

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, JANUARY 12, 2010, 7:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

PRESENT: Mayor Bob Keith
Commissioner Mary Ann Dotson
Commissioner Wayne Hyatt
Commissioner John W. Moore
Commissioner Linda Turner

Christopher Braund, Town Manager
J. Christopher Callahan, Town Attorney

ABSENT: N/A

CALL TO ORDER

Mayor Keith called the meeting to order at 7:00 p.m.

INVOCATION

Attorney Callahan gave the invocation.

APPROVE THE AGENDA

After discussion, Commissioner Dotson made a motion to approve the agenda as amended moving item 6 to be heard before item 4. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

PRESENT AN AWARD OF APPRECIATION TO ANTHONY BRODFUHRER FOR NOTABLE CONTRIBUTIONS TO THE TOWN OF LAKE LURE AND THE ZONING/PLANNING BOARD
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Mayor Keith presented an award of appreciation to Anthony Brodfuhrer for notable contributions to the Town of Lake Lure and the Zoning/Planning Board. Mr. Brodfuhrer served on the Zoning/Planning Board from June, 1998 until December, 2009.

Zoning/Planning Board Chairman Dick Washburn, Council members and the Town Manager expressed their appreciation to Mr. Brodfuhrer on behalf of the town.

PUBLIC HEARING - TOWN OF LAKE LURE NORTHERN PARKLAND ACQUISITION PARTF (STATE OF NORTH CAROLINA PARKS AND RECREATION TRUST FUND) GRANT APPLICATION; BRIEF PRESENTATION WILL BE GIVEN BY THE CAROLINA MOUNTAIN LAND CONSERVANCY REGARDING THE PROJECT OUTLINED IN THE PARTF GRANT APPLICATION; COMMENTS FROM ED DITTMER ON BEHALF OF THE PARKS/RECREATION BOARD

Mayor Bob Keith opened the public hearing to receive comments on the Town of Lake Lure's grant application to the Park and Recreation Trust Fund for the acquisition of northern parkland.

Town Manager Chris Braund gave a brief overview and answered questions with regards to the grant application.

Executive Director Kieran Roe and Land Program Associate Rebekah Robinson representatives of the Carolina Mountain Land Conservancy showed a power point presentation and answered questions pertaining to the Town of Lake Lure's application to the Park and Recreation Trust Fund for the acquisition of new parkland that will provide residents with expanded recreational opportunities including: hiking, picnicking, bird watching, horseback riding, mountain biking, and bouldering. (A copy of the power point presentation by the Carolina Mountain Land Conservancy is attached and made part of the minutes).

Chairman Ed Dittmer spoke on behalf of the Parks/Recreation Board expressing their support of the grant application.

Mayor Bob Keith invited citizens to speak during the public hearing. Bob Wald (resident of Chimney Rock and Lake Lure property owner), Barbara Meliski (Mayor of Chimney Rock), and Bill Bush (resident of Lake Lure Village Resort) spoke in favor of the town pursuing the grant application for the acquisition of new parkland. Mr. Wald stated that this acquisition would help boost the economy. Several citizens in the audience showed their support by applauding.

After discussion, Commissioner Turner made a motion to close the public hearing. Commissioner Moore seconded the motion and the vote of approval was unanimous.

CONSIDER APPROVAL AUTHORIZING THE TOWN MANAGER TO APPLY FOR THE NORTH CAROLINA PARKS AND RECREATION TRUST FUND (PARTF) 2009-2010 GRANT ON BEHALF OF THE TOWN OF LAKE LURE; ALSO, AUTHORIZE THE TOWN MANAGER, MAYOR, AND THE TOWN CLERK TO SIGN DOCUMENTS PERTAINING TO THIS GRANT

Public notices were duly given and published in the Forest City Daily Courier newspaper.

