

MINUTES OF REGULAR MEETING OF
BOARD OF COMMISSIONERS OF THE TOWN OF LAKE LURE
TUESDAY, FEBRUARY 13, 1973

The regular meeting of the Board of Commissioners was held in the Town Hall at 7:30 o'clock, P. M. on February 13, 1973. The following members of the board were present: J. Paul Wilson, Mayor; and Zeb V. Dalton, Commissioner; Avery T. Cashion, Jr., Commissioner, was absent due to illness. Hollis M. Owens, Jr., Attorney for the Town, was present.

Mayor Wilson presided and called the meeting to order. The minutes of the last meeting were read and approved as written.

Mayor Wilson recognized Mrs. Mary Nesbitt, resident of Lake Lure. She asked whether there was any ordinance of the Town of Lake Lure regulating the building of streets and roads by real estate developers and requiring builders to have permits before beginning new construction. She was advised that at present the Town of Lake Lure has no such ordinance. Mrs. Nesbitt felt the Town should have such an ordinance. She also advised that Cane Creek Drive is in bad condition and expressed the opinion that it should be closed until repairs can be made.

Mayor Wilson recognized Mr. and Mrs. J. V. Bell, residents of Lake Lure, who asked the Board to request the North Carolina State Highway Patrol to station a highway patrolman within the Town of Lake Lure.

Mayor Wilson reported to the Board that tentative plans are being made for a welcome home celebration for Lt. Col. Arthur Ballard who has been a prisoner of war in Viet Nam and is expected to be released in the near future.

Chief of Police Gene L. Lovell and Mr. Don Cothran reported on their recent trip to the Criminal Justice Planning Agency Convention in New Orleans and advised the Board of some of the requirements for organizing and conducting a Junior Police Organization.

The Clerk presented the Board a bill submitted by Mallonee Surveying, Inc. in the amount of \$1,017.50 for surveying work on Allen Drive and Cane Creek Drive. Commissioner Dalton moved, seconded by Mayor Wilson, that this bill be approved for payment. This motion was unanimously adopted.

The Clerk advised the Board that the Town of Lake Lure has been donating the sum of \$100.00 per year to the Rutherford County Health Department and that the Town has been requested to increase this amount to \$200.00 per year. Commissioner Dalton moved, seconded by Mayor Wilson that the annual donation by the Town of Lake Lure to the Rutherford County Health Department be increased to \$200.00. This motion was unanimously adopted.

Mr. W. R. Hackett, Jr. and Lawrence R. Phillips, residents of Lake Lure, asked for the Board's approval of a petition requesting the introduction of legislation authorizing an election to be held in Lake Lure on the establishment of an A.B.C. Store. They were advised to get a petition signed by 25% of the registered voters of Lake Lure and to present said petition to the Board.

Mayor Wilson asked the Town Attorney to check to see if there are restrictions preventing the use of the property on which the old Lake Lure School Building is located for commercial purposes.

Mayor Wilson reported to the Board the receipt of a written offer from Cane Creek Baptist Church to pay to the Town of Lake Lure the sum of \$100.00 for a certain tract of land owned by the Town of Lake Lure and that said Cane Creek Baptist Church has deposited with the Clerk, five per cent (5%) in cash, of its offer. After discussion, Commissioner Dalton moved, seconded by Mayor Wilson, that the following resolution be adopted:

WHEREAS, the Town of Lake Lure is the owner of that certain tract of land hereinafter described by metes and bounds as follows:

Situate, lying and being in Chimney Rock Township, Rutherford County, North Carolina, within the corporate limits of the Town of Lake Lure and being a part of a 259 acre tract of land known as the "Lake Lure Golf Course Tract" which is shown on a plat entitled "Lake Lure Golf Course, Lake Lure, N. C. as conveyed by Lureland Realty Corporation to the Town of Lake Lure, Rutherford County, N. C.," and of record in Plat Book 2 at page 28, Rutherford County Registry, said tract having been conveyed by Lureland Realty Corporation to the Town of Lake Lure by deed dated July 28, 1932, and of record in Deed Book 153 at page 356 and following, Rutherford County Registry, and bounded on the West by the Eastern edge of the right of way of U. S. Highway No. 9 and on the North, East and South by the remaining lands of the Town of Lake Lure, and being hereinafter more particularly described by metes and bounds according to a survey and map thereof made by Charles W. Smith, Surveyor, on January 4, 1973, as follows:

BEGINNING on an iron pin, said iron pin being a new corner located North 78 deg. 23 min. East 57.76 feet from the stake which is the southeast corner of a 2.22 acre tract of land owned by Cane Creek Baptist Church, and running thence a new line South 62 deg. 25 min. West 620.46 feet to a locust stake in the Eastern edge of the right of way of U. S. Highway No. 9, another new corner; thence with the said eastern edge of said right of way two calls as follows: North 12 deg. 30 min. West 373 feet to a locust hub, another new corner, and North 11 deg. 30 min. West 186 feet to an iron stake, another new corner; thence another new line South 87 deg. 17 min. East 681.91 feet to an iron pin, another new corner; thence South 3 deg. 21 min. West 227.33 feet back to the point and place of the Beginning.

