

LAKE LURE TOWN COUNCIL REGULAR MEETING PACKET

Tuesday, January 8, 2013



Mayor Bob Keith

Commissioner John Moore

Commissioner Mary Ann Silvey

Commissioner Diane Barrett

Commissioner Bob Cameron



REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL

January 8, 2013

7:00 p.m.

Lake Lure Municipal Center

AGENDA

1. Call to Order
Mayor
Bob Keith
2. Invocation (*Please rise and remain standing*)
Attorney
Chris Callahan
3. Pledge of Allegiance
4. Approve the Agenda
Council
5. Public Forum: *The public is invited to speak on any non-agenda and/or consent agenda topics. Comments should be limited to less than five minutes.*
6. Staff Reports
7. Council Liaison Reports & Comments
8. Consent Agenda:
 - a. Approve Minutes of the December 11, 2012 Regular Meeting
9. Unfinished Business
 - a. Other Unfinished Business
10. New Business:
 - a. Consider Approval of a Request Regarding Reservation of the Town Gazebo for 25 Specified Dates in 2014 Submitted By Lake Lure Properties, LLC. Also, Consider Approval of a Proposed Payment Plan for the Specified Gazebo Rentals
Patrick Bryant,
Lake Lure Inn & Spa
Events Department

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January 8, 2013**

- b. Consider Approval of Renovation Plans Presented by the Rutherford County Tourism Development Authority for the Lake Lure and the Blue Ridge Foothills Welcome Center
 - c. Consider Approval of a Recommendation from Town Staff Regarding a Vacant Police Officer Position Eric Hester,
Police Chief
 - d. Consider Approval of Grant Project Ordinance No. 13-01-08 Regarding Buffalo Creek Park Suzy Smoyer,
Planner
 - e. Consider Approval of the Buffalo Creek Park Trail Dynamics Contract
 - f. Summits Trail Extension Power Point Presentation
 - g. Public Comment Regarding the Summits Trail Extension
 - h. Consider Approval of Authorizing Resolution No. 13-01-08 Regarding the Summits Trail Extension
 - i. Appointments - Board of Adjustment/Lake Structures Appeals Board, Lake Lure Zoning/Planning Board, Lake Advisory Board, Lake Lure ABC Board, & Parks/Recreation Board
 - j. Discussion Regarding Methodology, Dates and Potential Topical Areas for a Goal Setting Offsite Council Meeting
11. Adjournment

Agenda Item: 8a

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, DECEMBER 11, 2012, 7:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

PRESENT: Mayor Bob Keith
Commissioner John W. Moore
Commissioner Mary Ann Silvey
Commissioner Bob Cameron
Commissioner Diane Barrett

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

ABSENT: N/A

CALL TO ORDER

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

INVOCATION

Attorney Chris Callahan gave the invocation.

PLEDGE OF ALLEGIANCE

Council members led the pledge of allegiance.

APPROVE THE AGENDA

Mayor Bob Keith requested an addition to the agenda under new business item 10 c. to discuss conducting an off site planning session.

Commissioner Bob Cameron made a motion to approve the agenda with the addition of item 10 c. under new business.

Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

PUBLIC FORUM

Mayor Bob Keith invited the audience to speak on any non-agenda items and/or consent agenda topics. However, no one requested to speak on any of the non-agenda or consent agenda topics.

STAFF REPORTS

Town Manager Chris Braund presented the town manager's report dated December 11, 2012. (Copy of the town manager's report is attached.)

COUNCIL LIAISON REPORTS AND COMMENTS

Commissioner Diane Barrett reported on the Parks and Recreation Board.

Commissioner John Moore reported that the Zoning/Planning Board did not meet in November.

Commissioner Mary Ann Silvey reported on the activities of the Lake Advisory Board, and the Lake Lure ABC Board and reported that the Lake Lure Classical Academy School Board did not meet in November.

Commissioner Bob Cameron reported on the activities of the Lake Lure Board of Adjustment/Lake Structures Appeal Board.

CONSENT AGENDA

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

Commissioner Diane Barrett moved, seconded by Commissioner Mary Ann Silvey, to approve the consent agenda items as presented. Therefore, the consent agenda incorporating the following items was unanimously approved:

- a. minutes of the November 13, 2012 Regular Meeting of the Lake Lure Town Council

Page 3- Minutes of the December 11, 2012 Regular Council Meeting

- b. town council meeting schedule for 2013
- c. resolution to support the 2013-2015 funding for Clean Water Management Trust Fund

End of Consent Agenda.

UNFINISHED BUSINESS:

a. OTHER UNFINISHED BUSINESS

There was no other unfinished business.

NEW BUSINESS:

**a. Discussion Regarding the Annual Audit Report for the Town of Lake Lure
During Fiscal Year July 1, 2011 to June 30, 2012**

Martin Starnes and Associates, CPA's, P.A., an independent accounting firm, performed the audit for the town for the most recent fiscal year ending June 30, 2012. Brian Epley, senior accountant with the firm, reported that the town received an unqualified opinion on its financial statements, which is the best opinion that can be given in an independent audit.

Brian discussed some of the financial highlights for fiscal year 2012 including information on property taxes, fund balance and current year revenues and expenditures.

NEW BUSINESS;

b. Discussion of Town Funding Needs for 2013

Mayor Bob Keith presented a list of the town's funding needs for 2013. Mayor Keith explained that Representative Mike Hager requested the funding list so he can present in Raleigh in an attempt to get approval for some or all of the needs requested.

Commissioner Diane Barrett moved, seconded by Commissioner Mary Ann Silvey, to approve submitting the town funding needs for 2013 to Representative Mike Hager to present in Raleigh in an attempt to get approval of the funding needs. The vote of approval was unanimous.

c. Discussion Regarding an Off-Site Planning Session

Mayor Bob Keith requested the addition of item 10 c. under new business to discuss the need of an off-site town council planning session. Therefore, it was the consensus of council to present items for an off-site town planning session to Mayor Keith prior to Christmas. This will allow time for review of the items to see how much time to allocate for the planning session to meet in January or February.