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After discussion, Commissioner Turner made a motion to authorize the town manager to apply for the North Carolina Parks and Recreation Trust Fund (PARTF) 2009-2010 grant on behalf of the Town of Lake Lure. Also, authorize the town manager, mayor, and the town clerk to sign documents pertaining to this grant. Commissioner Moore seconded the motion and the vote of approval was unanimous.

PUBLIC FORUM

Mayor Keith invited the audience to speak on any non-agenda item and/or consent agenda topics and Conrad Gonzalez requested to speak. Mr. Gonzalez made an announcement about employment opportunities being available with the United States Census Bureau for the 2010 census. He made brochures available to those who were interested.

STAFF REPORTS

Town Manager Christopher Braund read into the record the town manager's report dated January 12, 2010. (Copy of the town manager's report is attached).

COUNCIL LIAISON REPORTS & COMMENTS

Commissioner Turner reported on the activities of the Parks and Recreation Board and the Golf Course Committee. She mentioned that there were damaged lights at the town's board walk due to vandalism. Commissioner Turner briefly spoke about a geese management program being considered for Lake Lure.

Commissioner Moore reported on the activities of the Zoning/Planning Board.

Commissioner Dotson reported on the activities of the Lake Advisory Board and the Lake Lure ABC Board.

Commissioner Hyatt reported on the activities of the Board of Adjustment/Lake Structures Appeals Board. Mr. Hyatt thanked Commissioner Moore for attending a BOA/LSA board meeting for him during his absence.

CONSENT AGENDA

Mayor Keith presented the consent agenda and asked if any item should be removed before calling for action.

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Commissioner Turner moved, seconded by Commissioner Hyatt, to approve the consent agenda items as presented. Therefore, the consent agenda, incorporating the following items were unanimously approved:

- a. minutes of the December 8, 2009 (regular meeting), and December 10, 2009 (recessed regular meeting from December 8, 2009 to December 10, 2009 and closed session).

End of Consent Agenda.

<p style="text-align: center;">UNFINISHED BUSINESS a. OTHER UNFINISHED BUSINESS</p>

There was no other unfinished business.

<p style="text-align: center;">NEW BUSINESS: a. CONSIDER A PLANNING PROJECT REQUEST FOR THE ZONING AND PLANNING BOARD TO REVIEW ORDINANCE NO. 09-10-13C (RESIDENTIAL VACATION RENTAL REGULATIONS) IN LIGHT OF THE EXISTING HOSPITALITY COMMERCIAL USES AND MAKE RECOMMENDATIONS TO TOWN COUNCIL</p>

Community Development Director Shannon Baldwin reviewed his memorandum dated January 6, 2010 addressed to town council regarding a planning project request for the Zoning and Planning Board to review. (A copy of the memorandum from Shannon Baldwin is attached.)

After discussion, Commissioner Turner made a motion to approve the planning project request as outlined in the memorandum from Shannon Baldwin dated January 6, 2010, for the Zoning and Planning Board to review Ordinance No. 09-10-13C (Residential Vacation Rental Regulations) in light of the existing hospitality commercial uses and make recommendations to Town Council. Commissioner Moore seconded the motion and the vote of approval was unanimous.

<p style="text-align: center;">NEW BUSINESS: b. CONSIDER A PLANNING PROJECT REQUEST FOR THE ZONING AND PLANNING BOARD TO REVIEW THE STANDARDS FOR COMMERCIAL CONSTRUCTION AND MAKE RECOMMENDATIONS TO TOWN COUNCIL</p>
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Community Development Director Shannon Baldwin reviewed his memorandum dated January 6, 2010 addressed to town council regarding a planning project request for the Zoning and Planning Board to review. (A copy the memorandum from Shannon Baldwin is attached.)

