

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL  
HELD TUESDAY, MARCH 11, 2008, 7:00 P.M. AT THE LAKE LURE MUNICIPAL  
CENTER**

**PRESENT:** Mayor Jim Proctor  
Commissioner Russ Pitts  
Commissioner Jeanine Noble  
Commissioner Linda Turner

Steve Wheeler, Town Manager  
J. Christopher Callahan, Town Attorney

**ABSENT:** Commissioner Wayne Hyatt

**CALL TO ORDER**

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

**INVOCATION**

Attorney Callahan gave the invocation.

**APPROVE THE AGENDA**

After discussion, Commissioner Noble made a motion to approve the agenda as presented. Commissioner Turner seconded the motion and the vote of approval was unanimous.

**Public Hearing - Ordinance No. 08-03-11 Amending the Lake Structures Regulations, Title IX, Chapter 94 of the Code of Ordinances for the Town of Lake Lure, Pertaining to Sections 94.05 (R) Design and Construction Standards Relating to Town-Owned Lake Structure Exemption, 94.06 (D) Alteration and Reconstruction of Structures Relating to Town-Owned Lake Structure Exemption, 94.13 (B) Cluster Mooring Facilities Relating to Canopies and 94.14 (B) Marinas Relating to Canopies**

Mayor Proctor opened the public hearing regarding proposed Ordinance No. 08-03-11 and invited citizens to speak during the public hearing. No one requested to speak.

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

**Ordinance No. 08-03-11 Amending the Lake Structures Regulations, Title IX, Chapter 94 of the Code of Ordinances for the Town of Lake Lure, Pertaining to Sections 94.05 (R) Design and Construction Standards Relating to Town-Owned Lake Structure Exemption, 94.06 (D) Alteration and Reconstruction of Structures Relating to Town-Owned Lake Structure Exemption, 94.13 (B) Cluster Mooring Facilities Relating to Canopies and 94.14 (B) Marinas Relating to Canopies**

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

After discussion, Commissioner Pitts made a motion to adopt Ordinance No. 08-03-11 as presented. Commissioner Turner seconded the motion and the vote of approval was unanimous.

**ORDINANCE NUMBER 08-03-11**

**AN ORDINANCE AMENDING SECTION 94.05 DESIGN CONSTRUCTION STANDARDS, 94.06 ALTERATION AND RECONSTRUCTION OF STRUCTURES, 94.13 CLUSTER MOORING FACILITIES, AND 94.14 MARINAS OF THE LAKE STRUCTURE REGULATIONS OF THE TOWN OF LAKE LURE**

**WHEREAS**, the Town of Lake Lure Lake Advisory Committee has recommended modifications to Chapter 94, concerning the design construction standards, alteration and reconstruction of structures, cluster mooring facilities and marinas of the Lake Structure Regulations of the Town of Lake Lure; and

**WHEREAS**, the Lake Lure Town Council, after due notice, conducted a public hearing on the 11th day of March, 2008, upon the question of amending the Lake Structure Regulations in this respect.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF TOWN COUNCIL VOTING IN THE AFFIRMATIVE.**

**SECTION ONE.** Section 94.05 of the Lake Structure Regulations of the Town of Lake Lure is hereby amended as follows:

**§ 94.05 DESIGN AND CONSTRUCTION STANDARDS**

(R) These standards shall not apply to any lake structures owned or proposed by the Town of Lake Lure, providing that designs for such structures have been reviewed and approved by the Lake Advisory Board and the Town Council.

[additions to text are underlined; deletions are ~~struck-through~~]

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**SECTION TWO.** Section 94.06 of the Lake Structure Regulations of the Town of Lake Lure is hereby amended as follows:

**§ 94.06 ALTERATION AND RECONSTRUCTION OF STRUCTURES**

- (D) These standards shall not apply to any lake structures owned by the Town of Lake Lure, providing that designs for such structures have been reviewed and approved by the Lake Advisory Board and the Town Council.

