MINUTES OF THE SPECIAL JOINT WORKSHOP MEETING OF THE LAKE LURE TOWN COUNCIL AND THE ABC BOARD HELD TUESDAY, FEBRUARY 12, 2019, 3:30 P.M. AT THE LAKE LURE MUNICIPAL CENTER

PRESENT: Mayor Kevin Cooley
Mayor Pro Tem John W. Moore
Commissioner Bob Cameron
Commissioner John Kilby
Commissioner Stephen M. Webber
William Morgan, Jr., Town Attorney
Shannon Baldwin, Town Manager

ABC Board Members Present:
Tony Brodfuhrer, Chairman
MaLee Keller, Board Member
Linda Samarotto, Board Member
Woody Price, Store Manager

ABSENT: N/A

I. CALL TO ORDER

Mayor Kevin Cooley called the meeting to order at 3:32 p.m. and gave the invocation. Council members led the pledge of allegiance.

II. APPROVE THE AGENDA

Commissioner Bob Cameron made a motion to approve the Town Council Special Joint Workshop Meeting Agenda as presented. Commissioner John Kilby seconded and the motion carried 4-0.

III. COMMERCIAL CENTER REDEVELOPMENT DISCUSSION

Mayor Kevin Cooley opened by explaining the details on what has been done with the Commercial Center project thus far. He stated the purpose of the meeting today is to have a detailed discussion with the ABC Board.

Town Manager Shannon Baldwin and Community Development Director Brad Burton presented a presentation on the Commercial Center Redevelopment (attached). Mr. Burton showed Council and the ABC Board members a computer generated rendering of the current site as it relates to the necessary course that trucks making deliveries into the Commercial Center must follow.

Town Manager Shannon Baldwin stated that he spoke with the Lake Lure Ingles Store Manager who pointed out that a market study suggested they pursue a hardware store in the Town. Mr. Baldwin noted that Ace Hardware Stores are connected to some Ingles stores. He stated that he shared with the store manager that the Commercial Center may not be as viable as once thought and discussed a possible option of leasing a space at Ingles for the future ABC Store site. The Ingles Manager stated that he would speak with the corporate office on this matter. Mr. Brodfuhrer questioned if the Town could sell the Commercial Center site and leave the ABC Store where it currently is. Commissioner Webber noted that all options are still being considered. Mr. Brodfuhrer mentioned that the Town receives close to $60,000 a year in rent and distribution from the ABC Store in their existing location and if they leased from Ingles the Town would be losing that revenue. Mr. Price explained that restaurants must purchase alcohol from the closest ABC Store, noting that if they purchase at another store in the County they must continue buying from that store for 12 consecutive months. The boards ensued in discussion regarding possible location sites for the ABC Store.

ADJOURN THE MEETING

With no further business, Commissioner Bob Cameron made a motion to adjourn the joint meeting at 4:30 p.m. Commissioner Stephen Webber seconded and the motion carried 4-0.

ATTEST:

Michelle Jolley

Michelle Jolley,
Town Clerk

Kevin Cooley
Mayor

Council Workshop: Commercial Center Redevelopment —Second Meeting—

February 12, 2019

Lake Lure Town Hall

Shannon Baldwin, Town Manager
Brad L. Burton, Community Development Director

ABC BOARDS/ABC COMMISSION/ABC STORES and more…

How does an ABC Store come into existence?

The Town must hold a referendum, called by the Town Council, on whether to establish a local ABC system to operate an ABC store. A city may hold an ABC store election only if it has at least 1,000 registered voters and the county does not already have an ABC system.

14B NCAC 15A.1203 APPROVAL OF NEW STORES
(a) Notice to Commission.
The opening of any new ABC stores shall not be approved by the Commission unless at least a 30 day notice is given to the Chairman as to the intended location of the store and until a public notice of the intention to open such ABC store has been posted for 30 days at such location.

What is the purpose of an ABC store?

To control alcohol distribution and sales and to generate revenue for the State and the Town.

Who operates and Controls the ABC Store?

The ABC Commission at the State level has general supervisory authority over all local ABC systems. It issues regulations that local boards must follow, conducts mandatory training for local board members, does audits of the board's finances and in some cases may remove local board members and employees.
The Town ABC Board is appointed by Town Council and these appointments are made upon the basis of the prospective members "interest in public affairs, good judgment, knowledge, ability, and good moral character." There are no specific qualifications for the job.

