

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, MARCH 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 Moore made a motion to approve the agenda as amended adding two items under new business as 14 a (discussion regarding extending the date on raising the lake level up to full pond) and 14 b (consider a request from Monte McCraw to tap into the town's sewer system). Commissioner Turner seconded the motion and the vote of approval was unanimous.

PRESENT TO LT. CHRISTOPHER TODD FRANCIS A LAW ENFORCEMENT CERTIFICATE AWARD FROM THE STATE OF NORTH CAROLINA DEPARTMENT OF JUSTICE FOR ATTAINING EDUCATION AND TRAINING STANDARDS COMMISSION

Police Chief Eric Hester presented Lt. Christopher Todd Francis a law enforcement certificate award from the State of North Carolina Department of Justice for attaining education and training standards.

PUBLIC HEARING - ORDINANCE NO. 10-03-09A AMENDING THE TOWN OF LAKE LURE ZONING REGULATIONS, TITLE IX, CHAPTER 92, CONCERNING THE DESIGN OF COMMERCIAL BUILDINGS; PERMITTING DEPARTURES FROM THE DESIGN STANDARDS CONTAINED WITHIN SECTIONS 92.054 – 92.057 SO LONG AS A DEVELOPMENT SUBSTANTIALLY COMPLIES WITH THE DESIGN GUIDELINES FOR NEW COMMERCIAL CONSTRUCTION

Mayor Bob Keith opened the public hearing to receive comments on proposed Ordinance No. 10-03-09A. Community Development Director Shannon Baldwin gave a brief overview and answered questions with regards to the proposed Ordinance No. 10-03-09A relating to standards for commercial buildings and design guidelines for new commercial construction.

Mayor Bob Keith invited citizens to speak during the public hearing and no one requested to speak.

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

CONSIDER ADOPTION OF ORDINANCE NO. 10-03-09A AMENDING THE TOWN OF LAKE LURE ZONING REGULATIONS, TITLE IX, CHAPTER 92, CONCERNING THE DESIGN OF COMMERCIAL BUILDINGS; PERMITTING DEPARTURES FROM THE DESIGN STANDARDS CONTAINED WITHIN SECTIONS 92.054 – 92.057 SO LONG AS A DEVELOPMENT SUBSTANTIALLY COMPLIES WITH THE DESIGN GUIDELINES FOR NEW COMMERCIAL CONSTRUCTION

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

After discussion, Commissioner Turner made a motion to adopt Ordinance No. 10-03-09A as presented. Commissioner Dotson seconded the motion and the vote of approval was unanimous.

ORDINANCE NUMBER 10-03-09A

AN ORDINANCE CONCERNING THE DESIGN OF COMMERCIAL BUILDINGS; AMENDING THE ZONING REGULATIONS TO PERMIT DEPARTURES FROM THE DESIGN STANDARDS CONTAINED WITHIN §§92.054 – 92.057 SO LONG AS A DEVELOPMENT SUBSTANTIALLY COMPLIES WITH THE DESIGN GUIDELINES FOR NEW COMMERCIAL CONSTRUCTION

WHEREAS, N.C.G.S. 160A-381 authorizes municipalities to adopt zoning ordinances regulating, among other things, “the location and use of buildings, structures, and land”; and

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WHEREAS, in Ordinance No. 05-10-11B, enacted by the Town Council on 15th day of November 2005, the Town of Lake Lure used such authority to adopt §92.054, Design Standards for Commercial Buildings; and

WHEREAS, on the 9th Day of September 2008, in Resolution No. 08-09-09, the Town Council adopted the Lake Lure Design Guidelines for New Commercial Construction; and

WHEREAS, in order to facilitate a friendly business environment for commercial operations in the Town of Lake Lure, the Town Council requested that the Zoning and Planning Board recommend amendments to the Zoning Regulations with respect to standards for new commercial construction so that the adopted *Design Guidelines for New Commercial Construction* can be more fully utilized to give maximum flexibility to commercial designers while protecting community character.

