

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, FEBRUARY 9, 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 Turner made a motion to approve the agenda as presented. Commissioner Hyatt 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 Werner Maringer, a Lake Lure resident and business owner, requested to speak. Mr. Maringer complimented the town's public works department for their immediate response clearing snow off the roads in Lake Lure..

STAFF REPORTS

Town Manager Christopher Braund read into the record the town manager's report dated February 9, 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.

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.

CONSENT AGENDA

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

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

- a. minutes of the January 12, 2010 (regular meeting), and January 26, 2010 (special meeting);
- b. agreement for an easement with the Carolina Climbers Coalition to access across town property (Firefly Cove reservoir parcel) as submitted by the town manager; Also, authorize the town manager, mayor, and the town clerk to sign and execute this agreement on behalf of the town; and
- c. a request from Mary Ann Ransom as submitted on behalf of Shepherd's Care to hold their annual arts and crafts Spring and Autumn festivals during May 29-31, 2010 and October 16-17, 2010 (attached is copy of request).

End of Consent Agenda.

UNFINISHED BUSINESS

a. OTHER UNFINISHED BUSINESS

There was no other unfinished business.

NEW BUSINESS:

a. CONSIDER A REQUEST FROM DIANE BARRETT REGARDING THE DRAGON BOAT RACES AND CULTURE FESTIVAL

Diane Barrett, Interim Event Coordinator of the Dragon Boat Race Organization, reviewed and answered questions pertaining to her memorandum dated February 9, 2010 addressed to town council pertaining to the Dragon Boat Races and culture festival. (A copy of the memorandum from Diane Barrett is attached.) Ms. Barrett informed council members that monies raised during this festival would be donated to various non-profit charities.

After discussion, Commissioner Turner made a motion to:

- (1) authorize the Lake Lure Dragon Boat Organization to hold their annual dragon boat races and cultural festival on town property (including Morse Park Meadows, the Pavilion, all property bordering the mouth of the Broad River and banks of Morse Park) beginning the evening of Friday, May 7, 2010 through Saturday, May 8, 2010;
- (2) waive the rental fees for use of the Community Hall in the Lake Lure Municipal Center to store tents, tables, and chairs for pro-rent-all (from the evening of May 8, 2010 until pick up on Monday May 10, 2010); also, waive the rental fee for use of the town's pavilion during this event;
- (3) approve the fabric structure permit as submitted by Diane Barrett on behalf of the Lake Lure Dragon Boat Organization; and
- (4) suspend the town's peddling ordinance in order to sell miscellaneous items during this event.

Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

Town Council members tabled action on the request to waive the fees for kayak and paddle board demonstrations on the lake on May 8, 2010 for further review. Ms. Barrett agreed to furnish additional information to the Lake Advisory Board concerning this request.

NEW BUSINESS:

b. CONSIDER A REQUEST FROM THE LAKE LURE INN AND SPA TO RENT THE TOWN'S GAZEBO TO LAKE LURE PROPERTIES (LLP) IN GROUP BLOCKS ON SATURDAYS DURING THE MONTHS OF MAY, JUNE, AND OCTOBER FOR 2011 (EXCLUDING ANY ACTIVITIES THAT WOULD KEEP THE GAZEBO FROM BEING ACCESSIBLE, SUCH AS THE DRAGON BOAT RACES AND FESTIVAL

Page 4 - Minutes of the February 9, 2010 Regular Council Meeting

McLean Alley, representative of the Lake Lure Inn and spa, answered questions regarding a request to rent the town's gazebo to Lake Lure Properties (LLP) in group blocks of Saturdays during the months of May, June, and October for 2011 (excluding any activities that would keep the gazebo from being accessible, such as the dragon boat races and festival).

Mr. Alley informed Town Council that the LLP can guarantee an up-front payment of \$300 per Saturday and ensure that the grounds are cleaned after each event. In exchange for foregoing your current security deposit policy, LLP shall assess any damages incurred by LLP staff or patrons and be responsible for timely repairs by the LLP Engineering Department.

Town Manager Braund reviewed a memorandum dated January 25, 2010 from Customer Service Director Linda Ward addressed to Town Council pertaining to a request from Heather Alley on behalf of the Lake Lure Inn and Spa to rent the town's gazebo in group blocks of Saturdays. (Attached is a copy of the memorandum from Linda Ward). Ms. Ward mentioned in her memorandum that the town may lose monies on rentals of the Community Hall in the Municipal Center for wedding receptions due to the Lake Lure Inn promoting incentive packages to hold wedding receptions at the Inn instead. Ms. Ward also stated that not everyone can afford to use the Lake Lure Inn for their receptions.

Mr. Alley reassured Town Council that individuals would be informed about choices to hold their wedding reception including the town's Community Hall in the Lake Lure Municipal Center.

