



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, APRIL 11, 2023, 5:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

PRESENT: Mayor Carol C. Pritchett
Mayor Pro Tem David DiOrio
Commissioner Scott Doster
Commissioner Jim Proctor
Commissioner Patrick Bryant

William Morgan, Jr., Town Attorney
William Hank Perkins, Jr., Town Manager
Michael Dydula, Project Manager

ABSENT: N/A

I. CALL TO ORDER

Mayor Carol C. Pritchett called the meeting to order at 5:00 p.m. Commissioner Bryant led invocation and Council members led the pledge of allegiance.

II. APPROVE THE AGENDA

Commissioner DiOrio requested the removal Item D ("Resolution No. 23-04-11D Approving Schnabel Work Order No. 7A - Reservoir Drain Construction Services") from Section X ("New Business"). Commissioner Doster requested the addition of a new Section X ("New Business") Item D for "Duke Energy ABC Store Payment Transfer."

Commissioner DiOrio made a motion to approve the agenda, as amended. Commissioner Bryant seconded and the motion carried 4-0.

III. MAYOR'S COMMUNICATIONS

Mayor Pritchett thanked all individuals in attendance. Mayor Pritchett detailed procedures for public comment and presentation items.

IV. TOWN MANAGER COMMUNICATIONS

Town Manager Hank Perkins summarized highlights from his Manager's Report for March (available in the meeting packet).

V. COUNCIL LIAISON REPORTS & COMMENTS

Commissioner Scott Doster reported the activities of the Zoning and Planning Board and the ABC Board.

Commissioner David DiOrio reported the activities of the Lake Advisory Board and the Board of Adjustment / Lake Structure Appeals Board.

Commissioner Jim Proctor reported the activities of the Parks and Recreation Board.

VI. PRESENTATIONS

A. MORSE PARK MASTER PLAN – PARKS AND RECREATION TRUST FUND (PARTF)

Mr. Don Cason explained the Rutherford Bound mission and the purpose of the Lake Lure Steering Committee. Mr. Cason introduced Mr. Ron Hancock who presented the Morse Park Master Plan Phase I and detailed the Town's plan to apply for the Parks and Recreation Trust Fund (PARTF) Grant program.

Mr. Hancock with Destination by Design explained that the Accessibility for Parks grant was not received, so the Town is now applying for the PARTF grant, which is a one for one match. Mr. Hancock displayed the map for Morse Park Phase I and reviewed the project description and justification. Mr. Hancock also reviewed previous planning efforts for the project. Mr. Hancock detailed the project proposal, reviewed the project budget, and explained the matching requirements for PARTF.

Mr. Hancock asked if there were any questions and there were none. Town Council thanked Mr. Hancock.

VI. PRESENTATIONS

B. LAKE LURE GREEN SPACE PLANNING

Town Manager Hank Perkins detailed the history of the Morse Park master planning process. Manager Perkins noted that the final Morse Park Plan does not include some active recreational amenities, so the Town will need to determine where to put the active recreation amenities in the future. Manager Perkins expressed the need for a master plan for the Green Space, as well. It was noted the Parks, Recreation, and Lake Department office was located at the Green Space and there is a possibility that a future Fire Department will be built on the property. Manager Perkins described the process for a master plan which would include working with a firm, public meetings, and community input. Manager Perkins reiterated the need for a new Fire Department and explained that the Town will have a space needs assessment conducted to determine the best location for a future Fire Department. Manager Perkins added that the assessment will consider the possibility of a future Police station, as well. Manager Perkins detailed the space needs assessment purpose and process. It was noted that the Parks and Recreation Board would be involved and would need to make recommendations to Council in regard to the Green Space property master planning. Manager Perkins summarized that a master plan for the Green Space is a beneficial alternative to looking at the site through a piecemeal approach.

Laura Doster noted that there had been a similar study conducted for the Green Space in the past and that the only recommendation from the study that was accomplished was the signage. Mrs. Doster asked what had happened to the plan. Manager Perkins expressed uncertainty and asked when it was completed. Mrs. Doster estimated that it was completed around 2012. Manager Perkins noted that he had not gotten a chance to see the plan, but expressed that it would be beneficial to look at the plan moving forward to determine what has changed and what should remain in a plan. Mrs. Doster explained that the plan did mention moving some of the active recreational facilities to the Green Space property. Manager Perkins expressed that the former plan should be reviewed and taken into consideration moving forward.