WHEREAS, the Zoning and Planning Board has recommended that Town Council enact this ordinance allowing for flexibility in the design standards listed in Section § 92.056 and §92.057 on a case by case basis, with approval by the Board of Adjustment after review and recommendation by the Zoning and Planning Board provided that the development is in substantial compliance with the *Design Guidelines for New Commercial Construction*; and

WHEREAS, the Zoning and Planning Board has also recommended that Town Council amend individual design standards in §92.056 and §92.057 that currently permit flexibility for the such standard. The flexibility statement will no longer be necessary based on the addition of the flexibility provision proposed in § 92.054 which allows for flexibility with all of the standards in §§92.056 and 92.057.

WHEREAS, this Council finds that this ordinance is consistent with the 2007-2027 Town of Lake Lure Comprehensive Plan (“Plan”) because the Plan has established the following goals, objectives, and policies:

CA Goal 1: A clear “sense of place” for Lake Lure

Objective CA-1-1: Further develop Lake Lure’s “sense of place” by creating design standards.

Policy CA-1-1.1: Develop design guidelines that supplement standards contained in the zoning regulations and convey community expectations.

1. Gather input and create an inventory of a full range of features that contribute to the character of the town.
2. Create a set of community design guidelines (visual manual) to align future development with Lake Lure’s sense of place. This will depict the design standards (graphics and text) to clearly communicate the desired aesthetics that Lake Lure

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wishes to accomplish. Architectural styles, building height, building orientations, materials, and landscaping are among the types of features for which standards may be developed.

WHEREAS, this Council further finds that this ordinance is reasonable and in the public interest in that it serves to allow flexibility in the design standards listed in Section § 92.056 and §92.057 and serves to further utilize the Lake Lure Design Guidelines for New Commercial Construction; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the 9th day of March, 2010, upon the question of amending the Zoning 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 THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE:

SECTION ONE. *Authority.* This ordinance is enacted pursuant to the grant of authority contained in Section 160A-381 of the North Carolina General Statutes. Throughout this ordinance additions to existing text are underlined and deletions are struck-through.

SECTION TWO. *Findings.* This ordinance is consistent with the 2007-2027 Town of Lake Lure Comprehensive Plan (“Plan”) because the Plan has established the following goals, objectives, and policies:

CA Goal 1: A clear “sense of place” for Lake Lure

Objective CA-1-1: Further develop Lake Lure’s “sense of place” by creating design standards.

Policy CA-1-1.1: Develop design guidelines that supplement standards contained in the zoning regulations and convey community expectations.

1. Gather input and create an inventory of a full range of features that contribute to the character of the town.
2. Create a set of community design guidelines (visual manual) to align future development with Lake Lure’s sense of place. This will depict the design standards (graphics and text) to clearly communicate the desired aesthetics that Lake Lure wishes to accomplish. Architectural styles, building height, building orientations, materials, and landscaping are among the types of features for which standards may be developed.

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SECTION THREE. §92.054(E) of the Zoning Regulations of the Town of Lake Lure, concerning design requirements for commercial buildings, is hereby created to read as follows:

- (E) *Alternative Design.* Upon the recommendation of the Zoning and Planning Board, the Board of Adjustment may grant a conditional use permit for a commercial building which departs from the design standards contained in §§92.054 – 92.057 so long as the design of such development is in substantial compliance with the Town of Lake Lure Design Guidelines for New Commercial Construction.

SECTION FOUR. Paragraph (6) of Section §92.056(E) of the Zoning Regulations of the Town of Lake Lure, concerning modification of design standards for commercial buildings containing less than 15,000 square feet of gross floor area, is hereby repealed.

SECTION FIVE. Section §92.056(F) of the Zoning Regulations of the Town of Lake Lure, concerning materials used in the design of commercial buildings containing less than 15,000 square feet of gross floor area, is hereby amended as follows:

- (F) *Materials.* The materials used on a building façade play a large part in determining the appearance of a building. In order to ensure that a building is aesthetically pleasing, it is important to ensure that the materials and the colors used on the exterior of a building are pleasing to the eye and are compatible with the surroundings. As a general rule, the use of high quality natural building materials such a wood, brick, and native stone contribute to aesthetically pleasing facades. The following is a list of permitted materials for the building base, body, and cap. ~~Other materials not specifically mentioned may be permitted, but need to be reviewed by the Zoning and Planning Board and approved by the Board of Adjustment.~~
- (1) Building Base: Brick, native stone, manufactured stone, or textured concrete masonry units.
 - (2) Building Body: Wood, brick, native stone, manufactured stone, or other applied materials such as exterior insulated finish system (E.I.F.S.).
 - (3) Building Cap: Brick, native stone, manufactured stone, textured concrete masonry units, wood, or applied materials such as exterior insulated finish system (E.I.F.S.)