[additions to text are underlined; deletions are ~~struck-through~~]

**SECTION THREE.** Section 94.13 of the Lake Structure Regulations of the Town of Lake Lure is hereby amended as follows:

**§ 94.13 CLUSTER MOORING FACILITIES**

- (B) Cluster mooring facilities shall only be installed adjacent to upland lot(s) zoned for resort or commercial use. The same requirements apply to cluster mooring facilities as do to all other lake structures except they shall have no walls or roofs. Canopies attached to or installed above boat lifts are considered roofs and are prohibited in cluster mooring facilities. Such facilities may not have more than three individual permanent moorings per 100 feet of measurable shoreline of lake front property that is owned by the applicant and that is free of any lake structures (other than sea walls and boardwalks). Existing private docks or boathouses must be removed prior to construction of a cluster mooring facility and no private docks or boathouses can be applied for or constructed adjacent to the upland lot(s) for which a cluster mooring facility has been approved. All moorings shall be classified a permanent or temporary, numbered, and with signage that is viewable from the lake which indicates classification and number of each mooring.

[additions to text are underlined; deletions are ~~struck-through~~]

**SECTION FOUR.** Section 94.14 of the Lake Structure Regulations of the Town of Lake Lure is hereby amended as follows:

**§ 94.14 MARINAS**

- (B) Marinas shall only be installed adjacent to upland lot(s) zoned for commercial or resort use. The same requirements apply to marinas as do to all other lake structures except they shall have no walls or roofs. Canopies attached to or installed above boat lifts are considered roofs and are prohibited in marinas. Such facilities may have not more than five permanent or temporary moorings for each 100 feet of measurable shoreline that is owned by the applicant and that is free of any lake structures (other than sea walls and boardwalks). The lake front property that is used in the formula for determining the number of moorings must be contiguous with the site of the proposed marina. Existing private docks or boathouses must

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be removed prior to construction of a marina and no private docks or boathouses can be applied for or constructed adjacent to the upland lot(s) that are associated with a marina. All moorings shall be classified as permanent or temporary, numbered, and with signage that is viewable from the lake which indicates classification and number of each mooring. These limitations shall not apply to any marina owned by the Town of Lake Lure.

[additions to text are underlined; deletions are ~~struck-through~~]

**SECTION FIVE.** Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 94.99 of the Lake Structure Regulations.

**SECTION SIX.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**SECTION SEVEN.** If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

**SECTION EIGHT.** The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

**SECTION NINE.** This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 11th day of March, 2008.

ATTEST:

\_\_\_\_\_  
Mary A. Flack, MMC  
Town Clerk

\_\_\_\_\_  
Mayor Jim Proctor

Approved as to form:

\_\_\_\_\_  
J. Christopher Callahan  
Town Attorney

<b>PUBLIC FORUM</b>
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Mayor Proctor invited the audience to speak on any non-agenda item and/or consent agenda topics. No one requested to speak.

<b>STAFF REPORTS</b>
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Town Manager Wheeler read his report into the record dated March 11, 2008. (Copy of the town manager's report is attached).

Mr. Wheeler made a power point presentation on a council action item log. He announced that copies of this report are available at town hall for anyone interested. Mayor Proctor thanked the town manager, town clerk, and Commissioner Pitts for their work on the power point presentation of the council action item log.

<b>COUNCIL LIAISON REPORTS &amp; COMMENTS</b>
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Mayor Proctor thanked the Leadership of Rutherford group for inviting him to share his input on leadership and historical activities.

The Mayor mentioned that town council held a retreat meeting with Facilitator Dr. Garry V. Cooper on May 21-23, 2007, located at 366 East 1<sup>st</sup> Street, Ocean Isle Beach, North Carolina, to identify and discuss important issues and challenges that the board must address, both now and over the next 2-3 years for the Town of Lake Lure. He thanked Bo and Carolyn Proctor for allowing council members to stay at their beach house free-of-charge for this retreat. Mayor Proctor said Dr. Cooper furnished a report detailing items discussed at the retreat meeting and copies are available at town hall for anyone interested.