After discussion, Commissioner Hyatt made a motion to approve the request from the Lake Lure Inn and Spa as outlined in a memorandum addressed to the town manager from Heather Alley dated January 15, 2010 to rent the town's gazebo to Lake Lure Properties (LLP) in group blocks of Saturdays during the months of May, June, and October for 2011 (excluding any activities that would keep the gazebo from being accessible, such as the dragon boat races and festival). Commissioner Moore seconded the motion. Commissioners Dotson, Hyatt, and Moore voted in favor of the motion. Commissioner Turner voted against the motion. Therefore, the motion carried with a vote of 3 to 1. (Attached is copy of the memorandum from Heather Alley dated January 15, 2010).

NEW BUSINESS:

c. RECOGNITION OF THE LAKE LURE GOLF COURSE ADVISORY COMMITTEE'S SERVICE TO THE TOWN; CONSIDER ADOPTION OF RESOLUTION NO. 10-02-09 TERMINATING THE LAKE LURE GOLF COURSE ADVISORY COMMITTEE

Town Council members recognized and thanked the Lake Lure Golf Course Advisory Committee's service to the town.

After discussion, Commissioner Turner made a motion to adopt Resolution No. 10-02-09 terminating the Lake Lure Golf Course Advisory Committee as presented. Commissioner Dotson seconded the motion and the vote of approval was unanimous.

RESOLUTION NO. 10-02-09

A RESOLUTION TO TERMINATE THE GOLF COURSE ADVISORY COMMITTEE

WHEREAS, by prior Resolution No. 93-12-14, as amended by Resolution No. 96-07-23 a Golf Course Advisory Committee was established to oversee the Lake Lure Municipal Golf Course, including its employees and make recommendations from time to time to the Lake Lure Town Council; and

WHEREAS, beginning January, 2010 the Lake Lure Municipal Golf Course was leased for a minimum period of five years to Course Doctors, Inc, who will operate said golf course with its own employees; and

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

SECTION 1: That the Golf Course Advisory Committee is hereby terminated.

SECTION 2: That the Town Council expresses its appreciation to the volunteers who have served as members of this committee.

SECTION 3: This Resolution therefore amends prior Resolution No. 93-12-14 and Resolution No. 96-07-23.

SECTION 4. This resolution shall be effective immediately upon its adoption.

Adopted and duly passed by Town Council, this 9th day of February, 2010.

TOWN OF LAKE LURE

ATTEST:

Mary A. Flack, MMC
Town Clerk

Robert Keith
Mayor

Approved as to form:

J. Christopher Callahan
Town Attorney

NEW BUSINESS:

d. CONSIDER ADOPTING RESOLUTION NO. 10-02-09A STAGGERING TERMS OF THE PARKS AND RECREATION BOARD

After discussion, Commissioner Turner made a motion to adopt the following Resolution No. 10-02-09a as presented. Commissioner Hyatt seconded the motion and vote of approval was unanimous.

RESOLUTION NO. 10-02-09A

AMENDING RESOLUTION NO. 00-01-11 AND RESOLUTION NO. 06-07-11A INCREASING THE NUMBER OF MEMBERSHIP AND STAGGERING TERMS OF THE PARKS AND RECREATION BOARD

WHEREAS, the aforesaid Resolution No. 00-01-11 was duly adopted by the Town Council of Lake Lure, North Carolina on January 11, 2000 in order to establish a Parks and Recreation Board and set forth its duties and responsibilities; and

WHEREAS, Town Council has reviewed and considered the number of members to be appointed to this committee under the provisions of Resolutions No. 00-01-11 and Resolution No. 06-07-11A and found it desirable to modify the membership and staggering terms of this Parks and Recreation Board from its current structure.

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

SECTION 1. That Section 1 of Resolutions No. 00-01-11 and Resolution No. 06-07-11A is hereby amended as follows:

The Parks and Recreation Board shall consist of ~~seven~~ five members and one alternate member appointed by Town Council. Appointments shall be for a term of three years, expiring on December 31 of the third year, and terms shall be staggered. Not more than ~~four~~ two member's terms shall expire in any one year. Any vacancy shall be filled for the unexpired term in the same manner as the initial appointment.

SECTION 2. Effective date.

This resolution shall be effective upon its adoption.

Adopted this 9th day of February, 2010.

Page 7 - Minutes of the February 9, 2010 Regular Council Meeting

ATTEST:

Mary A. Flack, MMC
Town Clerk

Robert Keith
Mayor

APPROVED AS TO FORM:

J. Christopher Callahan
Town Attorney

Town Manager Braund agreed to notify the Lake Lure Golf Course Advisory members about applying for the two new positions added on the Parks and Recreation Board.

NEW BUSINESS:

e. APPOINT A REPRESENTATIVE FOR THE TOWN TO SERVE ON THE BOARD OF DIRECTORS OF ISOTHERMAL PLANNING AND DEVELOPMENT COMMISSION

Mayor Keith recommended that Bob Cameron be appointed as a representative for the town to serve on the Board of Directors of Isothermal Planning and Development Commission.