ADJOURN THE MEETING

With no further items of discussion, Commissioner Bob Cameron made a motion to adjourn the meeting at 8:15 p.m. Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

ATTEST:

Anita H. Taylor, MMC/NCCMC
Town Clerk

Mayor Bob Keith

Agenda Item: 10a

**Lake Lure Properties, LLC
The 1927 Lake Lure Inn and Spa
625 Oak Street
Green Cove Springs, FL 32043**

The Town of Lake Lure
Mr. Chris Braund, Town Manager
Lake Lure Town Hall
U.S. 64 / 74 – Memorial Highway
Lake Lure, NC 28746

December 28, 2012
(by e-mail)

Chris:

On November 20, 2012, Lake Lure Properties, LLC (dba The 1927 Lake Lure Inn and Spa) requested via email with the Town Manager, and herein more formally requests approval by the Town of Lake Lure Town Council, the reservation of the Town Gazebo for use as a venue for wedding ceremonies during the following date in 2014:

SATURDAYS:

May: 10, 17, 24, 31

June: 7, 14, 21, 28

August: 2, 9, 16, 23, 30

September: 13, 20, 27

October: 4, 18, 25

November: 1, 8, 15

SUNDAYS:

May: 25 (Memorial Day Weekend)

August: 31 (Labor Day Weekend)

October: 12 (Columbus Day Weekend)

Further, Lake Lure Properties, LLC requests that the Lake Lure Town Council approve a term of sale for payment of the rental fees for these 2014 Gazebo use dates as follows:

50% of the total rents to be paid by June 30, 2013

Remaining 50% of the total rents to be paid by January 1, 2014

Lake Lure Properties, LLC requests that the dates above are approved in conjunction with any scheduled price change/increase of the Gazebo during Town Council meeting. This allows for a straightforward booking method for the Town of Lake Lure, and Lake Lure Properties, LLC.

The cost of the Gazebo rental by Lake Lure Properties, LLC, is paid by each client booking with the Inn, and is combined with the following services, to create an inclusive package for each couple:

Ceremony Chairs

Four Hour Trolley Service

Setup, Breakdown, and Cleanup

Coordination Services

Thank you for your consideration in this matter,

Patrick Bryant, Events and Catering Department Manager
LAKE LURE PROPERTIES, LLC
The 1927 Lake Lure Inn and Spa

Agenda Item: 10b

Project Name: Lake Lure & The Blue Ridge Foothills Visitor Center**JOB NO: 12015**

Client: Michelle Whitaker

SF FIN 2400

Designer: Knight Strategies

SF UNFIN 2400

Description: Building Improvements Only (No Site)

SF TOTAL 2400

Class	Class Name	Cost	Cost/sf
00 00 00	PROCUREMENT AND CONTRACTING REQ	550.00	0.23
01 00 00	GENERAL REQUIRMENTS	5500.00	2.29
02 00 00	EXISTING CONDITIONS	2800.00	1.17
03 00 00	CONCRETE	2850.00	1.19
04 00 00	MASONRY	0.00	0.00
05 00 00	METALS	0.00	0.00
06 00 00	WOOD, PLASTICS AND COMPOSITES	6625.00	2.76
07 00 00	THERMAL AND MOISTURE PROTECTION	12600.00	5.25
08 00 00	OPENINGS	4775.00	1.99
09 00 00	FINISHES	30915.00	12.88
10 00 00	SPECIALTIES	0.00	0.00
11 00 00	EQUIPMENT	0.00	0.00
12 00 00	FURNISHINGS	2850.00	1.19
13 00 00	SPECIAL CONSTRUCTION	0.00	0.00
14 00 00	CONVEYING EQUIPMENT	0.00	0.00
21 00 00	FIRE SUPPRESSION	400.00	0.17
22 00 00	PLUMBING	2190.00	0.91
23 00 00	HVAC	1250.00	0.52
25 00 00	INTEGRATED AUTOMATION	0.00	0.00
26 00 00	ELECTRICAL	8020.00	3.34
27 00 00	COMMUNICATIONS	0.00	0.00
28 00 00	ELECTRONIC SAFETY AND SECURITY	0.00	0.00
31 00 00	EARTHWORK	0.00	0.00
32 00 00	EXTERIOR IMPROVEMENTS	0.00	0.00
33 00 00	UTILITIES	0.00	0.00
35 00 00	WATERWAY AND MARINE CONSTRUCTION	0.00	0.00
SUBTOTAL		81325.00	33.89
OVERHEAD & PROFIT		12198.75	15% 5.08
TOTAL QUOTE		93523.75	38.97

Project Name: Lake Lure & The Blue Ridge Foothills Visitor Center**JOB NO: 12015**