SECTION SIX. Section §92.056(G) of the Zoning Regulations of the Town of Lake Lure, concerning façade colors for commercial buildings containing less than 15,000 square feet of gross floor area, is hereby amended as follows:

- (G) *Façade Colors.* The use of low reflectance, subtle, neutral, or earth tone colors on the façade usually results in an acceptable appearance. The use of high intensity colors, metallic colors, black or fluorescent colors as the predominate façade color

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usually does not result in an aesthetically appealing building and applications utilizing such would have to be reviewed by the Zoning and Planning Board and approved by the Board of Adjustment on a case-by-case basis. Building trim and accent areas may feature brighter colors, including primary colors, but the use of neon tubing as a feature for a building is not permitted.

- (1) Building Base: The base shall read as a single, subdued, earth-tone color.
- (2) Building Body: The body shall read as a single, subdued, earth-tone color. A maximum of three accent colors are also permitted that are compatible with the body color.
- (3) Building Cap: The cap shall consist of colors that are compatible with the building body color, any accent color and to each other.

SECTION SEVEN. Section §92.056(H) of the Zoning Regulations of the Town of Lake Lure, concerning roof designs for commercial buildings containing less than 15,000 square feet of gross floor area, is hereby amended as follows:

- (H) Roofs. In order to reduce the massive size of large structures, flat roofs should be avoided if at all possible. The use of varied roof lines, through the utilization of parapets and/or sloped roofs, is encouraged. The roof treatment should harmonize with the neighborhood character. Building walls, parapets, and/or roof systems shall be designed to conceal all roof-mounted mechanical equipment from view to adjacent properties and public rights of way.
 - (1) Permitted roof styles shall include gable, mansard, and hip roofs. Flat roofs are permitted if disguised through the use of parapet walls. ~~Other roof styles shall require review by the Zoning and Planning Board and specific approval by the Board of Adjustment.~~
 - (2) The height of any pitched roof shall not exceed the average wall height to of the building.
 - (3) Permitted materials for pitched roofs include wood, slate, fiberglass reinforced asphalt shingles, and standing seam or terne metal. ~~Other roofs materials shall require review by the Zoning and Planning Board and specific approval by the Board of Adjustment.~~

SECTION EIGHT. In administering this Ordinance, the Town shall have all the remedies and enforcement powers contained in Article 13 of the Zoning Regulations, as supplemented herein, and as provided by the General Statutes.

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

SECTION TEN. 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 ELEVEN. 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 TWELVE. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 9th day of March, 2010.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Bob Keith
Mayor

Approved as to content and form:

J. Christopher Callahan
Town Attorney

<p>PUBLIC HEARING - ORDINANCE NO. 10-03-09B AMENDING THE TOWN OF LAKE LURE ZONING REGULATIONS, TITLE IX, CHAPTER 92, SECTION 92.147 TO PROVIDE A NEW DEFINITION FOR "WINDOW" AND SECTION 92.155 TO ALLOW WINDOW SIGNS TO BE 25% OF THE WINDOW AND/OR GLASS AREA OF THE BUILDING WALL ON WHICH IT IS LOCATED</p>
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Mayor Bob Keith opened the public hearing to receive comments on proposed Ordinance No. 10-03-09B. Community Development Director Shannon Baldwin gave a brief overview and answered questions with regards to the proposed Ordinance No. 10-03-09B relating to window sign provisions.

Mayor Bob Keith invited citizens to speak during the public hearing and no one requested to speak.

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

CONSIDER ADOPTION OF ORDINANCE NO. 10-03-09B AMENDING THE TOWN OF LAKE LURE ZONING REGULATIONS, TITLE IX, CHAPTER 92, SECTION 92.147 TO PROVIDE A NEW DEFINITION FOR "WINDOW" AND SECTION 92.155 TO ALLOW WINDOW SIGNS TO BE 25% OF THE WINDOW AND/OR GLASS AREA OF THE BUILDING WALL ON WHICH IT IS LOCATED

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

After discussion, Commissioner Hyatt made a motion to adopt Ordinance No. 10-03-09B as presented. Commissioner Turner seconded the motion and the vote of approval was unanimous.