After discussion, Council members agreed by consensus to appoint Bob Cameron to serve as a representative for the town to serve on the Board of Directors of Isothermal Planning and Development Commission filling the remainder of Jim Proctor's term expiring April, 2010 plus an additional three years with a term expiring April, 2013.

NEW BUSINESS:

f. DISCUSSION REGARDING EXTENDING THE DATE ON RAISING THE LAKE LEVEL UP TO FULL POND

Town Council members heard comments from individuals requesting an extension on the date to raise the lake level up to full pond. Several contractors and individuals stated that inclement weather had limited the ability to complete projects within the time frame set for the lake level to be brought up to full pond. There was mention about the danger of a house possibility falling into the lake if more time was not allowed in order to take preventative measures.

In addition, there were concerns expressed by several businesses owners that they would have potential economic impact and they were not in favor of delaying of the lake level. It was mentioned that the town officially notified constituents well in advance of when the lake would be lowered and that entities were given sufficient amount of time to complete their projects.

Steve Rickert, a representative of Rumbling Bald Mountain Resort stated that the town established the schedule for the lake in excess of six months ago. With this schedule, the Resort was

Page 8 - Minutes of the February 9, 2010 Regular Council Meeting

able to contract with six college rowing teams, with the first teams arriving on March 4th. He said many of these contracts were executed once the schedule was set six months ago. Now, with less than three weeks before the teams arrive, the schedule may get altered, which would have a detrimental impact on the crew team experience and could result in the teams not coming back in future years.

Former Town Commissioner Russ Pitts stated that in previous years when the lake was down, rowing teams were able to get access on the lake. He suggested using floating docks and/or wood mats. Mr. Pitts said it is difficult to plan for the weather.

Jerry Nelson, a local contractor, agreed to assist with the placement of wood mats for the rowing teams to get access on the lake.

Clint Calhoun, Environmental Management Officer, gave a status report on projects completed, cancelled, or close to completion with regards to seawall construction, seawall repairs and installation of rip rap.

Council members expressed their concerns of protecting a house potentially falling into the lake.

After discussion, Commissioner Turner made a motion to:

- (1) extend the date from March 1, 2010 to March 11, 2010 to begin raising the lake level up to full pond;
- (2) assist Rumbling Bald Resort with helping to get access on the lake for six college rowing teams arriving on March 4, 2010 and coordinating assistance with the floating docks and/or wood matts; and
- (3) determine at the next regular council meeting being held on March 9, 2010 whether or not the extended date is sufficient enough time in order to allow contractors to complete projects and to help prevent water quality issues.

Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

g. ADOPT RESOLUTION NO. 10-02-09B AUTHORIZING AN EXECUTED DEED OF CONVEYANCE FROM JOHN H. MOORE AND WIFE, REGINA MOORE, OF CERTAIN PROPERTY AS A GIFT UNDER PARTICULAR TERMS, VALUATIONS AND CONDITIONS

Chris Braund briefed Council members about an offer from John Hayward Moore and wife Regina Moore regarding three lakefront lots he owns on Buffalo Shoals near a resort (lots 7, 8, and

Page 9 - Minutes of the February 9, 2010 Regular Council Meeting

9 in the Morlan subdivision). Mr. Braund said the three lots are 100-foot wide and extremely steep. Also, the roadway is close to the lake shore. He informed Council members that these lots are unbuildable without a variance from the setbacks. Mr. Braund said Rutherford County has appraised these lots at high values. Mr. Braund explained that Mr. Moore has no intention of building on these lots and is seeking a way to eliminate his ongoing tax liability. Also, Mr. Moore would like to see these lots remain as green space without homes. If the town would pay the outstanding 2009 taxes, Mr. Moore would donate these lots to the town for use in perpetuity as park land.

Mr. Braund stated that he thinks that Mr. and Mrs. Moore offer is a generous and a rare opportunity for the town to protect 300 feet of undisturbed vegetated lakefront.

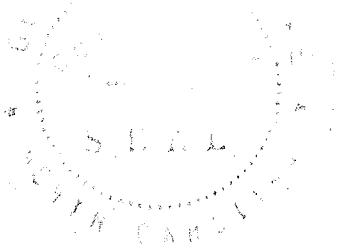
Councils members agreed that the Parks and Recreation Board should review Mr. and Mrs. Moore's offer and report back with their recommendation on this request.

After discussion, Commissioner Turner made a motion to table the adoption of Resolution No. 10-02-09B authorizing an executed deed of conveyance from John H. Moore and Wife, Regina Moore, of certain property as a gift under particular terms, valuations and conditions and reconsider this resolution at a future meeting. Commissioner Moore seconded the motion of the vote of approval was unanimous.

ADJOURN THE MEETING

With no further items of discussion, Commissioner Turner made a motion to adjourn this meeting. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

ATTEST:




Mary A. Flack, MMC
Town Clerk


Mayor Bob Keith