Crystal Morrison expressed that the 2017 Morse Park Plan has not made much progress and that she is concerned that a green space plan would not come to fruition. Mrs. Morrison also expressed concern in regard to funding and timeliness of the master planning process.

Richard Sayles asked why the fire and police departments need to be relocated. Manager Perkins explained that there is a need for a new Fire Department building because the existing building is not meeting the standards that it should be meeting. Manager Perkins added that the Police Department's relocation is not urgent, but it could be relocated in the future and it may be beneficial to have it near the Fire Department.

Annie Dance, Journalist, noted that past minutes stated that the Police Department was going to be moved to the current ABC Store. Manager Perkins stated that that is no longer the plan, but it was noted that the ABC Store is moving and the existing space will be vacant. Ms. Dance asked if there will ever be golf on the green space property again and Manager Perkins expressed that golf is not precluded for uses on the green space.

Mrs. Doster asked for verification that the Fire Department would be located on the Green Space and Manager Perkins said yes. Mrs. Doster noted that the property is not zoned for that.

An unnamed attendee asked if the Town has the funding available for the Morse Park Plan Phase I. Manager Perkins reviewed the grants that the Town will be applying for and explained that the Town has the matching funds for the grants. The attendee asked about the amphitheater. Manager Perkins explained that there is a three year time limit for the completion of Phase I for PARTF, and then the Town could work towards funding future phases including the amphitheater. The attendee expressed support for the amphitheater and expressed concern for the time of completion for any plans for the Green Space.

Manager Perkins noted that master plans are essential for grant funding opportunities.

An unnamed attendee noted that they understand that the golf course was closed because of expenses. The attendee expressed that other uses for the Green Space are also expensive and questioned how revenues would be produced.

Debbie Warren suggested that citizens would be interested in knowing how critical the fire department update is and if the Town should be seeking grants for that. Asked to explain how to deal with the Fire Department need. Manager Perkins explained that there was discussion about the Fire Department during the retreat meeting in January and that there are plans to engage in a space needs assessment and begin working with a designer within the next fiscal year. Manager Perkins added that is in the planning phase and the Town will begin funding the new fire department in the next fiscal year.

An unnamed attendee asked why there are plans to eliminate the courts at Morse Park. Manager Perkins explained that there are no current plans to eliminate the courts, but they are not a part of the complete Morse Park Master Plan.

An unnamed attendee asked if there are short term plans for pickle ball courts. Manager Perkins explained that the short term plan is to rehabilitate the existing courts. Manager Perkins added that the courts could exist in the current location for a long time, so the Town will be improving and maintaining them.

Esther Lusk noted she was involved in conducting the Morse Park Plan and that her understanding was that the plans were to move the courts to the Green Space property in the future.

An unnamed attendee asked for an estimated timeline for the pickle ball court updates. Manager Perkins estimated that updates would be made in the next few months or in the next budget cycle.

Commissioner Proctor noted that the green space is zoning is Governmental Use, which would allow for a fire department, but the comprehensive plan would need to be changed.

Sunny Clark noted that a property owner neighboring the green space expressed concerns with noise involved with pickle ball. Ms. Clark recommended that the Town consider this in the

planning process. Manager Perkins thanked Ms. Clark for the recommendation and noted that Town should keep in mind the best overall needs of the community and that a process will be followed to determine the best overall use of the property.

VI. PRESENTATIONS

C. GOLF COURSE PROPOSAL

Mr. Luke Davis, Lie + Loft and Hickory Revival, proposed a long-term lease partnership to benefit multiple parties in regard to the Green Space through a Lake Lure Golf Course revitalization. Mr. Davis expressed that there would not be any cost to the Town and that there would be no subsidy. Mr. Davis detailed the proposed plan to develop the Golf Course and noted that he had been working with the Chamber of Hickory Nut Gorge for months. Mr. Davis reviewed his companies' proposed economic sustainability plan and environmental sustainability plan. Mr. Davis mentioned that he is aware of the Town easement with Equinox Environmental and that he would like to partner with them if his plan is pursued. Mr. Davis reviewed his companies' social sustainability plan. Mr. Davis expressed that his the revitalization proposal would benefit the community, and that the property could also be used for trails and other mixed-uses. Mr. Davis detailed his PGA team history and operations. Mr. Davis also detailed his qualifications. Mr. Davis explained marketing plans. Mr. Davis noted that the next steps to work with the Town would include an agreement in principle, a solution for both entities, and due diligence. Mr. Davis expressed that he understands the need for storage and other Town needs, and that he would like to work with the Town to accommodate these needs. Mr. Davis concluded that his immediate solution and proposal is to revive the golf course and if it fails, the Town would be left with a beautified greenspace.