Who operates and Controls the ABC Store? (continued)

Occasionally a Town Council will appoint one of its own members to the Board, or even the manager, town attorney or finance officer—usually in an oversight response to "troubles" in the ABC system. Such appointments are not considered a separate office for the purposes of the state dual-office holding law and are usually temporary until the "troubles" are straightened out. Town Council may remove a board member "for cause" but the statute does not specify what "cause" is; however, GS 18-704 is quite clear as to reasons why the ABC Commission might remove a member <u>OR</u> an employee working for the local Board.

Who owns the current ABC Store property?

The Town of Lake Lure.

Can an ABC Board own its own property or building?

Yes, the local ABC Board can buy and/or lease property.

Can an ABC Store/ABC Board lease their property to generate additional revenue?

14B NCAC 15A .1001 USE OF ABC PROPERTY
Local board members and employees shall not engage in or allow the conduct of any business other than official business on property controlled by the ABC system, including stores, board facilities and warehouses.

Do commercial operations (restaurants, bars, saloons, taverns and juke joints) in the town of Lake Lure/Chimney Rock Village portion of Rutherford County have to buy their liquor from the Lake Lure ABC Store?

Per a telephone conversation with Ms. Sally Bonham, of the NC ABC Commission: A "permitee" requesting to open one of the above establishments in the Town of Lake Lure or proximate area would be instructed to contact the Lake Lure ABC Board, inferring that Board would be the point-of-sale for the permitee's alcoholic beverages.

How close can an ABC Store be to a public school or church?

14B NCAC 15A.1204 NEW STORES PROHIBITED IN CERTAIN AREAS

New stores should not be opened in any area which is principally residential, in "unreasonable proximity" to any church, school or similar institution, in any slum district or other similarly undesirable area or at any location where sufficient parking facilities cannot be made available to avoid traffic congestion.

Examination of Preliminary Plans/Drawings and a Contractor's Estimate

Before we begin examining information compiled from design professionals, the obvious needs to be stated as to the question "what it is going to cost?"

(whatever we define "it" to be)

It is going to cost whatever those bidding on the work are willing to do it for, and what we deem as an amount we will be willing to pay for the work to be performed… (of course).

The "numbers" to be presented here today are a commissioned work product from a NC-licensed contractor *based upon the work* of design professionals also commissioned to assess and represent, via plans and narratives, site and structural project needs.

What is the clear definition of the Commercial Center Project?
What is our goal?

1) Complete renovation of the entire site and the structure located thereon to "shiny and new" status?

2) Repairs to the site immediately needed and complete renovation of the structure located thereon?

3) Repairs to the site immediately needed, repairs immediately needed to the adjoining leased space, and complete renovation of the designated ABC space?

4) Minimum site and structural repairs sufficient for safety & occupancy?

What can be presented today, with the information that we have available, is somewhere in between one of these categories and can be described as:

- Repairs to the site immediately needed and complete renovation of the designated ABC space (only)—plus a new roof and parapet assembly for the entire structure.

Such are as reflected in the site improvement design from Odom Engineering, architectural design and structural oversight pursuant to Brady Trakas Architecture, and mechanical, plumbing, and electrical design/code upfits from The Sims Group. So let's dissect the Maple Leaf Build Budget Proposal:

Maple Leaf

Design & Build Inc

1364 US 221 N HWY
Rutherfordton, NC 28139
Phone (828) 289-6909
bernie.mapleleaf@hotmail.com

TO: Brad Burton

RE: Lake Lure ABC

BUDGET PROPOSAL

Date: December 19, 2018

Approximate costs based on scope of work discussed, and reflected in drawings by Odom Engineering and Brady/Trakas:

1. General Conditions (site costs, rentals, labor, supervision, contingency: 5%)	$53,000.00
2. Existing Conditions (demo, survey)	11,000.00
3. Concrete (sidewalks, curbs, patching)	20,935.00
4. Masonry (brick repair)	3,000.00
5. Metals/Steel	4,200.00
6. Wood, Plastics and composites (framing, casework)	6,000.00
7. Thermal and Moisture Protection (EIFS, insulation)	4,000.00
8. Openings (doors, hardware, overhead door, windows)	8,100.00
9. Finishes (basic vanilla shell: floor, drywall, ceilings)	39,255.00
10. Specialties (ADA, fire extinguishers)	2,700.00
12. Furnishings (by vendor: Turner (FFE))	N/A
13. Metal building systems (roof and parapet)	64,407.00
22. Plumbing for ABC only	8,330.00
23. HVAC for ABC for only	35,745.00
26. Electric for ABC for only	42,950.00
31. Earthwork and Exterior improvements (paving, patching, striping, grading, storm work)	150,548.00
Subtotal:	$ 454,170.00
Contractor Overhead, fees, and insurances: 15%	68,125.00
Total Estimate:	$ 522,295.00

Thanks,

Bernie Dilgert, Project Manager
Maple Leaf Design & Build Inc.