Client: Michelle Whitaker

SF FIN 2400

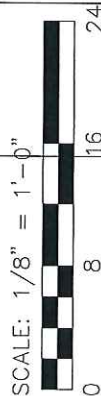
Designer: Knight Strategies

SF UNFIN 2400

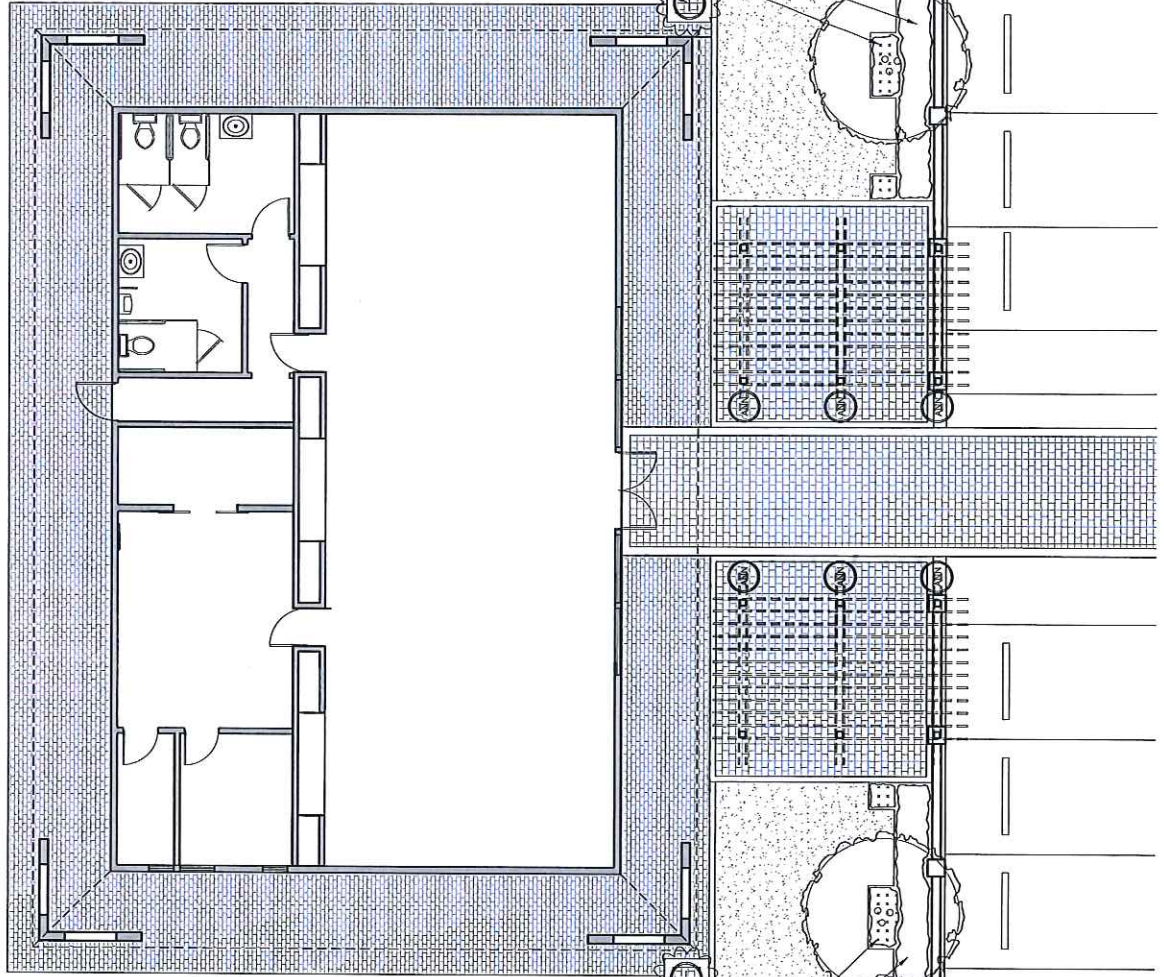
Description: Site Work Only Budget

SF TOTAL 2400

Class	Class Name	Cost	Cost/sf
00 00 00	PROCUREMENT AND CONTRACTING REQ	550.00	0.23
01 00 00	GENERAL REQUIRMENTS	0.00	0.00
02 00 00	EXISTING CONDITIONS	1200.00	0.50
03 00 00	CONCRETE	0.00	0.00
04 00 00	MASONRY	0.00	0.00
05 00 00	METALS	0.00	0.00
06 00 00	WOOD, PLASTICS AND COMPOSITES	0.00	0.00
07 00 00	THERMAL AND MOISTURE PROTECTION	0.00	0.00
08 00 00	OPENINGS	0.00	0.00
09 00 00	FINISHES	0.00	0.00
10 00 00	SPECIALTIES	16790.00	7.00
11 00 00	EQUIPMENT	0.00	0.00
12 00 00	FURNISHINGS	0.00	0.00
13 00 00	SPECIAL CONSTRUCTION	0.00	0.00
14 00 00	CONVEYING EQUIPMENT	0.00	0.00
21 00 00	FIRE SUPPRESSION	0.00	0.00
22 00 00	PLUMBING	0.00	0.00
23 00 00	HVAC	0.00	0.00
25 00 00	INTEGRATED AUTOMATION	0.00	0.00
26 00 00	ELECTRICAL	5230.00	2.18
27 00 00	COMMUNICATIONS	0.00	0.00
28 00 00	ELECTRONIC SAFETY AND SECURITY	0.00	0.00
31 00 00	EARTHWORK	0.00	0.00
32 00 00	EXTERIOR IMPROVEMENTS	34300.00	14.29
33 00 00	UTILITIES	0.00	0.00
35 00 00	WATERWAY AND MARINE CONSTRUCTION	0.00	0.00
	SUBTOTAL	58070.00	24.20
	OVERHEAD & PROFIT	8710.50	15% 3.63
	TOTAL QUOTE	66780.50	27.83



- PAVING SCHEDULE:
- (A) Concrete Pavers (Cambridge Style)
 - (B) Stamped Asphalt (Brick Pattern)
 - (C) 3/8" Crushed Gravel (Gray)
 - (D) Grass

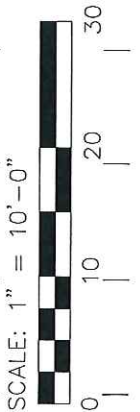


(11) Thuja occidentalis
'Emerald Green'

(2) Osmanthus fragrans
(13) Hypericum calycinum
(9) Kalmia latifolia 'Elf'
(6) Ilex glabra

(10) Calamintha nepeta
(3) Fothergilla gardenii

(2) Osmanthus fragrans
(13) Hypericum calycinum
(9) Kalmia latifolia 'Elf'
(2) Amelanchier grandiflora
'Autumn Brilliance'
(10) Calamintha nepeta
(6) Ilex glabra
(3) Fothergilla gardenii



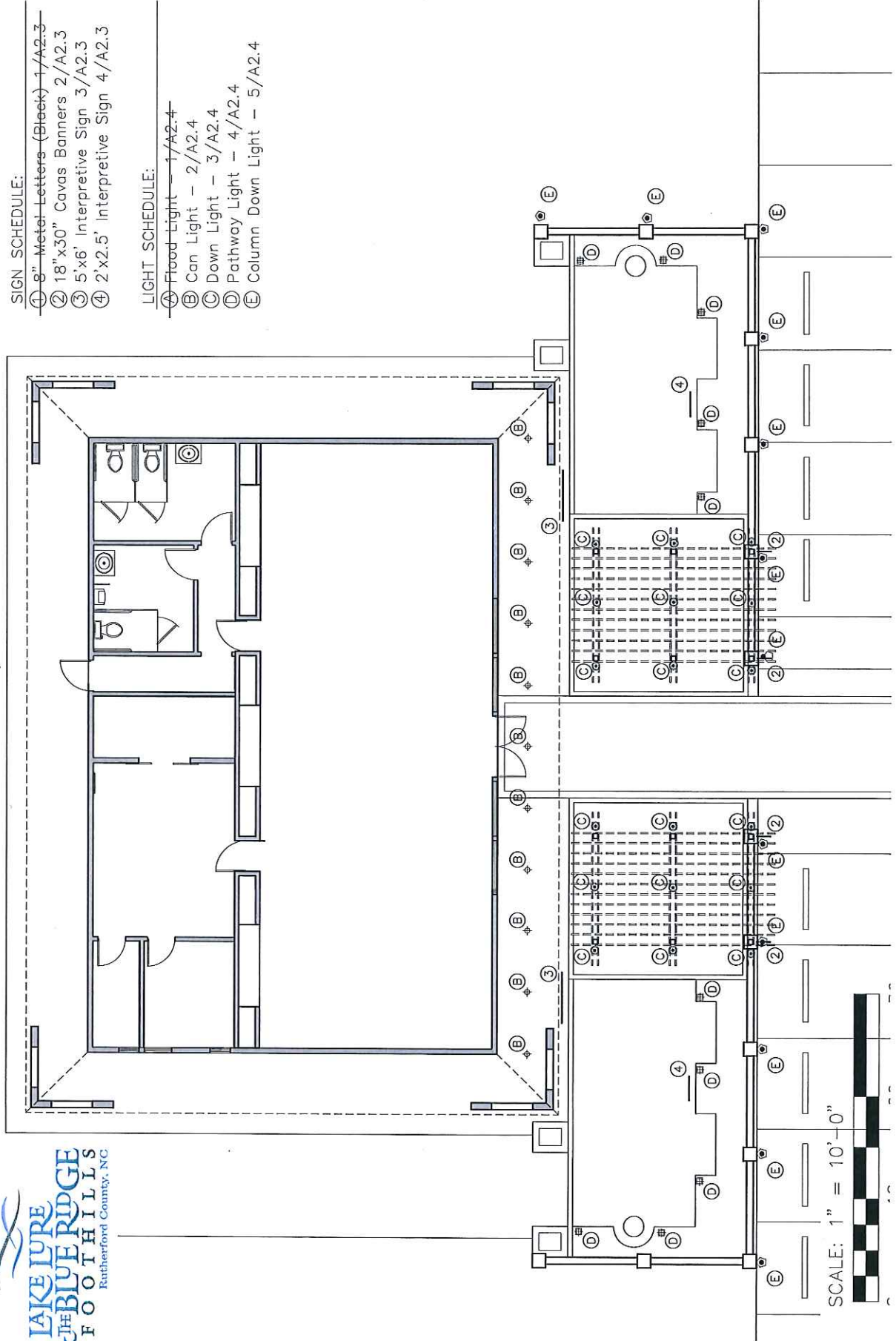
A1.3

SIGN SCHEDULE:

- ① 8" Metal Letters (Block) 1/A2.3
- ② 18"x30" Canvas Banners 2/A2.3
- ③ 5'x6' Interpretive Sign 3/A2.3
- ④ 2'x2.5' Interpretive Sign 4/A2.3

LIGHT SCHEDULE:

- Ⓐ Flood Light - 1/A2.4
- Ⓑ Can Light - 2/A2.4
- Ⓒ Down Light - 3/A2.4
- Ⓓ Pathway Light - 4/A2.4
- Ⓔ Column Down Light - 5/A2.4

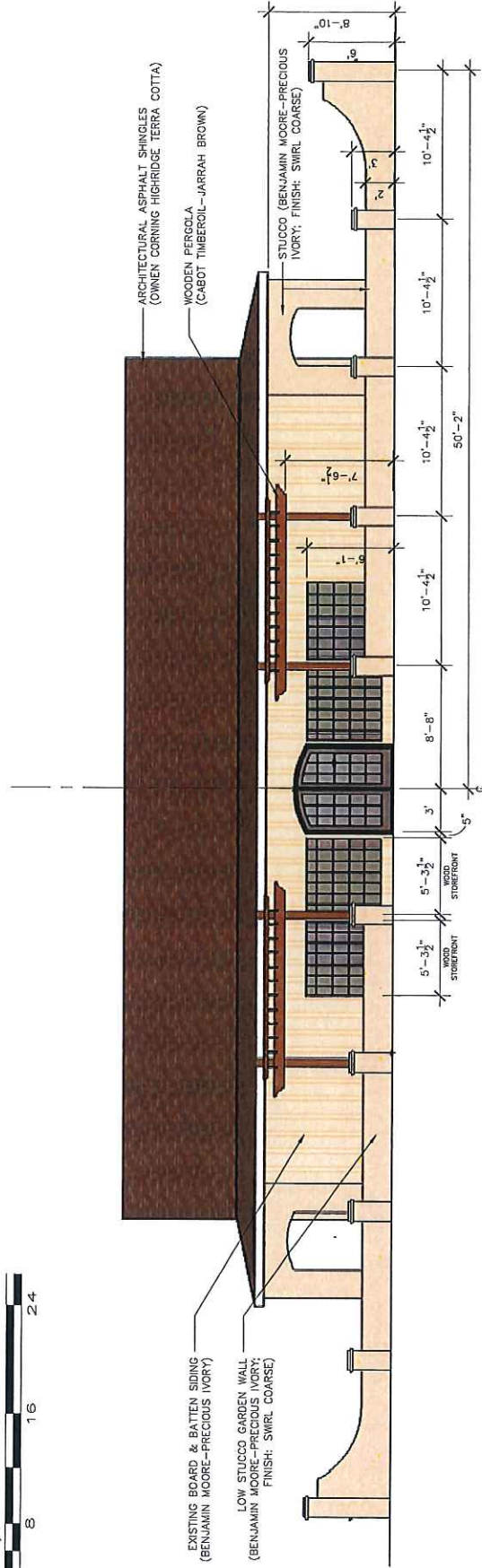


December 12, 2012

Lake Lure & the Blue Ridge Foothills Welcome Center
 Lake Lure, NC

Front Elevation

A2.1



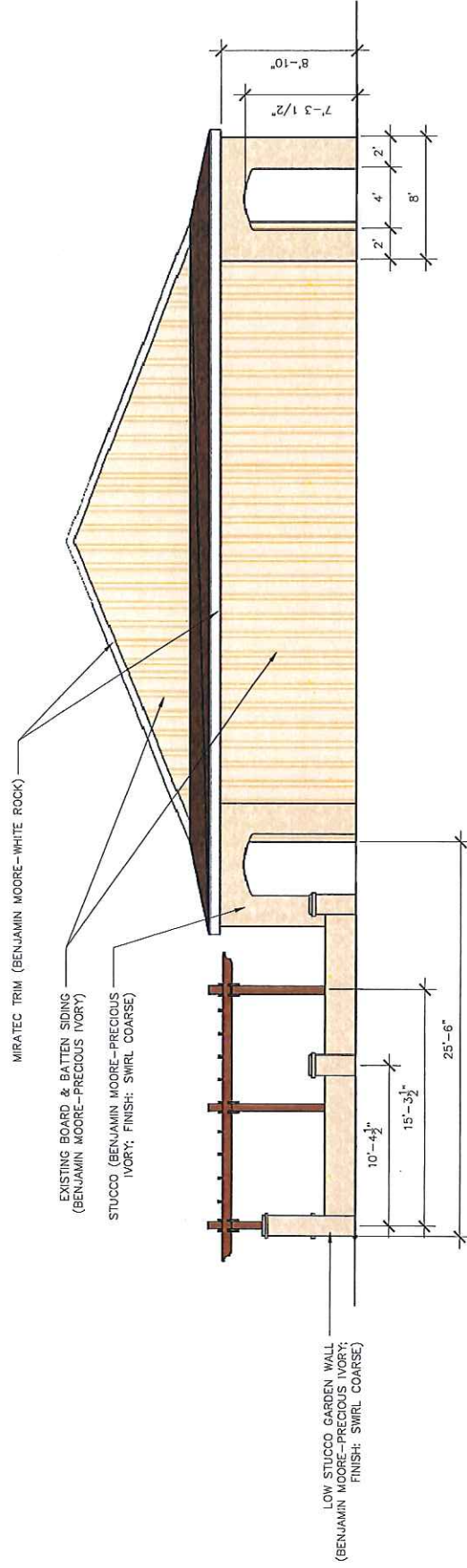
1 Front Elevation
 Scale: 1/8"=1'-0"