Commissioner Noble reported on the activities of the Lake Advisory Committee and the Golf Course Committee.

Commissioner Turner reported on the activities of the Parks and Recreation Board.

Commissioner Pitts reported on the activities of the Zoning and Planning Board. He also read into the record the following statement relating to short-term vacation rentals.

“As many of you are aware, the town has been studying the issue of vacation rentals for several months now. In the last several years, vacation rentals have grown dramatically in Lake Lure and, as we have discovered, communities nationwide are wrestling with how to handle similar growth. The confluence of internet advertising, second home purchases and easy mortgages changed what was once a cottage industry into a vacation home boom. During the recent town council offsite workshop we discussed the topic of vacation rental regulation.

**The following is a recap of positions or decisions made by the town council regarding the topic of short-term vacation rentals in Town of Lake Lure:**

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- \* The town council, as a collective body, has agreed that it will not take a position of whether or not vacation rentals within any district are legal or illegal at this time. It acknowledges that this is a policy issue, upon which it must ultimately make a decision in the best interest of the community. A stakeholder committee, appointed by the council and made up of a group of citizens with differing viewpoints, is performing an in-depth study on this issue. The council has also requested that multiple public forums be held to inform and educate the public.
- \* The town council is committed to allowing the stakeholder committee to finish its work, and supports the time requirements that this very important and complex issue is going to take. No decisions will be made until the established process has been performed to a satisfactory level, and ultimately a public forum is held by town council.
- \* The town council believes that best possible decision on this important issue can only be made through an understanding of substantial facts and information which ultimately will lead to a solution that supports the current and future needs of our community's social and economic welfare.

**At the conclusion of the council's offsite discussion on short-term vacation rentals, it was agreed that the following process should occur:**

*Note – The steps defined below are not all-inclusive, but simply outline the key steps the council desires. The stakeholder committee and the town administration should feel free to use their best judgment in working out the details. The council is also open to adjusting the process through a council/committee dialog.*

1. The stakeholder committee will continue collecting data and holding discussions as they have been. Working with town staff, the committee will hold multiple public forum meetings around the community where the public will be provided an overview of the key information and discoveries that the committee has gathered. These public forums will also provide an opportunity for individuals to ask questions and provide feedback to the stakeholder committee.
2. Following the public forums, the stakeholder committee will develop a proposed solution for addressing vacation rentals in Lake Lure and then meet with the zoning and planning board along with the town council in a joint workshop to present their proposed solution. The stakeholder committee will provide detailed supporting information, including feedback gathered during the public forums. A further exchange of ideas may result in modifications to the proposal, which includes possible comments and direction from town council.

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3. The zoning and planning board working with the stakeholder committee will draft regulation and policy amendment recommendations that reflect the joint decisions made at the workshop, which will then be formally presented to town council.
4. The town council will review the recommendations. Supporting documentation and evidence used by the stake holder committee in developing its proposed solution should also be provided and clearly illustrate the logic and rationale used by the committee in crafting its solution. The council may make further refinement requests to the zoning and planning board during this review.
5. The town council will then call for a public hearing on the final draft of the proposed regulation and policy amendments. At this time, public comments will be heard during the council's consideration of a final resolution and adoption of proposed regulation and policy amendments regarding short-term vacation rentals in the Town of Lake Lure.

After discussion, Commissioner Pitts made a motion to adopt the process regarding short-term vacation rental as outlined above. Commissioner Turner seconded the motion and the vote of approval was unanimous.

<b>CONSENT AGENDA</b>
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Mayor Proctor presented the consent agenda and asked if any item should be removed before calling for action.