Commissioner Proctor asked for detailed regarding Mr. Davis' organizations. Commissioner Proctor expressed that he has written a lot of business plans, and that the packet that he had received from Mr. Davis does not include a business plan with a budget or other necessary details. Commissioner Proctor stated that he would like to see a business plan. Mr. Davis noted that an agreement would be needed by Council in order for him to provide additional details regarding the business plan.

Commissioner Proctor reviewed notes that he had taken on Mr. Davis' proposal. Commissioner Proctor expressed that Mr. Davis' claim that golf participation is at an all-time high conflicts with the National Golf Foundation statistics that show that there was a decline in golf participation since 2006. Mr. Davis explained that he thought the 2006 numbers included any golf engagement. Commissioner Proctor reviewed Mr. Davis' list of other planned uses for the property, including a building camp and lodging structure. Commissioner Proctor asked if there is enough land to accomplish all of Mr. Davis' proposed uses and Mr. Davis answered that there is a lot of land and that he thought that other amenities could be included. Commissioner Proctor recommended submitting a site plan alongside a business plan. Commissioner Proctor noted that Mr. Davis uses Moore County, NC, as an example of what economic impact a course can have on the Town and expressed that Lake Lure's 9-hole golf course cannot be compared to Moore County's, which is one of the most famous golfing counties in the world. Mr. Davis explained that his Moore County example was to show how golf can be marketed and impact a community.

Commissioner Proctor explained that Mr. Davis' proposal discusses Buncombe County Tourism Development Authority (TDA) funding for the Asheville Municipal Golf Course and that Buncombe County TDA is expected to collect \$40.8 million whereas the Rutherford County TDA is projected to collect only \$2.6 million. Commissioner Proctor added that the City of Asheville will still spend millions of dollars to initiate capital improvements on their course while the current company running the course pays the city a portion of their profits, and that the former company that operated the course still owes the City about \$325,000 in unpaid fees. Commissioner Proctor noted that the round numbers had changed in proposals. Commissioner Proctor recommended adding marketing line item to a business plan and Mr. Davis expressed that Lie + Loft is involved in Marketing. It was noted that Lie + Loft is golf artwork and media company. Commissioner recommended additional information on Lie + Loft in a business plan. Commissioner Proctor noted that Mr. Davis' proposal includes a map of locations that the Town could use for facilities and explained that the majority of the locations are not useable due to existing trails, restricted uses, Lake Lure Classical Academy expansion, police firing range, and issues with slope.

Mr. Davis mentioned a par-3 course that could be separate from the 9-hole course. Jim expressed that the Town has specific needs.

Commissioner Proctor noted that Mr. Davis' proposal discusses Winter Park, Florida, in Orange County and expressed that Rutherford County cannot be compared to Orange County which receives about 44 million visitors annually. Mr. Davis explained that he thinks that the Lake Lure Course and the Winter Park Course could be comparable per round. Commissioner Proctor explained that Mr. Davis' proposal mentions a long-term good faith lease agreement and expressed that the lease would need to be included in a business plan.

Commissioner DiOrio thanked Mr. Davis. Commissioner DiOrio noted that there were a lot of business assumptions in the presentation. Commissioner DiOrio also noted that he had sent an email to Mr. Davis with questions in regard to the proposal and did not receive a response. Commissioner DiOrio asked who the Town would be partnering with since Mr. Davis is representing two organizations and Mr. Davis answered Hickory Revival. Commissioner DiOrio expressed concern that there is not an LLC to work with. Mr. Davis explained that they are golf course operators. Commissioner DiOrio asked if all of the golf courses that Hickory Revival had run are profitable and where their working capital is from. Mr. Davis answered that Hickory Revival is happy to provide that information and noted investors. Commissioner DiOrio asked if there are commitments from investors and Mr. Davis said yes, depending on a lease. Mr. Davis expanded that Hickory Revival is looking for a 20 year lease. It was noted that there are issues with that lease length due to state requirements surrounding leases exceeding 10 years. Commissioner DiOrio expressed concern regarding the history of golf courses failing due to unsustainable business models and asked what independent marketing analysis would be used to ensure that this course does not fail. Mr. Davis answered that there was a Strengths, Weaknesses, Opportunities, and Threats (SWOT) analysis done. Commissioner DiOrio noted that there were two independent marketing analyses completed and that golf did not make the top of the list of recreational uses for the green space. Commissioner DiOrio expressed that there are difficulties with maintain golf courses as businesses. Commissioner DiOrio also expressed that local support is not enough to sustain the 9-hole golf course and asked where other users would come from. MR. Davis noted a camping golf event that he runs and that people would visit for that and estimated