After discussion, Commissioner Hyatt made a motion to approve the planning project request as outlined in the memorandum from Shannon Baldwin dated January 6, 2010, for the Zoning and

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Planning Board to review the standards for commercial construction and make recommendations to Town Council. Commissioner Turner seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

c. CONSIDER APPROVAL OF GOLF COURSE RENOVATION AGREEMENT BETWEEN THE TOWN OF LAKE LURE AND COURSE DOCTORS, INC. OF FLAT ROCK NORTH CAROLINA AND APPROVAL OF PROMISSORY NOTE; ALSO, AUTHORIZE THE TOWN MANAGER, MAYOR, AND THE TOWN CLERK TO SIGN THESE DOCUMENTS

Town Attorney Callahan advised town council members on issues with the proposed renovation agreement and proposed lease agreement with Course Doctors, Inc. Mr. Callahan informed Council members that he had spoken with Frayda Bluestein at the Institute of Government about the current proposal of two separate documents: (1) a five year lease and (2) a construction agreement secured by a \$200,000 Promissory Note and Deed of Trust would require Local Government Commission approval pursuant to general statute requirements. This approval process could add 60-90 days or more to the process, which would cause the town to miss the Winter/Spring window for course renovations. Mr. Callahan said the town can streamline this process by using one contract to cover both the repairs to the golf course and the operating lease. Also, to remove the deed of trust as a security instrument. Additionally, the term of the lease should not extend beyond ten years (an initial five year term and one five-year extension option). The town manager, Mr. Callahan and representatives from the Course Doctors, Inc. agreed to work together to revise the contract accordingly and to bring it back to the Council for review in a scheduled special meeting.

After discussion, Commissioner Turner made a motion to approve a short-term agreement between the Town of Lake Lure and the Course Doctors, Inc. of Flat Rock North Carolina as prepared by the town attorney including a stipulation in the agreement not to exceed expenditures of \$75,000 on the Lake Lure Municipal golf course property. Also, authorize the town manager, mayor, and the town clerk to sign this agreement. Commissioner Dotson seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

d. CONSIDER ADOPTING RESOLUTION NO. 10-01-12 REGARDING INTENT TO LEASE THE LAKE LURE MUNICIPAL GOLF COURSE PROPERTY

After discussion, Commissioner Turner made a motion to adopt the following Resolution No. 10-01-12 as amended. Commissioner Dotson seconded the motion and vote of approval was unanimous.

RESOLUTION NO. 10-01-12

Resolution of Intent to Lease Property

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WHEREAS, the Town Council of the Town of Lake Lure has determined that the real property of the town described below will not be needed by the town for maximum terms of lease, not exceed ten years;

LAKE LURE GOLF COURSE TRACT

Lying and being in Chimney Rock Township, Rutherford County, State of North Carolina, and bounded and more particularly described as follows:

BEGINNING on a stone at a small cliff of rock the Northwest corner of what was originally the L.R. Wilson Fifty Acre Tract, and the Southeast corner of what was originally the B. Ledbetter 2.28 Acre Tract, said stone being located approximately 60 feet west of the center of State Highway No. 192, known as the Mill Springs Road, and running thence with the Southern Boundary of the B.L. Ledbetter 2.28 Acre Tract and the Southern boundary of what was formerly the W. W. Wilson Thirty-Four Acre Tract, North 85 deg. 42 min. West 452.5 feet to a stake in the same; thence North 4 deg. 18 min. East 748.8 feet to a stake; thence North 55 deg. 34 min. East 227 feet to a stake in the center of the afore-mentioned Mill Springs Road, said road having a right of way of sixty feet; thence with the center line of said road and right of way the following courses and distances: North 30 deg. 41 min. West 123.1 feet to a stake; North 26 deg. 50 min. West 200 feet to a stake; North 12 deg. 44 min. West 100 feet to a stake; North 4 deg. 48 min. East 100 feet to a stake North 20 deg. 42 min. East 100 feet to a stake; North 34 deg. 86 min. East 100 feet to a stake; North 40 deg. 39 min. East 300 feet to a stake; North 36 deg. 20 min East 100 feet to a stake; in the center of same; thence leaving said center line of said road and right of way, North 80 deg. 05 min. East 193.7 feet to a large pine; thence North 5 deg. 13 min. East 244 feet to a stake; thence North 59 deg. 30 min. East 1615 feet to a stake; thence North 34 deg. 45 min. East 243.9 feet to a stake in the Eastern margin of the 66 foot right of way for State Highway No. 20; thence with said margin of said right of way North 26 deg. 04 min. East 288 feet to a stake; thence crossing said highway and right of way, North 63 deg. 52 min. West 132.6 feet to a stake; thence North 6 deg. 31 min. West 193.7 feet to a stake; thence North 11 deg. 06 min. West 236 feet to a stake; thence North 25 deg. 49 min. East 420.9 feet to a stake; thence North 36 deg. 13 min. East 116 feet to a stake; thence North 14 deg. 24 min. East 99.3 feet to a stake; thence North 7 deg. 49 min. West 153.9 feet to a stake; thence North 3 deg. 5 min. West 126.2 feet to a stake; North 3 deg. 15 min. West 225.3 feet to a stake; thence North 2 deg. 23 min. West 140.4 feet to a stake; thence North 26 deg. 29 min West 186 feet to a stake in the center of the sixty foot right of way hereby reserved by the parties of the first part; thence with the center line of said right of way North 25 deg. 52 min. East 267.45 feet to a stake in the same at the intersection of said sixty foot right of way with the center line of a forty foot road or street hereinafter referred to; thence continuing North 25 deg. 52 min. East and with the center line of a forty foot right of way, a distance of 130.85 feet to a stake; thence continuing with said forty foot right of way South 83 deg. 53 min. East 601.5 feet to a stake in the same; thence leaving said right of way South 76 deg. 40 min. East crossing the center line of said State Highway No. 20 at 451.6 feet a total distance of 670 feet to a stake on the side of the hill; thence South 21 deg. 53 min. West 418 feet to a stake; thence South 2 deg. West 990 feet to a stake; thence South 18 deg.

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West 1450 feet to a stake; thence South 48 deg. 8 min. West 709.8 feet to a stake; thence South 57 deg. 16 min. West 215.9 feet to a stake; thence South 14 deg. 16 min. East 315 feet to a stake; thence South 16 deg. 16 min. West 224.3 feet to a stake; thence North 85 deg. 17 min East 363 feet to a six inch pine, a corner of the West Boundary of the B. E. Haynes property and the Eastern boundary of the property formerly belonging to Chimney Rock Mountains Incorporated; thence with the dividing line between the properties formerly belonging to Chimney Rock Mountains Incorporated and the property of B.E. Haynes, the following courses and distances; South 87 deg. 23 min. East 145 feet to an oak stump; South 14 deg. 21 min. West 339.85 feet to a locust stake by a white oak; North 63 deg. 7 min. West 124 feet to a pine stump; thence South 1 deg. 43 min. West 2198.25 feet to a stake; thence South 8 deg. East 247 feet to a stake; thence South 2 deg. 3 min. West 219.85 feet to a stake in the same; thence South 80 deg. 47 min. West 443.4 feet to a stake; thence North 73 deg. 57 min. West 514.2 feet to a stake; thence North 6 deg. 16 min. East 411.6 feet to a stake on the south side of a branch; thence North 73 deg. 1 min. West 370.3 feet to a stake; thence South 77 deg. 48 min. West 499.8 feet to a persimmon on the South side of a small branch; thence North 7 deg. 14 min. East 260.1 feet to a stake; thence North 89 deg. 49 min. West 525.5 feet to a stake in a maple stump 48 feet east of the center of the aforementioned Mills Springs Road; thence North 4 deg. 38 min. East crossing the center of the said Mills Springs Road at 420 feet, a total distance of 613.7 feet to the point of BEGINNING, and containing 259.00 acres, exclusive of reservations, rights of way, and the 2.22 acre Tract belonging to Cane Creek Baptist Church, herein reserved and excepted, excepting and reserving from said tract above described the said Baptist Church lot, which is 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 Golf Course Tract, and runs thence North 3 deg. 25 min. East 200.3 feet to a planted stone; thence South 98 deg. 58 min. East 478 feet to a stake; thence South 0 deg. 29 min. West 200.00 feet to a stake; thence North 88 deg. 58 min. West 488.2 feet to the place of BEGINNING, and containing 2.22 acres; and excepting and reserving also a forty foot road or right of way previously constructed and used as a detour for traffic during the construction of State Highway No. 20, and leaving said State Highway No. 20 approximately 475 feet in a Southern direction from its intersection with the Northern boundary of the above mentioned Golf Course Tract, and running in a westerly direction approximately 1040 feet to its intersection with a sixty foot right of way as mentioned in the description of the Golf Course Tract, said intersection being located South 25 deg. 52 min. West 130.35 feet from the Northwest corner of said Golf Course Tract, said Golf Course Tract being shown on a plat made from a survey by B. B. Bible in the month of June, 1932, said plat being duly recorded in the office of the Register of Deeds for Rutherford County, North Carolina, in Plat Book 2, page 28.