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

- a. minutes of the February 12, 2008 (regular meeting and closed Session), February 21, 2008 (special meeting), February 22, 2008 (recessed special meeting) and February 23, 2008 (recessed special meeting);
- b. a budget amendment transferring \$160,570.00 from the silt reserve fund to the lake department (account# 10-618000-697 for silt removal) as submitted by the finance officer; (Copy of memorandum dated March 7, 2008 from finance director is attached); and
- c. a request from the Dixie Rodder's to: (1) hold a 24th annual car show June 7, 2008 on town property; (2) rent the town community center along with the grassy area behind and adjacent to the building which extends toward the town marina; (3) suspend the town peddling ordinance to allow the club to sell t-shirts and other vendors to sell food and car parts; (4) use a P.A. system for playing music and making announcements and (5) suspend the town

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alcohol ordinance for participants to consume alcohol (beer and wine only) as stipulated with restrictions by the Lake Lure Police Department.

**End of Consent Agenda.**

**UNFINISHED BUSINESS:**

**a. Other Unfinished Business**

There was no other unfinished business for discussion.

**NEW BUSINESS:**

**a. Consider a Request from Vince Kunath for Approval of a Eagle Scout Leadership Service Project in Lake Lure**

Vince Kunath reviewed and answered questions pertaining to his request for approval of a Eagle Scout leadership service project in Lake Lure.

After discussion, Commissioner Turner made a motion to approve the request from Vince Kunath as outlined in his letter dated February 6, 2008, and project workbook for approval of a Eagle Scout leadership service project in Lake Lure. Commissioner Noble seconded the motion and the vote of approval was unanimous. (Attached is a copy of a letter from Vince Kunath dated February 6, 2008, drawings, and project workbook).

**NEW BUSINESS:**

**b. Consider a Request from Harrison Development for Approval of Reduction in the Bond Agreement with the Town Regarding the Installation of Improvements for Blue Heron Point**

After discussion, Commissioner Turner made a motion to approve the request from Harrison Development for a reduction in the bond agreement with the town regarding the installation of improvements for Blue Heron Point as submitted. Commissioner Pitts seconded the motion and the vote of approval was unanimous. (Attached are copies of a memorandum dated February 22, 2008 from Amos Gilliam, Planner/Subdivision Administrator, letter dated February 21, 2008 from Mike Waresak, Senior Project Manager of McGill Associates, and an agreement by and between the Town of Lake Lure and J. D. Harrison Investments - Blue Heron Point Subdivision).



**NEW BUSINESS:**

**c. Consider a Request from Harrison Development for the Town to Accept Carsons Way Lane, the Access Road to Blue Heron Point Subdivision into the Town's Street System**

Town Council reviewed a request from Harrison Development for the town to accept Carsons Way Lane, the access road to Blue Heron Point Subdivision into the town's street system. After discussion, Council members agreed to table this request for further study by the town attorney to be reconsidered at the next regular town meeting being held on April 8, 2008. (Attached are copies of a memorandum dated February 26, 2008 from Amos Gilliam, Planner/Subdivision Administrator, e-mail dated February 27, 2008 from Tony Hennessee, Public Works Director, letter dated February 20, 2008 from John D. Harrison, Jr. and letters dated February 20, 2008 from Roy Alexander, Construction Administrator of McGill Associates).

**NEW BUSINESS:**

**d. Consider a Request from Lake Lure Tours Regarding Commercial Boat Permit Fees for 2008**

Mayor Proctor read into the record a letter dated February 20, 2008 submitted by Bo William, Operation Manager of Lake Lure Tours, Inc. regarding commercial boat permit fees for 2008.

After discussion, Commissioner Pitts made a motion to approve the request from Bo Williams on behalf of Lake Lure Tours, Inc. regarding commercial boat permit fees for 2008 as submitted to use the same structured discount of commercial boat permit fees that have been granted for the past three years. In lieu of the graduated rate for each additional motorized boat Lake Lure Tours would pay the base rate of \$250 for each boat it operates in classes 1 and 5. Commissioner Noble seconded the motion and the vote of approval was unanimous.

**NEW BUSINESS:**

**e. Consider the Adoption of Ordinance No. 08-03-11A (Amending Chapter 50, Section 50.19 ( C ) Meter Reading, Billing, Collecting and Adding Section 50.21 Separate Meters Required**

Town Manager Steve Wheeler reviewed and answered questions pertaining to Ordinance No. 08-03-11A.