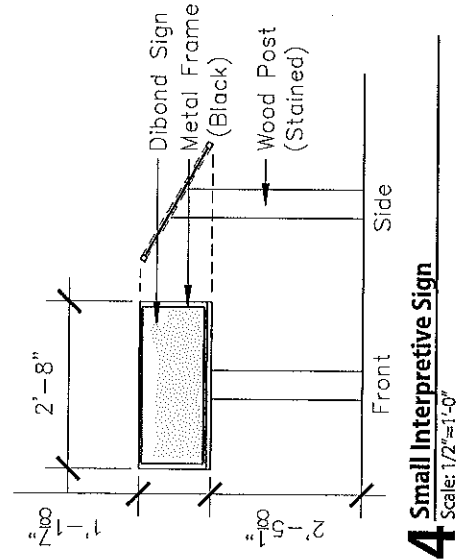
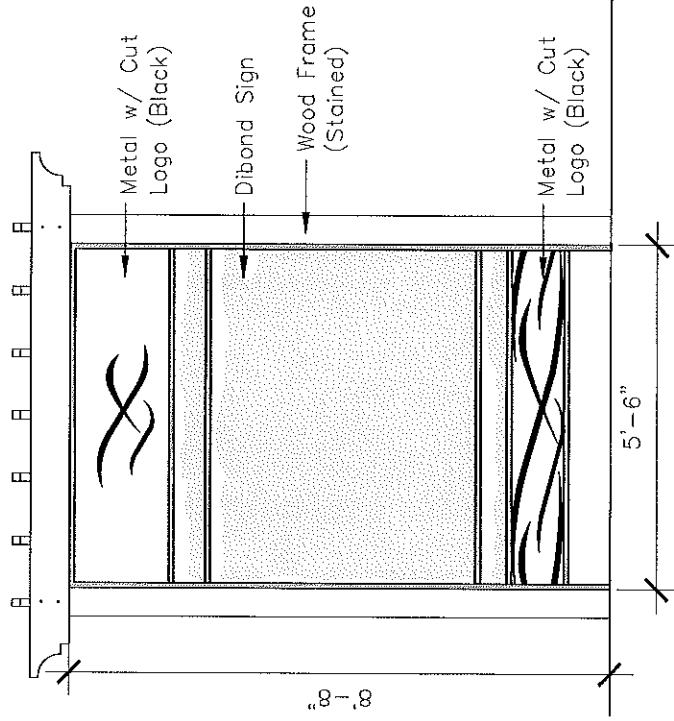
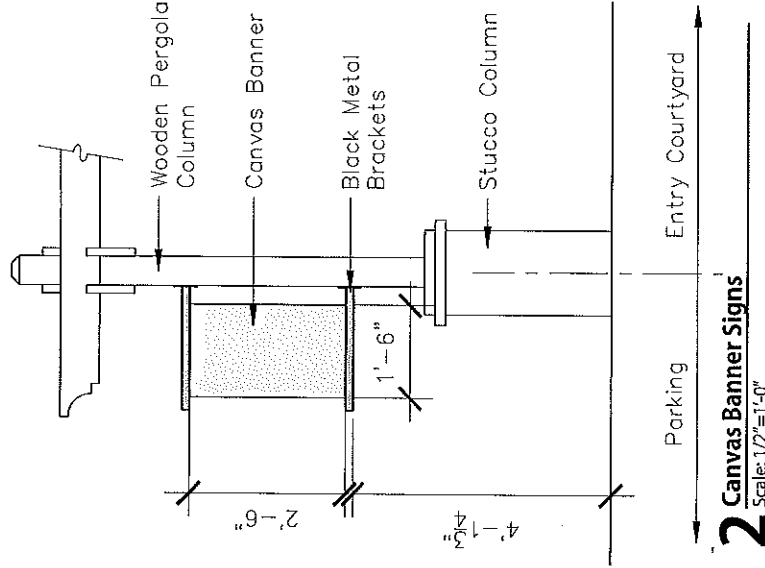
Lake Lure & the Blue Ridge Foothills Welcome Center
 Lake Lure, NC

Side Elevation

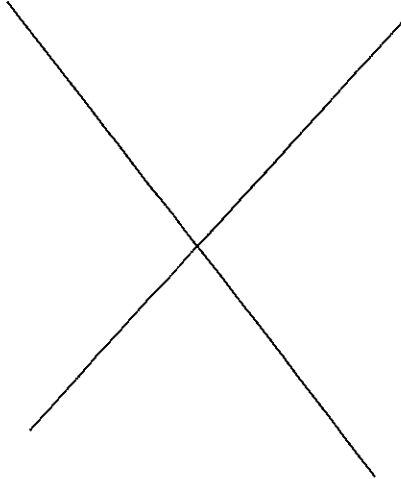
December 12, 2012

A2.2





1 Building Identification Sign
Scale: 1/4"=1'-0"



Agenda Item: 10c

Lake Lure Police Officer Rationale

At Full Staff we have 10 full time police officers; one Chief of Police, one Detective, 2 shift Sergeants, 2 Corporals and 4 Patrol Officers for a town population near 1,200 year-round residents with a substantial population increase during peak season. In a time of economic slowdown that may sound like a lot, until you consider our geographical size and complexity. In terms of square miles, Lake Lure is as big as Rutherfordton, Spindale, and 3/5 the size of Forest City combined. Lake Lure places third in size, with the city of Asheville being first, in the five county (Buncombe, Henderson, McDowell, Polk and Rutherford), 25 town and city region. We have over 14 square miles to cover with nearly 2,000 housing units to protect and secure. We also have more than 120 miles of roads (69 private and 51 public) to patrol and a 720 acre lake, with a beach and marina, to monitor. With this geographical size comes the reality that it could normally take 20 minutes or more to get to one side of the town to the other because of the geographical size of our town and the curvy roads.

The Police Department's goal is to keep all 2,000 housing units and over 100 businesses and vacant buildings and occupants secure (not just those occupied by full time residents), and all tourists safe. The Police Department also tries to maintain a presence on the lake (weather permitting), several hours a day during tourist peak season, and eight hours a day during holidays such as Memorial Day and July 4th.

The day shift patrol officers work 12 hours a day and they patrol the roads and streets during the day while conducting extra house checks from residents who are out of town and have special requests to have their home checked while they're away. The day shift patrol also answer calls for service while community policing neighborhoods and checking for criminal activity. The night shift patrol officers also work 12 hours shifts and these officers also patrol the roads and streets while checking all the businesses throughout the town several times a night while answering calls for service. The night shift patrol checks over 100 businesses and vacant buildings several times a night which are spread out over 14 square miles of roadway.

The Shift Supervisors work 12 hour flexible coverage shifts and these Shift Supervisors also answer calls for service while checking businesses and patrolling while deterring criminal activity throughout the town. The late night Shift Supervisor also is a back up person for the night shift officer till 4 am. This shift coverage is based on at least 2 officers working for 22 hours coverage and 1 officer from 4am to 6am for 24 hour coverage of the town.

It will always be the Lake Lure Police Department's goal to help provide our residents the right to live, work and recreate in a safe community while continuing an expected level of service. We need quality personnel, equipment and community support to provide this level of service for our full time and part time residents and guests.