THE CLUB HOUSE TRACT

Being the 2.81-Acre Tract adjoining the Western boundary of the Golf Course Tract and near the Northwest corner of said Golf Course Tract, and designated as the Club House Tract on a plat of Lake Lure Golf Course made from a survey by B. B. Bible in the month of June, 1932, said plat being duly recorded in the office of the Register of Deeds for Rutherford County, North Carolina in Plat Book 2, page 28, and bounded and more particularly described as follows:

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BEGINNING at a stake at the intersection of the center line of a sixty foot right of way with the center line of a forty foot road and right of way, said stake and intersection being located South 25 deg. 52 min. West 130.85 feet from the Northwest corner of the above mentioned Golf Course tract; and running thence with the center line of said 40 foot road and right of way, North 52 deg. 27 min. West 123 feet to a stake in the same; thence leaving said road and right of way South 54 deg. 11 min. West 162.5 feet to a stake; thence South 61 deg. 57 min. West 213.7 feet to a stake; thence South 86 deg. 30 min. West 101.5 feet to a stake; thence North 83 deg. 41 min. West 161.1 feet to a stake; thence South 89 deg. 22 min. West 233 feet to a ten inch point; thence South 31 deg. 00 min. West 12 feet more or less to contour 992 feet above sea level as located by the engineers for Chimney Rock Mountains Incorporated, from United States Geological Survey data; thence with said contour 992 feet above sea level in an Easterly, Southerly and Westerly direction a distance of 297 feet more or less to a point in the same; thence South 15 deg. 00 min. West 6 feet more or less to a ten inch white oak; thence South 61 deg. 20 min. East 51.4 feet to a stake; thence North 84 deg. 41 min. East 141.8 feet to a stake; thence South 79 deg. 48 min. East 289.4 feet to a stake; thence South 88 deg. 24 min. East 248 feet to a stake; thence North 79 deg. 33 min. East 78.9 feet to a stake in the center line of the 60 foot right of way; thence with the center line of said right of way, North 25 deg. 52 min. East 267.45 feet to the place of BEGINNING, and containing 2.81 acres, be the same more or less; reserving, however, to the parties or the first part, its successors and assigns, the right of ingress and egress over any portion of the above described Club House Tract, and the further right to lay out, construct and maintain a forty (40) foot street or road across any portion of said tract lying West of the line parallel to the Eastern boundary or the above described Club House Tract and located 200 feet in a Northwesterly direction from said Eastern boundary.