After discussion, Commissioner Turner made a motion to adopt Ordinance No. 08-03-11A amending Chapter 50, Section 50.19 ( C ) meter reading, billing, collecting and adding Section 50.21 separate meters required as presented. Commissioner Noble seconded the motion and the vote of approval was unanimous.

**ORDINANCE NUMBER 08-03-11A**

**AN ORDINANCE AMENDING CHAPTER 50, SECTION 50.19 (C) METER READING;  
BILLING; COLLECTING AND ADDING SECTION 50.21 SEPARATE METERS  
REQUIRED**

**WHEREAS**, Town Staff has recommended modifications to Chapter 50, concerning minimum water charges for multi-family dwelling units and requiring separate meters for each dwelling unit; and

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF TOWN COUNCIL VOTING IN THE AFFIRMATIVE.**

**SECTION ONE.** Section 50.19 of Chapter 50 of the Code of Ordinances of the Town of Lake Lure is hereby amended as follows:

**§ 50.19 METER READING; BILLING; COLLECTING**

- (C) Bills for water will be figured in accordance with the rate schedule then in effect, and will be based on the amount consumed for the period covered by the meter readings, but the amount payable for each billing period shall not be less than the minimum base charge prescribed in the schedule of rates. Where more than one dwelling unit, each dwelling unit shall be charged based on the amount consumed, but the amount payable for each dwelling unit for each billing period shall not be less than the minimum base charge prescribed in the schedule of rates.

[ADDITIONS TO TEXT ARE UNDERLINED ; DELETIONS ARE ~~STRUCK-THROUGH~~]

**SECTION TWO.** Section 50.21 of Chapter 50 of the Code of Ordinances of the Town of Lake Lure is hereby amended as follows:

**§ 50.21 SEPARATE METERS REQUIRED**

- (A) A separate meter shall be installed for each dwelling unit, office, or other business or commercial use. All dwelling units built prior to the passage of this ordinance (March 11, 2008) shall not be subject to the provisions of this ordinance.

[ADDITIONS TO TEXT ARE UNDERLINED ; DELETIONS ARE ~~STRUCK-THROUGH~~]

**SECTION THREE.** Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 10.99 of the General Provisions.

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**SECTION FOUR.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**SECTION FIVE.** If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

**SECTION SIX.** The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

**SECTION SEVEN.** This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 11th day of March, 2008.

ATTEST:

\_\_\_\_\_  
Mary A. Flack, MMC  
Town Clerk

\_\_\_\_\_  
Mayor Jim Proctor

Approved as to form:

\_\_\_\_\_  
J. Christopher Callahan  
Town Attorney

**NEW BUSINESS:**

**f. Consider Accepting the Bid from Lake Norman Dredge Company**

Town Manager Wheeler reviewed and answered questions regarding his memorandum dated March 3, 2008 pertaining to the town's dredge declared to be surplus property for sale. (Attached is a copy of the memorandum dated March 3, 2008 from Steve Wheeler).

After discussion, Commissioner Pitts made a motion to accept the bid of \$70,000 from Lake Norman Dredge Company for the purchase of the town's 1993 Mudloader 3208 dredge. Commissioner Noble seconded the motion and the vote of approval was unanimous.

**NEW BUSINESS:**

**g. Consider the Adoption of Resolution No. 08-03-11 Expressing Opposition to the Decision of the Attorney General's Office to Allow 53 Foot Semi-trailers on all North Carolina Interstates and Federal-Aid Primary System Road**

Town Manager Stevde Wheeler and Police Chief Eric Hester reviewed and answered questions relating to proposed Resolution No. 08-03-11.

After discussion, Commissioner Turner made a motion to adopt Resolution No. 08-03-11 (expressing opposition to the decision of the attorney general's office to allow 53 foot semi-trailers on all North Carolina interstates and federal-aid primary system road) as amended. Commissioner Noble seconded the motion and the vote of approval was unanimous.