that it would bring in \$50,000 for one weekend. Mr. Davis expressed that creative events would help. Commissioner DiOrio asked how many creative events would be needed and Mr. Davis answered that no creative events would be needed, but they would help. Commissioner DiOrio asked where the people are to sustain the golf course business and Mrs. Doster noted petitions. Commissioner DiOrio explained that there were only about 40 members at the old golf course. Commissioner DiOrio expressed that he would be in favor of the plan if he knew it was sustainable. Commissioner DiOrio recommended completing an independent marketing analysis. Mr. Davis stated that there are references that he can provide.

Kathy Tanner expressed that you cannot compare the old golf course plan to the one being proposed.

Commissioner Doster asked if the plan is 33 rounds a day and 12,000 per year. Mr. Davis answered yes, but expressed that he thinks it will actually be more around 15,000.

Commissioner DiOrio noted that in Asheville, there company that said much of the things that Mr. Davis is saying including that there would be no costs to the city, and they ultimately had to ask the City of Asheville for \$3.6 million to prepare the golf course. Commissioner DiOrio asked if the estimated \$500,000 would be sufficient to prepare the course. Mr. Davis expressed that Lake Lure and Asheville cannot be compared because Asheville is a hard course to manage and was neglected, but the Town course is compact and easier to maintain. Mr. Davis noted that he could get additional private capital, if needed. Commissioner Doster asked how far he thinks Hickory Revival would get with \$500,000 and Mr. Davis estimated it could get them completed by fall. Commissioner Doster noted that the Town had spent \$300,000 years ago to rehabilitate the greens, but the company did not do it correctly and failed and were unable to compensate because their company closed. Commissioner Doster asked how the greens issues would be fixed and Mr. Davis answered that there are different types of greens. Commissioner Doster noted to keep in mind that the lake was the irrigation for the greens and asked what the plan would be during drawdowns. Mr. Davis expressed that the type of grass that he is proposing would not need as much water and a collection and irrigation solutions would be looked at. Commissioner DiOrio noted that there had been investments made by the Town for the property such as the Parks, Recreation, and Lake Office which would be the club house and asked where the offices would be relocated. Mrs. Doster expressed that Chamber could help with relocated the offices. Commissioner DiOrio noted that his point is that there would ultimately be costs required by the Town. Commissioner DiOrio also noted that Fire building is out of date and there is a big gap in paramedic standards in Rutherford County in which the Town is working towards initiatives. Commissioner DiOrio expanded that this is another example of significant opportunity costs if there is a 10 year lease. Mr. Davis reiterated that if the business fails, the course would still be improved.

Kathy Tanner noted that Commissioner Proctor had said that there were immediate needs and asked what those immediate needs are. Commissioner Proctor expressed there are some Town facilities that are in the process of being located on the property. Mrs. Tanner expressed concern that the community was not informed of this. It was noted that this was discussed at meetings and that discussions can be found in past meeting minutes. Mrs. Tanner expressed concern with Town uses of the green space.

Moe Bay noted that Mrs. Davis had alluded to tax benefits in his presentation and asked what the tax benefits would be for the Town and residents. Mr. Davis noted occupancy tax and lodging, local sales tax, and bringing more people in to spend money in the Town. Mrs. Doster noted that occupancy tax goes to the County and that the benefit comes back to Town, real estate sales, and increased resident taxes. Mrs. Doster also noted that maintenance responsibilities would be taken over from the Town. Mrs. Bay asked about funding got maintenance and it was explained that maintenance of the Green Space is currently in the Parks and Recreation budget which is funded by lake use fees and not tax dollars. Commissioner DiOrio explained occupancy taxes and the County Tourism and Development Authority, and noted that the majority of County funds from occupancy tax are from Lake Lure and that the Town only gets a small fraction of return. Commissioner DiOrio noted that sales tax goes to the state. It was noted that a concession agreement and lease money would be the only director monetary benefit for the Town.