Saving and Excepting, however, from the land above described a tract of land owned by the Cane Creek Baptist Church containing 2.22 acres and shown as an inside holding on the plat of the Lake Lure Golf Course tract hereinabove referred to, and more particularly described as follows:

BEGINNING on a planted stone located North 2 deg. 37 min. East 859.4 feet from the beginning corner of the Lake Lure Golf Course Tract, and runs thence North 3 deg. 25 min. East 200.3 feet to a planted stone; thence South 88 deg. 58 min. East 478 feet to a stake; thence South 0 deg. 29 min. West 200 feet to a stake; thence North 88 deg. 58 min. West 488.2 feet to the place of the Beginning.

WHEREAS, the property hereinabove described completely surrounds the property owned by the Cane Creek Baptist Church and is needed by said Church for parking and for access to the property now owned by said Church; and

WHEREAS, the property hereinabove described is not needed for any public purpose by the Town of Lake Lure; and

WHEREAS, the Cane Creek Baptist Church has submitted a written offer to pay to the Town of Lake Lure the sum of \$100.00, in cash, for said property and has deposited five per cent (5%) of its offer, in cash, with the Clerk.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

(1) That the Town Clerk be and she is hereby authorized, ordered and instructed to advertise the offer received from the Cane Creek Baptist Church for upset bids pursuant to the provisions and authority of North Carolina General Statutes 160A-266 and 160A-269, and this resolution.

(2) That after advertisement for upset bids as aforesaid, if the said bid so advertised is raised within the time allowed by law, the Town Clerk is hereby authorized, ordered and instructed to readvertise said offer at the increased bid and to report said advertising procedure until no further qualifying upset bids are received, at which time the Town of Lake Lure may accept the highest offer and sell the property hereinabove described in this resolution to the highest bidder for cash.

(3) That in the event the property hereinabove described is sold, said sale will be on the following terms and conditions:

(a) The said property will be sold to the highest bidder for cash.

(b) The Town of Lake Lure expressly reserves the right, at any time, to reject any and all offers.

The following Commissioners voted in the affirmative:

J. Paul Wilson, Mayor

Zeb V. Dalton, Commissioner

The following commissioners voted in the negative:

None

The Clerk called the Board's attention to the fact that the Board has previously passed a resolution whereby the Town of Lake Lure elected to conduct its own elections and advised the Board of the necessity to appoint an interim board of elections and to adopt one of the methods provided for in North Carolina General Statute 163-288(c) as the registration system for the Town of Lake Lure. After discussion, Commissioner Dalton moved, seconded by Mayor Wilson, that the following resolution be adopted:

Whereas, at its regular meeting held on December 14, 1971, the Board of Commissioners of the Town of Lake Lure passed a resolution whereby the Town of Lake Lure elected to conduct its own elections, and

Whereas, municipal elections in the Town of Lake Lure are non-partisan and decided by simple plurality, and

Whereas, the Board still feels that the Town of Lake Lure should conduct its own election and appoint an interim board of elections.

NOW, THEREFORE, BE IT RESOLVED:

1. That pursuant to North Carolina General Statute, 163-285, the Town of Lake Lure hereby elects to conduct its own municipal elections and therefore to appoint a municipal board of elections.

2. That pursuant to North Carolina General Statute, 163-288(c) the Town of Lake Lure hereby elects and adopts Method C as its registration system.

3. That J. Paul Wilson, Mayor of the Town of Lake Lure, be and he is hereby authorized and directed to write the North Carolina State Board of Elections requesting authority for the Board of Commissioners of the Town of Lake Lure to appoint an interim board of elections.

The following commissioners voted in the affirmative:

J. Paul Wilson, Mayor
Zeb V. Dalton, Commissioner.

The following commissioners voted in the negative:

None

There being no further business, the meeting adjourned at 10:00 o'clock P. M.


Town Clerk

Mayor