**Resolution No. 08-03-11**

**Resolution Expressing Opposition to the Decision of the Attorney General's Office to allow 53 Foot Semi-Trailers on all North Carolina Interstates and Federal- Aid Primary System Roads**

**WHEREAS** the Town of Lake Lure is home to many residents and a popular vacation destination, and the roads are heavily traveled during the summer months, and

**WHEREAS** the State of North Carolina has purchased land and is planning a State Park which will bring many more visitors to our area, and

**WHEREAS** Highway 64-74A are narrow, curvy roads, and

**WHEREAS** the North Carolina Department of Transportation adopted Highway Traffic Ordinance 90-82 on November 15, 1990, which prohibits tractor trailers from using Highway 64/74A as a truck route, and

**WHEREAS** the North Carolina Attorney General's Office made a ruling to allow 53 foot semi-trailers on Interstates and on Federal-Aid Primary System Roads, as it existed on June 1, 1991, and

**WHEREAS** the Town of Lake Lure Police Department has expressed considerable concern about the safety of vehicular traffic, and have worked accidents in the past involving cars, school buses, and police cars that were run off the roadway by large trucks that were using Highway 64/74A, and

**WHEREAS** additional trailer truck traffic will have a significant negative impact on our area merchants and local businesses, and

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**NOW THEREFORE BE IT RESOLVED** that the Town of Lake Lure urges the North Carolina Department of Transportation to continue to enforce Highway Traffic Ordinance 90-82 and prohibit tractor trailers on Highway 64/74A in an effort to protect public safety and well-being.

This the 11<sup>th</sup> day of March, 2008.

ATTEST:

\_\_\_\_\_  
Mary A. Flack, MMC  
Town Clerk

\_\_\_\_\_  
Jim Proctor  
Mayor

<b>CLOSED SESSION</b>
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Mayor Proctor recessed the meeting for a break at 8:26 p.m. and reconvened the closed session meeting at 8:35 p.m.

A motion was made by Commissioner Noble to enter into the closed session in accordance with G. S. 143-318.11 (a)(3) regarding attorney-client privilege and legal matters. Commissioner Pitts seconded the motion and the vote of approval was unanimous.

While in closed session, council members voted to seal the minutes of the closed session meeting in order to avoid frustrating the purpose of the closed session.

With no further items of discussion in closed session, Commissioner Turner made a motion to come out of the closed session meeting and re-enter the regular session of the town council meeting at 10:10 p.m. Commissioner Noble seconded the motion and the vote of approval was unanimous.

<b>OTHER NEW BUSINESS:</b> <b>Discussion Regarding Sewer Fees</b>
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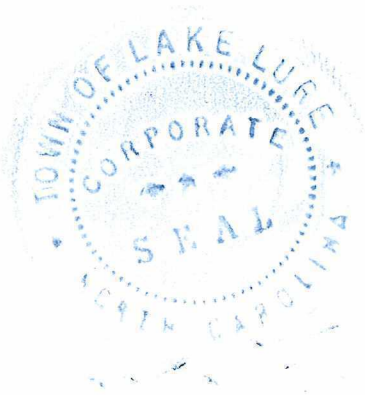
A motion was made by Commissioner Noble to amend the agenda to add an item under other new business to discuss sewer fees. Commissioner Turner seconded the motion and the vote of approval was unanimous.

After discussion, Commissioner Turner made a motion that the monthly sewer payments that were being made pending pursuant to a sewer application form and the fee had not been previously paid prior to the actual connection of sewer is immediately suspended as long as the town is under the special order of consent that prohibits these connections from being made until a greater capacity has been achieved. Also, approve the revised application for sewer as submitted by the town attorney. Commissioner Noble seconded the motion and the vote of approval was unanimous. (Attached is a copy of the amended application for sewer).

**ADJOURN THE MEETING**

With no further items of discussion, Commissioner Noble made a motion to adjourn the meeting at 10:20 p.m. Commissioner Turner seconded the motion and the vote of approval was unanimous.

ATTEST:



Mary A. Flack, MMC  
Town Clerk

Mayor Jim Proctor