William Frykberg asked if Mr. Davis' company is willing to create a detailed plan to rehabilitate the course and provide the Town with a performance bond if the rehabilitation plan fails. Mr. Davis answered that the company did compile a list of rehabilitation plans in the business plan and that it is his understanding that other concessions do not include maintenance costs and that golf courses are different because of the associated risks. Mr. Frykberg detailed an example of Grey Rock Golf Course and the performance bonds that were required for that course. Mr. Frykberg explained that the county used performance bonds for Grey Rock when performances were not met and the county had to finish the project. Mr. Frykberg expressed that the costs to rehabilitate the course are being underestimated by Mr. Davis and that he thinks the costs will much higher and that a performance bond should be included. Mr. Davis rebutted that his company has experts that say otherwise.

An unnamed attendee asked if Mr. Davis is confident that he can return the course as is and Mr. Davis said yes. The attendee thanked the Mayor and Council for allowing this conversation to happen, and expressed love for the community and finding the highest and best use for town assets. The attendee also expressed that they understand past decisions, but thinks that there are new solutions now to explore. The attendee noted concern with delays in progress, such as delays on the Morse Park plan.

Commissioner Project noted that he cannot personally endorse anything without a business plan.

An unnamed attendee noted that it is appropriate for the Town to ask for a performance bond for contractors, but not for something where no funds are being asked for from the Town. Mr. Davis noted that this would be a private-public partnership, that he does not want to collect subsidy, and that he wants to make this a successful business. Commissioner Doster noted that costs will be incurred by the Town and that if the business fails, it will impact the Town.

An unnamed attendee asked if language could be added to the agreement that if it fails, there will be compensation. Commissioner Doster noted that he thinks that details like that could be included in an agreement.

Debbie Warren asked what the steps are to move forward. Mayor Pritchett expressed the importance of reflecting on the Green Space presentation by Manager Perkins. Mayor Pritchett noted that one thing to consider is what opportunities could be lost for residents who are not golfers and who could use the property for other purposes. Mayor Pritchett explained that there will not be a decision or vote tonight and that the Council needs additional information that could determine how the Town would like to move forward. Mayor Pritchett expressed that everyone in the community will be considered.

Mayor Pritchett called for a five minute break.

VII. PUBLIC COMMENT

Mayor Carol C. Pritchett invited the audience to speak.

Moe Bay, detailed that the 5th annual Trash Talkin' event will take place on April 18th at 9:00 a.m. and volunteers will meet at the Lake Lure Village Resort main entrance. Mrs. Bay provided a sign-up sheet for those interested in volunteering for the event. Mrs. Bay added that the Police Department should be aware that people will be walking on Boys Camp Road during the event. Mrs. Bay also detailed that the Flowering Bridge 10th anniversary event will be held at Riverside Event Center on June 2nd and that limited tickets are available on the Lake Lure Flowering Bridge Website.

Pat Buede, expressed the need for a steering committee consisting of full time residents to work on how to allow the permanent resident to have the best quality of life. Ms. Buede noted that some examples are that there is still no dog park despite efforts from residents and that there are needs that are not being met for pickle ball and more. Ms. Buede expressed that she would like to see progress on the Fire Department for the safety of residents. Ms. Buede also expressed that Project Manager Mike Dydula has too much on his plate. Ms. Buede reiterated the need for a steering committee.

Mayor Pritchett explained the fiduciary responsibilities of the Council and that the Town cannot delay addressing infrastructure issues any longer because infrastructure supports the community. Mayor Pritchett expressed that Council has to focus on infrastructure issues, so she is grateful to have people in the community who are willing to focus on other aspects of the Town. Mayor Pritchett noted that Council is committed to prioritizing the residents of Lake Lure. Mayor Pritchett expressed appreciation for Town staff. Mrs. Moe Bay thanked Council.

There were no further comments from the public.

VIII. CONSENT AGENDA

Mayor Carol C. Pritchett explained the consent agenda and Commissioner Bryant presented the Consent Agenda items and asked if any items should be removed before calling for action.