Saving and excepting from the above Golf Course tract any portion of the following "Lake Lure Classical Academy" tract which may be encompassed by the description in the first tract described above:

Being a portion of the Town of Lake Lure property as described and recorded in deed book 153, page 356. Lying in Chimney Rock Township, Rutherford County, NC and beginning at a point in the common property line of Willard N. Buford property being the western line as described in deed book 712 page 719 and an eastern line of the said Town of Lake Lure property. Said beginning point located the following two (2) calls along the said common property line from a point in the centerline of Island Creek Road (1) N 02-53-45 E 12.27' to a point, thence (2) N 03-43-51 E 972.74' to the beginning point; thence through the said Town of Lake Lure property the following eight (8) new lines: (1) S 67-49-48 W 634.23' to a point; (2) thence N 21-52-41 W 263.26' to a point; (3) thence N 07-36-01 W 380.56' to a point; (4) thence N 22-26-14 W 145.00' to a point; (5) thence N 08-02-52 W 449.18' to a point; (6) thence N31-25-21 E 169.77' to a point; (7) N 45-05-08 E 103.67' to a point; (8) thence S 69-08-30 E 520.76' to a point being the southwest property corner of Barbara A. James property as described in deed book 882 page 126; thence with the southern property line of said James property for two (2) calls:

(1) N 81-56-20 E 210.78 to a point; (2) thence N 86-50-28 E 38.20' to a point being in the southern property line of said James property; thence through the said Town of Lake Lure property the following two (2) new lines: (1) S 07-31-48 W 455.79' to a point (2) thence S 42-19-13 E 77.07'

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to a point being the northwest property corner of the said Willard N. Buford property; thence two (2) calls with Buford's western property line: (1) S 03-42-18 W 249.94' to a point; (2) S 03-43-51 W 267.59' to the beginning point, Containing 21.26 acres +/-.

Also saving and excepting from either the Golf Course Tract above or the Club House Tract above any lots or parcels of land previously conveyed by the Town of Lake Lure to any third parties.

WHEREAS, the Town Council desires to lease the real property of the town described above; and

WHEREAS; the Town Council intends to consider authorizing such lease at its special meeting to be held on the 26th day of January, 2010, at 4:00 p.m., in the Council meeting room of the Lake Lure Municipal Center;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Lake Lure that:

1. The Town Clerk shall cause to be published at least 10 days prior to January 26, 2010, a notice as required by G.S. 160A-272.
2. At its special meeting on the 26th day of January, 2010, the Town Council intends to authorize the lease of the real property of the town described above.

Adopted this 12th day of January, 2012.

ATTEST:

Mary A. Flack, Town Clerk

Bob Keith, Mayor

Council members agreed to schedule a special meeting to be held on Tuesday, January 26, 2010, at 4:00 p.m. in the council meeting room of the Lake Lure Municipal Center to consider a lease agreement for the Lake Lure Municipal Golf Course property.

NEW BUSINESS:

e. CONSIDER A REQUEST TO AMEND THE UTILITY BILLING POLICY TO REQUIRE A SECURITY DEPOSIT FROM TENANTS USING TOWN UTILITIES

Town Manager Braund reviewed a memorandum from Customer Service Director Linda Ward dated January 7, 2010 pertaining to water and sewer deposits for apartments. (A copy of the memorandum from Linda Ward is attached.)

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Commissioner Moore questioned the legality of selecting only a certain group of customers requiring them to pay security deposits. He recommended that all tenants be required to pay a security deposit for town utilities rather than singling out just tenants for apartments.

After discussion, a motion made by Commissioner Hyatt to amend the utility billing policy requiring a \$150 security deposit from tenants using the Town of Lake Lure utilities. Commissioner Moore seconded the motion and the vote of approval was unanimous.

ADJOURN THE MEETING

With no further items of discussion, Commissioner Moore made a motion to adjourn this meeting at 9:10 p.m. Commissioner Dotson seconded the motion and the vote of approval was unanimous.

ATTEST:




Mary A. Flack, MMC
Town Clerk


Mayor Bob Keith