1) General Conditions = $53,000.00
Whatever comes up and contractor's supervisory expenses

I feel this line item is probably on the high side. I believe Dilgert is monetarily conveying here some of the challenges that are present on this site, general examples being:

1) No lay-down area of any size, difficult to mobilize and store equipment, material, spoils—might have to make arrangements to rent other property
2) During site work daily maintenance of US Highway will require rollersweeper or equivalent to clear debris getting on road despite any mud mat employed (can't wash it into the lake!!)
3) Equipment and personnel leaving the site during peak construction might require flaggers/establishment of work zone

The amount is also apparently intended to pay the superintendent and/or his or her assigns.

5% contingency is accurate, though 10% is not uncommon.

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1) Existing Conditions = $11,000.00
aka—what have we "got" and what do we need to "get rid of"

I feel this is number is high. I believe Dilgert is unaware of the amount of interior demolition already performed by town force labor, and his mention of a survey is unnecessary as the Odom plans clearly give a to-scale representation of the topography and structure on site. The big demolition costs will come from the removal of the front sidewalk and retaining walls and other stuff to be removed (C&D tipping fees at landfill are currently $65.00/ton). Is the parking lot asphalt proposed for recycling? I do not know.

2) Concrete = $20,935.00

This number looks high...but. Brady/Trakas plans describe a new 3000 psi concrete sidewalk, 4" thick, 10' wide and approximately 100' in length Odom plans a indicate ≈ 200', 5' wide sidewalk along Memorial Highway and others from the parking area. To establish this sidewalk behind the existing ditchline along Memorial Highway and those sidewalks proposed from above leading to it, *plus* the curbing as proposed for the parking lot, this number might even be a smidge low.

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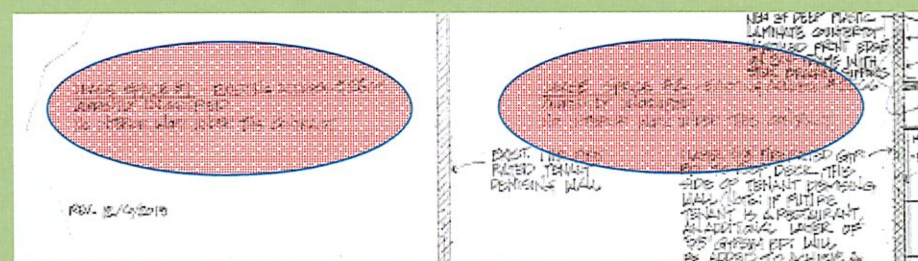
(4-8) Masonry, Metals/Steel, et al. = $25,300 Total

This amount seems appropriate. New interior framing, insulation, new suspended acoustical ceiling, new Overhead Door® and replacement of the teller window are the big cost items in this category

9) Finishes = $39,255.00

This number *seems* high, but it does reflect a complete finished new interior for the ABC facility—floor to ceiling and new gypsum in between. OF NOTE:



These paragraphs (4-9) reflect interior improvements to the ABC space <u>ONLY</u>. Further, and as noted on the plans, should the appropriate occupancy lease the space next door, additional gypsum must be applied to that wall to establish a 2-hour firewall if required (a restaurant occupancy, for example).