Police Department Schedule

	am					pm					am													
	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5
Chief			1	1	1	1	1	1	1	1	1													
Lieutenant/Detective			1	1	1	1	1	1	1	1	1													
Admin			1	1	1	1	1	1	1	1	1													
Sergeant					1	1	1	1	1	1	1	1	1	1	1	1	1							
Corporal												1	1	1	1	1	1	1	1	1	1	1	1	1
Patrol Officer	1	1	1	1	1	1	1	1	1	1	1	1	1											
Patrol Officer														1	1	1	1	1	1	1	1	1	1	1
Total On Duty	1	1	4	4	5	5	5	5	5	5	5	3	3	3	3	3	3	2	2	2	2	2	2	2

Monday-Friday

ADMINISTRATION

Chief 8:30am-5:30pm

Lieutenant/Detective 8:30am-5:30pm

PATROL - DAY

Sergeant 10am-10pm

Patrol Officer 6am-6pm

PATROL - NIGHT

Corporal 4pm-4am

Patrol Officer 6pm-6am

Current Roster (10-01-10)

Chief 1

Lieutenant/Detective 1

Sergeants 2

Corporals 2

Patrol Officers 4

Admin 1

Reserve 5

LOA 1

Chaplain 1

Saturday-Sunday

PATROL - DAY

Sergeant 10am-10pm

Patrol Officer 6am-6pm

PATROL - NIGHT

Corporal 4pm-4am

Patrol Officer 6pm-6am

Court Schedule

Lieutenant 8:30am-until every Wednesday

Sergeants 8:30am-until normally once a month

Corporal 1:30pm-until normally once a month

Day Shift 8:30am-until normally once a month

Night Shift 1:30pm-until normally once a month

Training is limited to off-season (Sept 1 - May 1) - except for required inservice sessions

Full staff, reserves and overtime utilized as needed during special events

Please take note that all training and vacations are utilized out of this schedule

Agenda Item: 10d

ORDINANCE NUMBER 13-01-08

GRANT PROJECT ORDINANCE OF THE TOWN OF LAKE LURE TOWN COUNCIL

BE IT ORDAINED by the Governing Board of the Town of Lake Lure, which, pursuant to Section 13.2(a)(2) of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1. The project authorized is the Buffalo Creek Trail System to help financed in part by revenues received from PARTF and Recreational Trails Program.

Section 2. The officers of the Town of Lake Lure are hereby directed to proceed with the grant project within the terms of the council's resolution, grant documents and the budget contained herein.

Section 3. The following amounts were appropriated for the project:

Type 1 Trail	\$ 24,000	Contractor/ Town				
Type 2 and Type 3 Trails	106,508	Contractor				
Picnic Tables	480	Town				
Kiosk	250	Town				
Graveled Parking Area	1,900					
1 Bridges for Creek Crossing	25,000	Contractor				
Picnic Grills	600					
Contingency	11,968					
Construction Management, Planning, etc	16,250	Paid \$2,500 in FY 2010-11 and \$7,000 in FY 2011-12				
Total Appropriations	\$ 186,956					

Section 4. The following revenues are available for this project:

NC Parks and Recreation Trust Fund (PARTF)	\$ 93,478					
Recreational Trails Program	75,000					
Transfer from General Fund (Town Funds)	18,478	Paid \$2,500 in FY 2010-11, \$7,000 in FY 2011-12 services, \$11,500 budgeted in FY 2012-13				
Total Revenues	\$ 186,956					

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient detailed accounting records related to the project.

Section 6. Copies of this grant project ordinance shall be furnished to the Clerk to Town Council, and to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted and approved by vote of (for____) (against____) this the 8th day of January 2013.

The Town of Lake Lure

By:_____

Bob Keith, Mayor

Attest:

(Corporate Seal)

Andrea Calvert, Town Clerk

Agenda Item: 10e

Trail Dynamics

art & science of trails

TOWN OF LAKE LURE NC BUFFALO CREEK TRAIL SYSTEM – CONSTRUCTION PHASE

This Trail Construction Agreement is hereby entered into by and between Trail Dynamics, LLC, a North-Carolina-registered Limited Liability Corporation (“Contractor”), and the Town of Lake Lure NC, (the “Client”).

WHEREAS: Trail Dynamics performed a feasibility study in summer 2011 for trail possibilities on property owned by the Town of Lake Lure,

WHEREAS: Trail Dynamics completed a final trail design in 2012 on property owned by the Town of Lake Lure,

WHEREAS: The Town of Lake Lure desires to engage a consultant with experience and expertise related to trail construction to construct trails for Buffalo Creek Park,

WHEREAS: Trail Dynamics has staff with extensive experience in planning, design and construction of natural and soft surface trails for hiking and mountain biking,

WHEREAS: The Town of Lake Lure wishes to continue the involvement of Trail Dynamics in the trail construction phase,

Now, therefore, in accordance with the foregoing premises and the mutual covenants and conditions set forth herein, the parties hereby agree as follows:

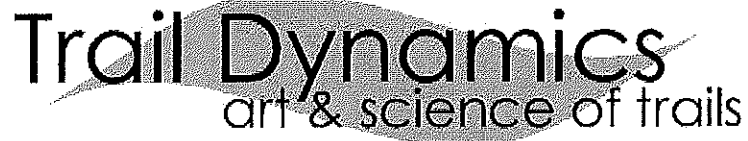
1. Term of Contract: The Town of Lake Lure hereby agrees to engage Trail Dynamics (Contractor), and Contractor hereby accepts engagement with the client for the purposes described in the Scope of Work and specified Tasks.

2. Services: Contractor will provide professional trail construction services as defined in the Scope of Work below.

3. Fees/Payment: Contractor will be paid a total of \$106,508.00 for all services. Expenses for project have been accounted for in the lump sum price provided by the Contractor. Invoices shall be sent from Trail Dynamics to client at the completion of the scope of work. Invoicing is allowed at 30%, 60%, and a final invoice at 100% completion. Terms for payment of invoice will be net 30 days.

4. Confidentiality: Both parties acknowledge that the terms and conditions of this Agreement are confidential in nature, and therefore, neither party shall disclose the contents of this Agreement to any third party, except for business and legal advisors and project partners, without the express written consent of the other party.

5. Notices: All notices required or permitted by this Agreement shall be in writing and



**TOWN OF LAKE LURE NC
BUFFALO CREEK TRAIL SYSTEM – CONSTRUCTION PHASE**

shall be deemed effective upon personal delivery.

6. Entire Agreement: This Agreement constitutes the entire agreement between the parties and supersedes all prior agreements and understandings, whether written or oral, relating to the subject matter of this Agreement.