Commissioner DiOrio made a motion to approve the Consent Agenda, as presented. Commissioner Doster seconded. Therefore, the Consent Agenda incorporating the following items was unanimously approved and adopted:

- A. Approval of the March 14, 2023 Regular Town Council Meeting Minutes and the March 22, 2023 Regular Town Council Work Session Meeting Minutes
- B. Resolution No. 23-04-11 Authorizing Addendum to the Lake Lure Tours Concession Agreement
- C. Resolution No. 23-04-11E Authorizing Deep Pipe Crossing Easements and/or Temporary Dredging Construction Easements for the Horizontal Directional Drill Project
- D. Olympiad Lure of the Lake Swim Event Request for Waivers
- E. Waiver for the Lake Lure Memorial Day Service Scheduled for 5/29/23
- F. Waivers for the Lake Lure Community Independence Celebration Scheduled for 7/1/23 at the Lake Lure Beach
- G. Waiver and Suspension for the Lake Lure Farmers Market Scheduled for Fridays Starting on 5/5/23 through 10/27/23.

RESOLUTION NO. 23-04-11

**RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE
AUTHORIZING ADDENDUM TO THE LAKE LURE TOURS CONCESSION
AGREEMENT**

WHEREAS, the Town and LLT entered into a “Concession Agreement for the Town of Lake Lure Beach, Marina and Tour Boats” (hereinafter the “concession agreement”) dated February 15, 2023; and

WHEREAS, the concession agreement contemplates, but does not require, the sale of concessions to the Beach’s patrons; and,

WHEREAS, LLT has proposed to arrange for a Food Truck to operate on the premises during the 2023 season based on the terms and conditions set forth in an email memorandum dated March 21, 2023 (attached hereto and incorporated herein by reference); and,

WHEREAS, the Town of Lake Lure finds the terms set out in the March 21, 2023, email memorandum to be acceptable;

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

SECTION ONE. The Town of Lake Lure authorizes Lake Lure Tours to arrange for the operation of a food truck to serve patrons of the Beach during the 2023 season, and any season thereafter that Lake Lure Tours chooses to do so during the term of the February 15, 2023, Concession Agreement.

SECTION TWO. Lake Lure Tours may contract with a Rutherford County Health Department approved and Town of Lake Lure permitted food truck for the provision of concessions and require the food truck operator to conduct its business substantially in compliance with the March 21, 2023, email memorandum attached hereto.

READ APPROVED AND ADOPTED this 11th day of April, 2023

RESOLUTION NO. 23-04-11E

**RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE
AUTHORIZING DEEP PIPE CROSSING EASEMENTS AND/OR TEMPORARY
CONSTRUCTION EASEMENTS FOR THE HORIZONTAL DIRECTIONAL DRILL
PROJECT**

WHEREAS, The Town of Lake Lure's 1927 sewer system utilizes a series of pipes that are submerged beneath the lake and these iron pipes, and associated concrete manholes, and older septic systems are deteriorating and must be replaced to protect the lake; and

WHEREAS, The Town is embarking upon a phased rehabilitation and replacement approach that maintains sewer service while improving system performance and the design and implementation of the new state-of-the-art engineering solution is challenging because the new system remains in the lake. Specifically, the new collection system will be installed in the backshore, which is the land exposed during lake drawdown periods; and

WHEREAS, citizens' future renovation options and property values will significantly increase with the new system in place; and,

WHEREAS, part of the work involves the use of a Horizontal Directional Drill (HDD) which will drill into the backshore during lake drawdown periods (the "backshore" is the area exposed during drawdown periods) creating a tunnel bored very deep in the ground in several areas creating the need for "Deep Pipe Crossing Easements" from several property owners including Grantors;

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

SECTION ONE. The Town of Lake Lure authorizes deep pipe crossing easements and/or temporary construction easements between the Town of Lake Lure and the following property owners:

MELISSA D. CORNETT, AS TRUSTEE OF THE CHLOE CORNETT MOORE TRUST
119 Buffalo Shoals Road, Lake Lure, NC 28746 (Parcel Id. 230389)

WILLIAM C. DEVINEY AND WIFE, ANN J. DEVINEY
106 Rock Point Road, Lake Lure, NC 28746 (Parcel Id. 160686)

DANIEL REED MARGULIES AND JODY ELIZABETH MARGULIES, AS
TRUSTEES OF THE DANIEL AND JODY MARGULIES TRUST, DATED
DECEMBER 21, 2016 AND SHANU NIKHIL AND MARGARET F. KOTHARI, A
MARRIED COUPLE AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP
227 Picnic Park Road, Lake Lure, NC 28746 (Parcel Id. 226033)
JOHN E. McKEE AND WIFE, BETSY McKEE
228 Picnic Park Road, Lake Lure, NC 28746 (Parcel # 232100)

WILLIAM G. MERRILL
505 Charlotte Drive, Lake Lure, NC 28746 (Parcel Id. 216707)

CONSTANCE H. WALDREP
241 Picnic Point Road, Lake Lure, NC 28746 (Parcel #231030)

SECTION TWO. The Town of Lake Lure and the parties specified above shall abide by any specifications within the authorized easements.