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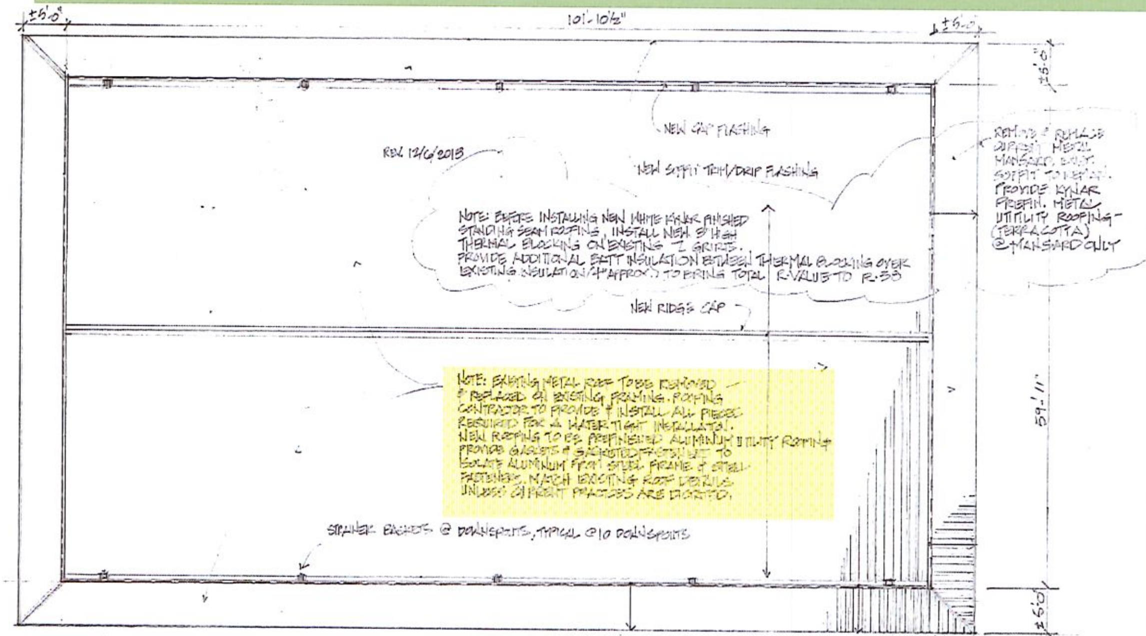
(13) Metal building systems (roof and parapet). = $64,407.00



New roof and parapet "to be removed and replaced on existing framing." Unless the underlying framing system is deficient or incompatible with the new system proposed, this number viscerally to me seems high...

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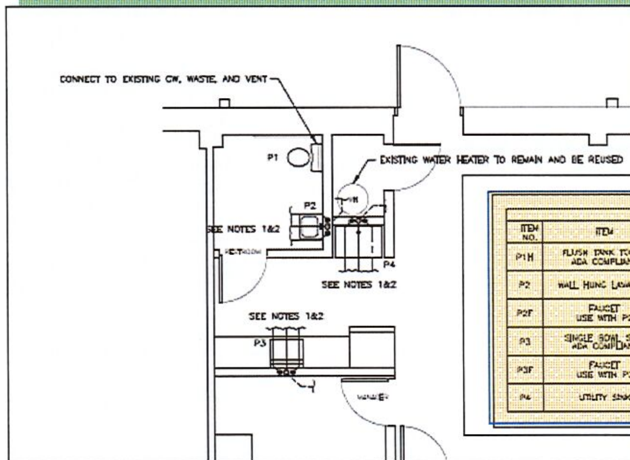
(22-23) Trades: Plumbing, Mechanical, Electrical = $87,025.00
(ABC SPACE ONLY)



PLUMBING FIXTURE SCHEDULE						
ITEM NO.	ITEM	CONNECTION SIZE				DESCRIPTION
		WASTE	VENT	HOT	COLD	
P1H	FLUSH TANK TOILET ADA COMPLIANT	4"	2"		1/2"	ELONGATED, WHITE, VITREOUS CHINA, 1.6 GPF, ADA APPROVED, AMERICAN STANDARD "CADET RIGHT HEIGHT" #2998.012 OPEN FRONT SEAT LESS COVER, CHURCH #9500C
P2	WALL HUNG LAVATORY	2"	2"	1/2"	1/2"	20 1/2x18 1/4, WHITE, VITREOUS CHINA, 4" CENTERS AMERICAN STANDARD "LUCERNE" #0355.012 GRID STRAINER & TAILPIECE, CHICAGO #327-ABP
P2F	FAUCET USE WITH P2					SINGLE HANDLE, CHROME PLATED, AERATOR, ADA APPROVED, TEMPERATURE LIMITING, T&S #B2711
P3	SINGLE BOWL SINK ADA COMPLIANT	2"	2"	1/2"	1/2"	22x19x8 1/2", 18 GA. TYPE 304 S.S., SELF RIMMING, 4 FAUCET HOLES, ELKAY #LRAD221965 S.S. STRAINER & TAILPIECE, ELKAY #LK99
P3F	FAUCET USE WITH P3					CHROME, SWING SPOUT, AERATOR, WING HANDLES, SPRAYER, ELKAY #LKD2325RH5C
P4	UTILITY SINK	2"	2"	1/2"	1/2"	FREE STAND, PROVIDE WITH HARDWARE KIT INCLUDING FAUCET, P-TRAP, SUPPLY LINES, AND LEGS. FIAT #TATI