7. Independent Contractor: Nothing contained in this Agreement shall be construed to make one party the partner, joint venturer, principal, agent or employee of the other party hereto. Specifically, other than the terms and conditions set forth in this Agreement which cover items affecting the relationship between Trail Dynamics, LLC, and the Town of Lake Lure, neither party shall have the neither expressed nor implied authority to act for or on behalf of the other party.

8. Schedule of services (scope of work) provided: Upon execution of this agreement, parties will agree upon a schedule for the construction phase. TD staff will begin construction in the beginning of March 2013 with a completion date of May 1, 2013.

Trail Dynamics

art & science of trails

TOWN OF LAKE LURE NC BUFFALO CREEK TRAIL SYSTEM – CONSTRUCTION PHASE

Schedule of Services (Scope of work):

Turnkey construction and delivery of trails as outlined on the next page, including:

- 1) Assisting the Town in the application process for the erosion control permit with NC DNR
- 2) Any Trail Design adjustments or modifications necessary during the trail construction process.
- 3) Corridor clearing (tree and brush removal) work done along the trail flag line prior to machine work.
- 4) Machine work consisting of bench cutting with a trail dozer, back sloping and de-berming with an excavator, and finish grading with a skid steer.
- 5) Hand finishing the trail, root removal and blowing leaves over spoils piles to control erosion.
- 6) Rock breaking if necessary to construct trail through boulder fields or over rock slabs
- 7) Rock armoring and/or installation of culverts in areas where the trail crosses small streams or natural drainages.

Items Out of Scope:

- A) The Town will construct a bridge across Buffalo Creek, providing access from the trailhead area on Buffalo Creek Road to the trail system. If assistance is requested from Trail Dynamics, a change order will be prepared as an amendment to this contract.
- B) The Town will be responsible for constructing any trailhead parking facilities, trailhead signage and trail marking.

Trail Dynamics

art & science of trails

TOWN OF LAKE LURE NC BUFFALO CREEK TRAIL SYSTEM – CONSTRUCTION PHASE

Trail Locations

The map below shows the approximate location of trails in scope (exact routing may vary based on trail design adjustment.)

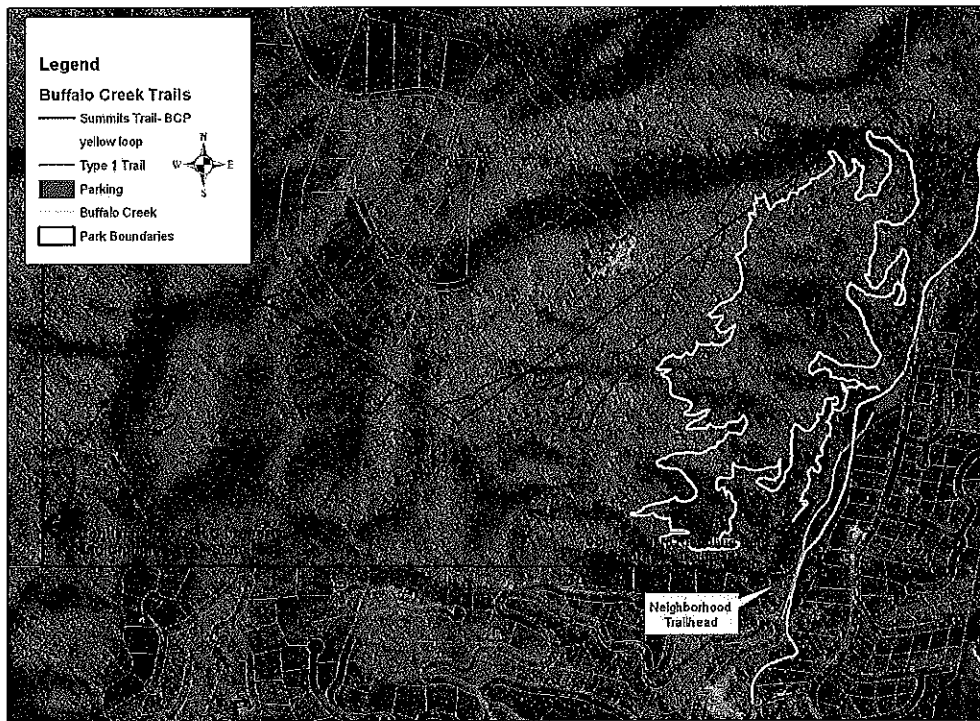
- A minimum of five (5) miles of trail shall be constructed in order to comply with requirements for grant funding. Approximate trail lengths are as follows:

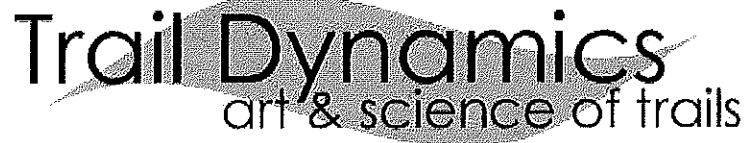
Yellow loop trail 3.1 miles (16,368 ft)

Blue trail- a.k.a. Summits Trail- BCP - 1.9 miles (10,032 ft)

Trailhead Connector (Type 1 - old roadbed) - .X miles (X,XXX ft)

- There shall be at least one main access to the trail system from the Type 1 trail on the south side of the bridge. The Town of Lake Lure will be responsible for finish work on the Type 1 trail.





**TOWN OF LAKE LURE NC
BUFFALO CREEK TRAIL SYSTEM – CONSTRUCTION PHASE**

Fees

Fee related to above Scope of Work shall not exceed \$106,508.00

- Estimated cost for type 2 trail (yellow loop) 3.1 m (16,368') @ \$3.75/lft = \$61,380
- Estimated cost for type 3 trail (blue trail- a.k.a. Summits Trail- BCP) 1.9 m (10,032) @ \$4.00/lft = \$40,128
- Cost for installation of culverts or rock armoring in stream crossings and drainages = \$5000

Special Conditions

Until such time a bridge is built, access will be available through Rumbling Bald Resort. Trail Dynamics will comply with the provisions in the attached Rumbling Bald Access Agreement.

A pre-construction meeting shall be scheduled onsite with Trail Dynamics and the Project Team prior to the start of construction. Specific concerns that need to be addressed at the pre-construction meeting include:

1. Storage, access and parking on RBR property, including a clear understanding of where wetlands are located and what areas need to be avoided when accessing Buffalo Creek Park from the Rumbling Bald Resort. Also, provide a clear understanding of access timeframe (no access allowed after May 1, 2013.)
2. Proposed route and clearing activities from trailheads to Type 1 trail alignment, and on to the trail system.
3. Environmental Permit Requirements.