SECTION THREE. Any additional deep pipe crossing easements and/or temporary construction easements for the Horizontal Directional Drill Project are hereby authorized at the discretion of the Town Attorney and Town Manager.

READ APPROVED AND ADOPTED this 11th day of April, 2023

IX. UNFINISHED BUSINESS

**A. RESOLUTION NO. 23-04-11A AUTHORIZING A LEASE AGREEMENT
BETWEEN THE TOWN OF LAKE LURE AND THE RUTHERFORD COUNTY
TOURISM DEVELOPMENT AUTHORITY**

Manager Perkins detailed the agreement terms for the lease agreement between the Town and Rutherford County Tourism Development Authority

Commissioner Bryant made a motion to adopt Resolution No. 23-04-11A Authorizing a Lease Agreement Between the Town of Lake Lure and the Rutherford County Tourism Development Authority. Commissioner DiOrio seconded and all voted in favor.

RESOLUTION NO. 23-04-11A

**RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE
AUTHORIZING A LEASE AGREEMENT BETWEEN THE TOWN OF LAKE LURE
AND THE RUTHERFORD COUNTY TOURISM DEVELOPMENT AUTHORITY**

WHEREAS, the Town Council of the Town of the Town of Lake Lure expressed its intent to consider at its regular meeting to be held on the 11th day of April, 2023, the lease or rental of certain real property of the Town; and

WHEREAS, the Town of Lake Lure abided by all General Statutes in regard to the lease of real property for a term of up to 10 years; and

WHEREAS, at its regular meeting on the 11th day of April, 2023, the Town Council considered the lease or rental of the property and desires to lease or rent the real property of the Town described below;

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

SECTION ONE. The following described property is hereby declared to be surplus to the needs of the Town:

Visitor Center located at 2932 Memorial Highway, Lake Lure, NC 28746.

SECTION TWO. The Mayor and the Town Clerk are hereby authorized to execute a lease or rental agreement for the real property of the Town described above, said lease or rental agreement for a term of one year with the option to renew for nine additional terms of one year.

SECTION THREE. The annual rental or lease payment for the real property of the Town of Lake Lure described above will be \$1.00.

READ APPROVED AND ADOPTED this 11th day of April, 2023

IX. UNFINISHED BUSINESS

A. RESOLUTION NO. 23-04-11B AUTHORIZING A 10-YEAR GROUNDS LEASE AGREEMENT BETWEEN THE TOWN OF LAKE LURE AND THE LAKE LURE FLOWERING BRIDGE

Manager Perkins explained that last month, a one-year grounds lease agreement between the Town and the Lake Lure Flowering Bridge was approved in order to avoid the delay of the Flowering Bridge's projects. Manager Perkins expanded that Resolution No. 23-04-11B would replace the one-year grounds lease agreement with a 10-year grounds lease agreement. Manager Perkins noted the local bill being sought to enter into an agreement with the Flowering Bridge that exceeds 10 years without following sale of real property procedures per North Carolina General Statute. Manager Perkins stated that if the local bill is approved, the 10 year lease will be revisited.

Commissioner Proctor made a motion to adopt Resolution No. 23-04-11B Authorizing a 10-Year Grounds Lease Agreement between the Town of Lake Lure and the Lake Lure Flowering Bridge. Commissioner Bryant seconded and all voted in favor.

RESOLUTION NO. 23-04-11B

**RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE
AUTHORIZING A 10-YEAR GROUNDS LEASE AGREEMENT BETWEEN THE
TOWN OF LAKE LURE AND THE LAKE LURE FLOWERING BRIDGE**

WHEREAS, the Town Council of the Town of the Town of Lake Lure expressed its intent to consider at its regular meeting to be held on the 11th day of April, 2023, the lease or rental of certain real property of the Town; and

WHEREAS, the Town of Lake Lure abided by all General Statutes in regard to the lease of real property for a term of up to 10 years; and

WHEREAS, at its regular meeting on the 11th day of April, 2023, the Town Council considered the lease or rental of the property and desires to lease or rent the real property of the Town described below;

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

SECTION ONE. The following described property is hereby declared to be surplus to the needs of the Town:

Lake Lure Bridge No. 7 and a .36 acre lot (PIN #23163)

SECTION TWO. The Mayor and the Town Clerk are hereby authorized to execute a lease or rental agreement for the real property of the Town described above, said lease or rental agreement for a term of 10 years.

