but not until Saturday (was out of pocket through Friday afternoon).

As to LL Tours use of the six slips (two covered; four open) it is our understanding that IF the LLPD boat(s) need to remain in the two-boat-slip, covered boathouse, that that boathouse would remain in use as slips for LLPD, unless and until we could proceed with "Phase 2" of the project. Although, IF the Town were agreeable, LL Tours could provide necessary renovations of the remaining four slips this winter; and, if practical, use those four slips to generate income under a concession agreement (not unlike revenue created by non-motorized watercraft rental / sales; food truck vendor rents; and possibly slip rents from the finger piers at the LL Tours installed "pier" parallel to the beach).

As to public use of the Pool Creek Food Court, our intention is to remove the standing charcoal grills there which are sometimes used for picnicking folks; however, no one would be turned away from or prohibited from entering the Food Court, whether they wished to patronize the food trucks, or not. Foot traffic access to the Food Court would be open to the general public from the existing and expanded parking areas at former ABC Store, non-motorized launch ramp, LLT's kiosk, as well as from the beach via pedestrian bridge over Pool Creek.

Hope this helps. I'll be around most of the day Monday, 28<sup>th</sup> if a phone conversation seems best (oh, wait, I am planning on being at Town Hall for a holiday lights meeting at 1 p.m. on Monday. Maybe see you at that time.

Thanks  
George

**LAKE LURE TOWN COUNCIL**  
**AGENDA ITEM REQUEST FORM**  
**Meeting Date: September 6, 2023**

**SUBJECT:** Discuss Asset and Inventory Assessment (AIA) Grant for Water Distribution System and Consider Adoption of Resolution No. 23-09-06 for 2023 Fall AIA Grant Application

**AGENDA INFORMATION:**

**Item Number:** VI  
**Department:** Water  
**Contact:** Heather Miller, PE, LaBella Associates  
**Presenter:** Hank Perkins, Town Manager

**BRIEF SUMMARY:**

The Town has a need and desire for conducting a study on a project described as an Asset and Inventory Assessment (AIA) of the water distribution system. The AIA study would help the Town become more viable and allow for a more proactive approach to the management and financing of the water distribution system. There is an upcoming fall 2023 application cycle for a state AIA Grant that would fund the Town's study on the AIA of the water distribution system. The Town would need to submit a completed application, fund transfer certification, financial information form, and a resolution adopted by Town Council. Resolution No. 23-09-06 conveys the Town's support and intent to apply for the AIA Grant.

**ATTACHMENTS:**

Resolution No. 23-09-06 for 2023 Fall AIA Grant Application



**RESOLUTION NO. 23-09-06**

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

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

**WHEREAS,** The Town of Lake Lure intends to request State AIA grant assistance for the project.

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

**SECTION ONE.** That the Town of Lake Lure, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

**SECTION TWO.** That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

**SECTION THREE.** That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

**SECTION FOUR.** That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Lake Lure to make a scheduled repayment of the loan, to withhold from the Town of Lake Lure any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

**SECTION FIVE.** That William H. Perkins, Jr, Town Manager, the **Authorized Representative**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above.

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

**SECTION SEVEN.** That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, ordinances, and funding conditions applicable to the project and to Federal and State grants and loans pertaining thereto.

**READ, APPROVED, AND ADOPTED** this the \_\_\_\_\_ day of September 2023, at Lake Lure, North Carolina.

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Carol Pritchett, Mayor

**FORM FOR CERTIFICATION BY THE RECORDING OFFICER**

The undersigned duly qualified and acting Town Clerk of the Town of Lake Lure does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Town of Lake Lure Town Council duly held on the \_\_\_\_\_ day of September 2023; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day of September 2023.

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Olivia Stewman, Town Clerk



**VII**  
**ADJOURNMENT**