$8330.00 Plumbing seems high, to me. 6 fixtures?

Mechanical = $35,745.00

It should noted that all ceiling drops for the ductwork, for the ABC space (and the other lease spaces) was removed during demolition by Town force labor. 2 external compressor units & 2 air handlers, new ducts/hangers, and a duct smoke detector+labor. This price seems a bit tall, but not unrealistic.

CENTRAL HEATING AND AIR CONDITIONING EQUIPMENT SCHEDULE — HEAT PUMP																					
	COOLING CAPACITY			HEATING CAPACITY		AUX. HEAT			COMPRESSOR MOTOR			OD FAN MOTOR			BLOWER						
UNIT NO.	TOTAL (BTUH)	SENSIBLE (BTUH)	SEER	TOTAL (BTUH) (AT 17°)	COP	TOTAL (KW)	STEPS	VOLTS /Ø	QTY	FLA (EA)	VOLTS /Ø	QTY	FLA	VOLTS /Ø	QTY FANS MOTORS	CFM TOTAL	OD AIR CFM	ESP	FLA	VOLTS /Ø	DESCRIPTION
AHU-1 HP-1	50,640	43,310	14.2	32,670	2.52	15	2	230/1	1	15.9	230/1	1	1.52	230/1	1	2000	[illegible]	0.6	8.5	230/1	AHU: CARRIER [illegible] - HP: CARRIER [illegible]
AHU-2 HP-2	25,470	21,000	14.2	20,150	2.44	10	1	230/1	1	10.5	230/1	1	1.42	230/1	1	1000	130	0.6	4.5	230/1	AHU: CARRIER [illegible] - HP: CARRIER [illegible]

NOTES:

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Electrical = $42,950.00

No fixture/component schedule provided, just a plan-view sheet entitled E-1 showing "power" and "lighting" (wiring diagrams). Scope of electrical work required is not comprehensively defined in this proposal and tough to gauge as to accuracy.

Earthwork and Exterior Improvements = $150,548.00

Site work necessary to address subterranean live water and repair the pipe currently processing that water. Additional new drainage features and piping as per the Odom design, including downspout piping from building. Removal of retaining wall, feathering slope back away from Memorial Highway. Preparing sidewalk area behind ditchline along Memorial Highway. Grading for new parking lot area, installation of curb inlets and junction boxes as designed. Paving and striping of the new parking area.

This aspect of the project shall disrupt the entire site and, contingent upon the weather, go on for a while.

This estimate is probably reasonably accurate, considering amount of work necessary and equipment to be mobilized.