SECTION THREE. The annual rental or lease payment for the real property of the Town of Lake Lure described above will be \$1.00.

SECTION FOUR. The existing one year grounds lease shall become obsolete and shall be replaced by the authorized 10-year grounds lease.

READ APPROVED AND ADOPTED this 11th day of April, 2023

X. NEW BUSINESS

**A. APPROVAL OF BASIC FACTS AND ASSURANCES FOR THE 2022-2023
PARKS AND RECREATION TRUST FUND (PARTF) APPLICATION**

Manager Perkins explained the basic facts and assurances is a requirement for the Parks and Recreation Trust Fund application that was discussed prior in the meeting.

Commissioner Doster made a motion to approve the Basic Facts and Assurances for the 2022-2023 Parks and Recreation Trust Fund application. Commissioner Proctor seconded and all voted in favor.

X. NEW BUSINESS

B. RESOLUTION NO. 23-04-11C EXTENDING THE CHIMNEY ROCK VILLAGE AGREEMENT TO OPERATE WATER SYSTEM

Manager Perkins explained that the current agreement to operate water system between the Town and Chimney Rock Village is currently set to expire on April 15th. Manager Perkins detailed that it was a 20 year agreement and both parties have been engaged in regard to a new agreement for the past 6 months. Manager Perkins added that it is more complicated to make necessary changes than originally anticipated and that Resolution No. 23-04-11C is a mutually agreed upon resolution to extend the current agreement to operate water system until December 31, 2023, in order to craft the best agreement to move forward.

Commissioner Doster made a motion to adopt Resolution No. 23-04-11X Extending the Chimney Rock Village Agreement to Operate Water System. Commissioner Bryant seconded and all voted in favor.

RESOLUTION NO. 23-04-11C

**RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE
EXTENDING THE CHIMNEY ROCK VILLAGE AGREEMENT TO OPERATE
WATER SYSTEM**

WHEREAS, the Town and Village previously entered into an Agreement to Operate Water System ("prior agreement") on or about April 15, 2003; and

WHEREAS, Village has tended written notice as required by the prior agreement to Town of its intent to renew the prior agreement subject to the modifications contained herein; and

WHEREAS, the Town and Village have each requested additional time to respond to the Village's and Town's notice of their intent to renew the prior agreement; and

WHEREAS, the Town and Village have a mutual interest in maintaining a level of cooperation between their water services delivery programs until the Town and Village have sufficient time to investigate and respond to each municipality's proposals;

WHEREAS, the expiration of the prior agreement is approaching and it is in the best interests of the Town and Village to extend the prior agreement until December 31st, 2023.

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

SECTION ONE. The Town of Lake Lure and Chimney Rock Village mutually agree to extend the existing agreement to operate water system until December 31st, 2023.

READ APPROVED AND ADOPTED this 11th day of April, 2023

X. NEW BUSINESS

C. DRAIN VALVE CONSTRUCTION BID UPDATE

Manager Perkins announced that the Town opened re-bids for the installation of the reservoir drain valve this morning after not receiving a sufficient amount of bids the first round of bid advertisement. Manager Perkins detailed that there were two bids received and that Town staff and Schnabel Engineering are in the process of reviewing the bids. It was noted that the Town staff will make a recommendation to Council to award a bid on a future date.

X. NEW BUSINESS


D. DUKE ENERGY ABC STORE PAYMENT TRANSFER


Commissioner Doster explained that the ABC Store is moving and Duke Energy requested that the ABC Board vote to change locations for their power services. Commissioner Doster and staff discussed that the energy bill is already in the Town's name, and it was proposed that the Town assume the responsibility for Duke Energy payments for the building beginning in May. Commissioner Doster made a motion to authorize the Town to assume responsibility for making payments to Duke Energy for the ABC Store location beginning in May. Commissioner Proctor seconded and all voted in favor.

XI. ADJOURNMENT

With no further business, Commissioner Proctor made a motion to adjourn the meeting at 7:43 p.m. Commissioner Doster seconded and the motion carried 4-0.

ATTEST:


Olivia Stewman, Town Clerk


Mayor Carol C. Pritchett