ORDINANCE NUMBER 10-03-09B

AN ORDINANCE TO AMEND THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE PERTAINING TO WINDOW SIGNS, SPECIFICALLY TO ALLOW WINDOW SIGNS TO OCCUPY UP TO 25% OF THE ENTIRE BUILDING WALL WINDOW AREA

WHEREAS, the Zoning and Planning Board has recommended modifications to the Zoning Regulations of the Town of Lake Lure as noted in the title of this ordinance; and

WHEREAS, this Council finds that the proposed ordinance is reasonable and in the public interest and is neither consistent nor inconsistent with the 2007-2027 Town of Lake Lure Comprehensive Plan; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the 9th day of March, 2010, upon the question of amending the Zoning 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 THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE:

SECTION ONE. Section 92.147 of the Zoning Regulations, entitled "Definitions", is hereby amended to add the following definition:

Window: An opening covered in glass built into the wall or roof of a building which functions or appears to function to admit light to a building or structure.

SECTION TWO. Section 92.155 of the Zoning Regulations of the Town of Lake Lure, entitled "Signs Exempt from the Permit Requirements", is hereby amended as follows:

- (I) Window Signs. Signs painted on or placed in a window shall be permitted, subject to the following provisions:

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- (1) Such signs shall not exceed an aggregate area equal to 25% of the window and/or glass area of the building wall on which it is located, to include all temporary signs.
- (2) The sign area for a window shall not be included in the allowable sign area for the particular occupancy or activity utilizing such sign, as defined in 92.157, (B), (1).
Penalty, see § 92.999

[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 92.999 of the Zoning Regulations.

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 9th day of March, 2010.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Bob Keith
Mayor

Approved as to content and form:

J. Christopher Callahan
Town Attorney

Commissioner Turner complimented Zoning and Planning Board member Paula Jordan and Zoning Administrator Sheila Spicer for their work on this ordinance.

PUBLIC FORUM

Mayor Keith invited the audience to speak on any non-agenda item and/or consent agenda topics and the following requested to speak.

1. Werner Maringer, a Lake Lure resident and business owner, asked Council members to review the town's regulations and the process for obtaining a permit to build a pier and dock in Lake Lure. Mr. Maringer said the town's regulations were too strict and costly. Mr. Maringer recommended that more flexibility be permitted by staff members issuing the permits and make the ordinance requirements less costly. He also distributed copies of his letter addressed to council members dated March 5, 2010 detailing his complaint. (Attached is a copy of Mr. Maringer's letter dated March 5, 2010).
2. Jim Proctor, school board member, announced that the Lake Lure Classical Academy has now been officially approved by the State Board of Education and is now accepting student applications. The school board has also hired Caroline Upchurch as school director of the Lake Lure Classical Academy.
3. Yvonne Anderson, a lake lure resident, informed town council about the problem of individuals parking on both sides of Garden Lane which is considered a private road. Ms. Anderson asked for assistance from the town to place signs along Garden Lane road prohibiting parking.

Town Manager Braund said he was aware of this problem related to the new State park climbing access area. He is looking into this matter with park officials, town police and climbing organizations.

4. Ed Dittmer, Chairman of the Parks and Recreation Board, announced that, starting in April, the Parks and Recreation Board and the Lake Advisory Board will begin a joint exercise in managing the burgeoning population of Canada Geese in Lake Lure. After exploring many different options for control and reduction, they are partnering with the Geese Peace organization to conduct a comprehensive and humane program. Mr. Dittmer said there will be a training workshop in the Community Hall of the Lake Lure Municipal Center on Saturday, March 20, 2010 at 10:00 a.m.

STAFF REPORTS

Town Manager Christopher Braund read into the record the town manager's report dated March 9, 2010. (Copy of the town manager's report is attached).

COUNCIL LIAISON REPORTS & COMMENTS

Commissioner Hyatt reported on the activities of the Board of Adjustment/Lake Structures Appeals Board.