**TOWN OF LAKE LURE NC
BUFFALO CREEK TRAIL SYSTEM – CONSTRUCTION PHASE**

In witness whereof, the authorized members of the parties hereto have executed this Agreement on the date of the final needed signature:

Client: Town of Lake Lure NC

_____ Date _____

Consultant: Trail Dynamics LLC

_____ Date _____



**TOWN OF LAKE LURE NC
BUFFALO CREEK TRAIL SYSTEM – CONSTRUCTION PHASE**

Schedule of Services (Scope of work):

Turnkey construction and delivery of trails as outlined on the next page, including:

- 1) Assisting the Town in the application process for the erosion control permit with NC DNR
- 2) Any Trail Design adjustments or modifications necessary during the trail construction process.
- 3) Corridor clearing (tree and brush removal) work done along the trail flag line prior to machine work.
- 4) Machine work consisting of bench cutting with a trail dozer, back sloping and de-berming with an excavator, and finish grading with a skid steer.
- 5) Hand finishing the trail, root removal and blowing leaves over spoils piles to control erosion.
- 6) Rock breaking if necessary to construct trail through boulder fields or over rock slabs
- 7) Rock armoring and/or installation of culverts in areas where the trail crosses small streams or natural drainages.

Items Out of Scope:

- A) The Town will construct a bridge across Buffalo Creek, providing access from the trailhead area on Buffalo Creek Road to the trail system. If assistance is requested from Trail Dynamics, a change order will be prepared as an amendment to this contract.
- B) The Town will be responsible for constructing any trailhead parking facilities, trailhead signage and trail marking.

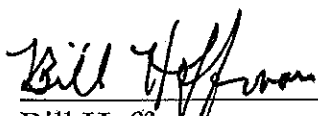
THIS AGREEMENT ("Agreement") is between Fairfield Mountains Property Owners Association ("POA"), 112 Mountains Blvd., Lake Lure, NC 28746; and the Town of Lake Lure ("TOWN"), whose mailing address is 2948 Memorial Highway, Lake Lure, NC 28746.

The POA intends to utilize POA roads, infrastructure, and land to aid the TOWN in their construction of a trail system at the north end of West Lake Drive, commonly known as the Buffalo Creek Trail System (BCTS), and shown on the attached exhibit A. This is a mutually beneficial partnership whereby the TOWN is assured vehicular access to TOWN property without having to cross Buffalo Creek and the POA is permitted direct access to the trail system as an in-resort amenity.

1. The POA agrees to allow the TOWN access to POA-owned roads for the purpose of constructing and maintaining a trail system on TOWN owned land commonly referred to as the BCTS. This access is limited to construction vehicles, construction equipment, TOWN officials, and personal vehicles for construction workers.
2. The TOWN will ensure that all construction vehicles and construction equipment will enter and exit POA owned roads through the maintenance yard located adjacent to the fire station. It is understood that the majority of the construction vehicles and construction equipment will get transported to the work site at the beginning of construction and will remain on site until the end of construction. It is the goal of the POA and TOWN to limit the frequency of trips on POA owned roads for construction vehicles and construction equipment.
3. The TOWN will ensure that construction workers and TOWN officials will enter and exit through the security gate.
4. The TOWN will be responsible for any and all damage to POA owned roads, infrastructure, and property caused by construction vehicles, construction equipment, construction workers, TOWN officials, or other causes related to this construction project. The TOWN will be responsible for repairing and correcting any damage at their own expense.
5. The TOWN will ensure that any dirt or debris on POA roads caused as a result of the construction project will get cleaned on a daily basis.

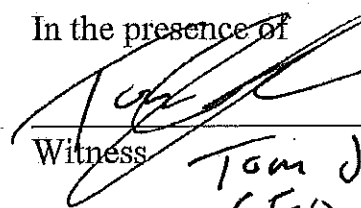
6. The TOWN agrees that access to POA owned roads for the construction of the first phase of the BCTS is scheduled to be completed by May 1, 2013. Any needed extension of this deadline will be mutually agreed between POA and TOWN.
7. The TOWN agrees that construction workers, vehicles and equipment will not be parked on any of the POA roads. Parking will likely be established on TOWN property, accessed through a preexisting logging road or road bed (tax pin parcels 1605115 & 1617911.) Should it be necessary and desirable for the TOWN to construct a parking area on POA-owned land, the TOWN and POA will work together to select the location for this parking area, which can then be used by the POA as trailhead parking following the development of the trails. The TOWN will be responsible for the construction costs of any access road and parking area improvements required for the BCTS project.
8. Access for future construction phases or maintenance needs will be subject to the terms of this agreement and during mutually acceptable dates. Future construction and maintenance should be planned so that the work takes place between the months of December to April. The TOWN will provide the POA with a minimum of 48 hours of notice when conducting maintenance on the trails, except in emergency situations where the TOWN will provide the POA with as much notice as reasonably possible. At the completion of construction or maintenance, it is the obligation of the TOWN to either return the land owned by the POA to the same condition it was before the commencement of construction or maintenance, or to improve the land owned by the POA.
9. If either party violates a provision(s) of this agreement, written notice may be provided to the offending party providing them with 30 days to cure the violation(s). If after 30 days the violation(s) is still not cured, this agreement can be voided for cause.

Signed & Dated,

 10/9/12
Bill Hoffman Date
Board President

In the presence of

Witness

 10/9/12
Tom Judson
CEO

Signed & Dated,

SCB 10/8/12
Lake Lure Town Official Date

CHRIS BRAUN
TOWN MANAGER

In the presence of

Andrea H. Calvert
Witness

Andrea H. Calvert
Town Clerk

Agenda Item: 10h

TOWN OF LAKE LURE AUTHORIZING RESOLUTION NO. 13-01-08

**RECREATIONAL TRAILS PROGRAM- SUMMITS TRAIL EAGLE ROCK
EXTENSION**

WHEREAS, the North Carolina Recreational Trails Program has reviewed a pre-application for the Summits Trail Eagle Rock Extension and has invited the Town of Lake Lure to submit a formal application; and

WHEREAS, the Town of Lake Lure needs assistance in financing the construction of the Summits Trail Eagle Rock Extension; and

WHEREAS, the Town of Lake Lure intends to request grant assistance for the Summits Trail Eagle Rock Extension from the Recreational Trails Program;

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

That the Town of Lake Lure supports funding a 25% match to complete the proposed project.

That upon being awarded the Recreational Trails Program Grant, the Town of Lake Lure is committed to completing the project within two years.

That Chris Braund, Town Manager and successors so titled, is hereby authorized to execute and file an application for the Summits Trail Eagle Rock Extension on behalf of Town of Lake.

That Suzy Smoyer, Planner or Chris Braund, and successors so titled, is hereby authorized and directed to furnish such information as the Recreational Trails Program may request in connection with an application or with the project proposed; to make assurances as contained in the application; and to execute such other documents as may be required in connection with the application.

That the Town of Lake Lure has substantially complied or will substantially comply with all federal, state, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

Adopted this date, January 8, 2013 at Lake Lure, North Carolina.

Bob Keith, Mayor

ATTEST:

Clerk

(Seal)