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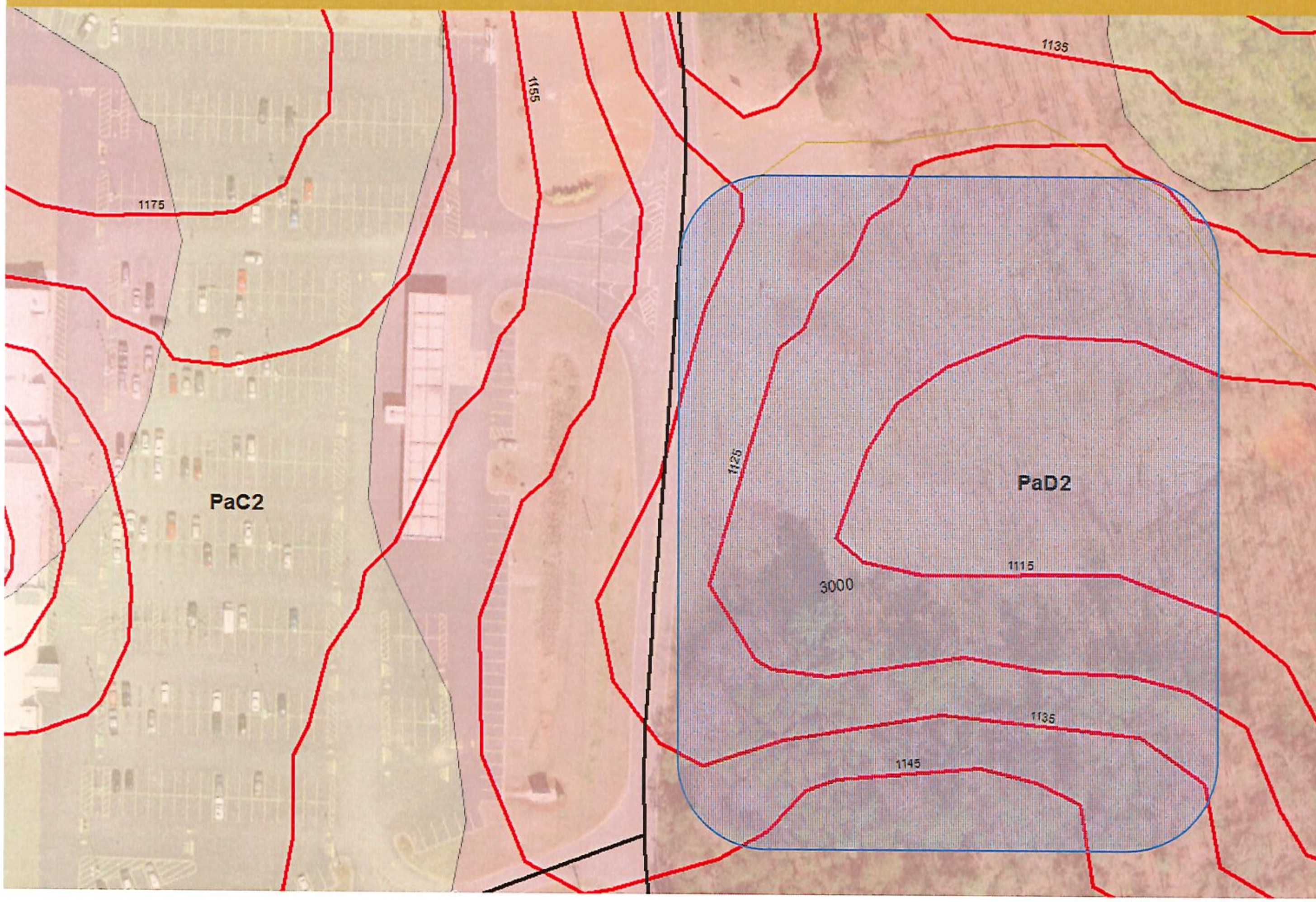
Town-owned Property on NC-9, across from Ingles

Lake Lure Town Council Directives to Community Development Director on 01-29-2019:

1) Prepare to send RFP's for the project(s) [also Welcome Center] requesting bids for "each and both" and specifying alternate deduct bids are accepted and encouraged.
2) Look at Town-owned property on Hwy 9 for suitability for construction.
3) Query local realtors as to "as-is" value of Commercial Center.

Soils and Topography—**PaD2—Pacolet sandy clay loam**



Soil Properties and Qualities
Depth class: Very deep
Drainage class: Well drained

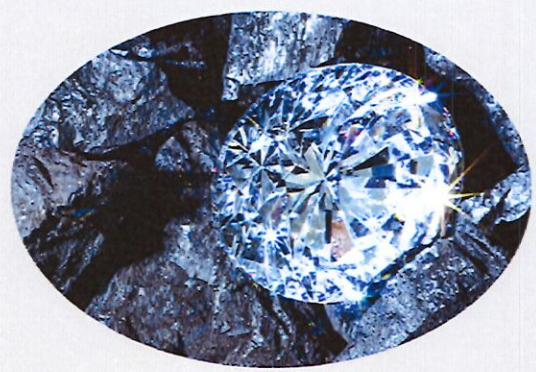
Urban Development

Dwellings
Suitability: Poorly suited
Management concerns: Slope
Management measures and considerations:

- Sites should be selected in areas where the slope is least restrictive to construction and equipment use.
- Designing structures so that they conform to the natural slope helps to overcome the slope limitation.

Three Potential Building Sizes Very Close to Scale

or



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