

TOWN OF LAKE LURE
TOWN COUNCIL RECONVENED MEETING

Friday, August 28, 2026 at 8:30 a.m.

Town Hall at the Landings



Agenda

Roll Call:

Commissioner Dave DiOrio
Commissioner Jim Proctor
Commissioner Patrick Bryant
Commissioner Scott Doster
Mayor, Carol C, Pritchett

Marty Benson, Attorney
Olivia Stewman, Town Manager

Absent:

I. Call to Order

Mayor Carol C Pritchett called meeting to order at 8:30 am.

II. Closed Session in Accordance with G.S. 143-318.11 (a)(3) for Attorney Client Privilege or Legal Claims

Commissioner Jim Proctor made a motion to enter into closed session in accordance with G.S. 143-318.11(a)(3) for Attorney Client Privilege or Legal Claims regarding Second Mountain LLC lawsuit. Commissioner Dave DiOrio seconded the motion and all were in favor.

During Closed Session, Town Council discussed ongoing litigation with Second Mountain LLC.

Commissioner Patrick Bryant made a motion to leave the closed session.
Commissioner Jim Proctor seconded the motion and all were in favor.

Commissioner Jim Proctor made a motion to add item III to consider Resolution No. 26-08-28 Ratifying and Affirming the Termination of the Lease Agreement with Second Mountain, LLC and the Filing of Summary Ejectment Proceedings. Commissioner Patrick Bryant seconded the motion and all were in favor.

III. Resolution No. 26-08-28 Ratifying and Affirming the Termination of the Lease Agreement with Second Mountain, LLC and the Filing of Summary Ejectment Proceedings

Council discussed the resolution briefly.

Commissioner Jim Proctor made a motion to adopt Resolution No. 26-08-28 Ratifying and Affirming the Termination of the Lease Agreement with Second Mountain, LLC and the Filing of Summary Ejectment Proceedings. Commissioner Dave DiOrio seconded the motion and all were in favor.

The resolution was adopted as follows:

RESOLUTION NO. 26-08-28

A RESOLUTION RATIFYING AND AFFIRMING THE TERMINATION OF THE LEASE AGREEMENT WITH SECOND MOUNTAIN, LLC AND THE FILING OF SUMMARY EJECTMENT PROCEEDINGS

WHEREAS, the Town of Lake Lure ("Town") entered into a Lease Agreement dated August 29, 2024, with Second Mountain, LLC ("Tenant") for the premises located at 2654 Memorial Highway, Suite A, Lake Lure, North Carolina; and

WHEREAS, the Tenant failed to timely pay rent due under the Lease Agreement, constituting an Event of Default pursuant to Section 15.1(A) of the Lease; and

WHEREAS, on August 18, 2026, counsel for the Town issued a formal Notice of Lease Termination and Demand for Immediate Possession, terminating the Lease effective immediately and demanding that the Tenant surrender possession of the premises; and

WHEREAS, the Tenant failed to surrender possession of the premises as demanded by the Town; and

WHEREAS, in accordance with the Lease Agreement and applicable North Carolina law, the Town has filed a summary ejectment action seeking possession of the leased premises and such other relief as may be authorized by law; and

WHEREAS, the Town Council finds that the Town has continued to act reasonably, patiently, and in good faith to resolve disputes with Second Mountain, LLC through negotiation, mediation, and other non-litigation efforts, and continues those efforts with the intention of presenting Second Mountain, LLC with a proposed settlement agreement prior to the September 3, 2026 summary ejectment hearing; and

WHEREAS, the Town Council further finds that, should those efforts prove unsuccessful, termination of the Lease Agreement and continuation of the summary ejectment action are necessary and appropriate to enforce the Lease Agreement and protect the Town's interests; and

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

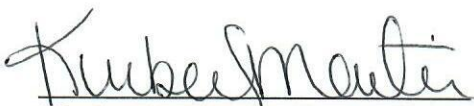
1. In the event the Town's proposed settlement agreement is not accepted or otherwise fails to resolve the dispute, the Town Council hereby ratifies, approves, and affirms the termination of the Lease Agreement with Second Mountain, LLC.
2. In the event the Town's proposed settlement agreement is not accepted or otherwise fails to resolve the dispute, the Town Council hereby ratifies, approves, and affirms the filing and continued prosecution of the summary ejectment action against Second Mountain, LLC and the pursuit of possession of the leased premises.
3. In the event the Town's proposed settlement agreement is not accepted or otherwise fails to resolve the dispute, Town Council confirms that the actions undertaken by the Town Manager, Town Attorney, and other authorized representatives in connection with the lease termination, demand for possession, and summary ejectment proceedings are hereby approved, ratified, and affirmed.
4. In the event the Town's proposed settlement agreement is not accepted or otherwise fails to resolve the dispute, Town Council authorizes the Town Attorney, Town Manager, and other appropriate officials to continue pursuing all legal remedies available to the Town under the Lease Agreement and applicable law.
5. Nothing in this Resolution shall be construed as limiting the Town's rights, claims, defenses, counterclaims, remedies, or positions in any pending or future litigation.
6. This Resolution is hereby adopted and shall take effect immediately upon the non-acceptance of the Town's proposed settlement agreement or upon any other failure of the parties to resolve the dispute.

IV. Adjournment:

Commissioner Patrick Bryant made a motion to adjourn reconvened meeting.

Commissioner Jim Proctor seconded the motion and all were in favor. The meeting was adjourned at 9:37am.

Attest:


Kimberly Martin, Town Clerk


Carol C. Pritchett, Mayor