Commissioner Dotson reported on the activities of the Lake Advisory Board and the Lake Lure ABC Board.

Commissioner Moore reported on the activities of the Zoning/Planning Board.

Commissioner Turner reported on the activities of the Parks and Recreation 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 Hyatt, 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 9, 2010 (regular meeting), and February 11-12, 2010 (retreat meetings);
- b. ratify approval of a request from Paula Jordan to waive the rental fee for use of the Community Hall in the Lake Lure Municipal Center on March 9, 2010 for a Leadership Rutherford Class;
- c. a budget amendment pertaining to the landfill assessment for new school site as outlined in a memorandum from the finance director dated February 26, 2010; (Attached is a copy of the memorandum from Finance Director Sam Karr dated February 26, 2010);
- d. recommendations for the Community Hall rentals as outlined in a memorandum dated March 3, 2010 from the town manager; (Attached is a copy of the memorandum from Town Manager Chris Braund dated March 3, 2010);
- e. a request from Betty Ross on behalf of the Lakefront Owners Association to suspend the town's alcohol ordinance in order to serve beer and wine during their annual meeting being held inside the Community Hall of the Lake Lure Municipal Center on June 26, 2010, from 5:00 p.m. until 9:00 p.m.; also, waive the rental fee for use of the Community Hall for this event;

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- f. a fabric structure permit for the Pediatric Brain Tumor Foundation "Ride for Kids" Event as submitted by Robert Trigueros;
- g. a request from Bo Williams on behalf of the Lake Lure Tours, Inc. to use the same structured discount of commercial boat permit fees as last year with regards to payment arrangements for 2010; In lieu of the graduated rate for each additional motorized boat Lake Lure Tours, Inc. would pay the base rate of \$258 for each boat it operates in classes 1 and 5; and
- h. a request from Human Resource Director Anita Taylor as outlined in a memorandum dated March 4, 2010 asking for funds to the North Carolina governmental employees' retirement system; authorization to contribute the town's portion totaling \$1,106.96 to correct administrative errors for town employees Jerry Gosda and Tony Hennessee from 1989 to 1998. (Attached is a copy of the memorandum from Human Resource Director Anita Taylor).

End of Consent Agenda.

UNFINISHED BUSINESS:

a. CONSIDER ADOPTION OF RESOLUTION NO. 10-03-09 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

After discussion, Commissioner Moore made a motion to adopt Resolution No. 10-03-09 as presented by the town manager 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; also, direct the town manager to write a letter of gratitude on behalf of town council to John H. Moore and his wife Regina Moore for their gift to the town. Commissioner Turner seconded the motion and the vote of approval was unanimous.

RESOLUTION NO. 10-03-09

AUTHORIZING AN EXECUTED DEED OF CONVEYANCE FROM JOHN H. MOORE AND WIFE, REGINA MOORE, OF CERTAIN PROPERTY UPON REIMBURSEMENT FOR 2009 AD VALOREM PROPERTY TAXES

WHEREAS, John H. Moore and wife, Regina Moore have three tracts or parcels of land in Chimney Rock Township, Rutherford County, North Carolina, which their parcels have the following assessed ad valorem property tax values; and

1.	Pin 1631751	Lot 7	Tax Value \$100,000.00
2.	Pin 1631750	Lot 8	Tax Value \$100,000.00
3.	Pin 1631749	Lot 9	Tax Value \$480,000.00

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WHEREAS, there were delinquent 2009 combined Rutherford County and Town of Lake Lure ad valorem property taxes due on these three tracts which were paid on February 26, 2010 by John H. Moore and wife, Regina Moore in the amount of \$5,170.40; and

WHEREAS, John H. Moore and wife, Regina Moore are under no compulsion or duress to do so, but have freely and voluntarily proposed to convey all their right, title and interest in the above three tracts or parcels of land subject to the following restrictions and conditions:

1. This conveyance is subject to the restriction that said tracts herein conveyed shall be used in perpetuity for park and for general conservation purposes only. Said restrictive covenants shall permit and include the following:
 - A. The Town of Lake Lure shall, with the sole exception of periods of necessary construction and maintenance, permit the general public access to these three lots.
 - B. The Town of Lake Lure may construct such recreational amenities, or buildings, including observation towers, decking, sidewalk, restrooms, docking, marinas as it may find useful for the benefit of the general public.
 - C. In the event the Town of Lake Lure, and any successor in interest (such as a conservation non-profit, or the State of North Carolina), utilizes these three tracts or parcels of land, for some other private purpose inconsistent with these restrictions, said tracts or parcels of land will revert back to the Grantor herein, or their heirs, successors or assign.
2. Subject further to the reimbursement of \$5,170.40 to the Grantor for the combined 2009 ad valorem property taxes paid in February of 2010.

NOW THEREFORE, BE IT RESOLVED that the Town of Lake Lure agrees to receive and record (at their sole expense) an executed Deed of conveyance from John H. Moore and wife, Regina Moore, as a gift under the above terms, valuations and conditions.

Adopted and unanimously approved by Town Council, this 9th day of March, 2010.

ATTEST:

TOWN OF LAKE LURE

Mary A. Flack, MMC
Town Clerk

Robert Keith
Mayor

Approved as to form:

J. Christopher Callahan
Town Attorney

UNFINISHED BUSINESS:
b. OTHER UNFINISHED BUSINESS

There was no other unfinished business.

NEW BUSINESS:

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

After discussion, Commissioner Moore made a motion to extend the date from March 10, 2010 to March 19, 2010 to begin raising the lake level up to full pond. Also, to leave the lake level at its current level of 3.5 feet below full pond. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

b. CONSIDER A REQUEST FROM MONTE MCCRAW TO TAP INTO THE TOWN'S SEWER SYSTEM

Monte McCraw requested that town council grant him approval to tap into the town's sewer system for his four bedroom house located at 135 Wild Flower in Chimney Rock Village. Mr. McCraw informed town council that his current septic system was failing.

Town Manager Braund stated the town's sewer plant capacity would be able to handle Mr. McCraw's house on the system.

After discussion, Commissioner Hyatt made a motion to authorize Monte McCraw to tap into the town's sewer system for his four bedroom house (referenced on the Rutherford County Tax Map 522, Block 1, Lot 18C, located at 135 Wild Flower Hill in Chimney Rock Village). Commissioner Turner seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

c. DISCUSSION REGARDING A CHEMICAL PURCHASING CONTRACT FOR THE WASTEWATER PLANT; CONSIDER ADOPTION OF RESOLUTION NO. 10-03-09A AUTHORIZING THE TOWN MANAGER TO ENTER INTO A PURCHASING CONTRACT WITH ANY ELECTED OR APPOINTED OFFICIAL IN ACCORDANCE WITH THE NORTH CAROLINA GENERAL STATUTE 14-234

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After being advised by Attorney Callahan, Commissioner Hyatt made a motion to recuse himself from discussion and voting on Resolution No. 10-03-09A pertaining to a contract with any elected or appointed official to purchase chemicals for the town's water and wastewater systems. Commissioner Turner seconded the motion and the vote of approval was unanimous.

Town Manager Braund reviewed and answered questions pertaining to his memorandum dated November 16, 2009 regarding policies on self-dealing by elected officials. (Attached is a copy of the memorandum dated November 16, 2009 from Town Manager Chris Braund).

After discussion, Commissioner Turner made a motion to adopt Resolution No. 10-03-09A as presented, authorizing the town manager to enter into a contract with any elected or appointed official in accordance with the North Carolina General Statute 14-234 regarding the purchase of chemicals for the town's water and wastewater systems. Commissioner Dotson seconded the motion and the vote of approval was unanimous.

RESOLUTION NO. 10-03-09A

AUTHORIZING THE TOWN MANAGER TO ENTER INTO A PURCHASING CONTRACT WITH ANY ELECTED OR APPOINTED OFFICIAL IN ACCORDANCE WITH THE NORTH CAROLINA GENERAL STATUTE 14-234

WHEREAS, N.C.G.S. 14-234 provides that any elected or appointed official of a Town Council wherein the population of the Town does not exceed more than 15,000 residents can contract with the Town for an undertaking or series of undertakings; and

WHEREAS, the Town of Lake Lure is a municipal corporation and does not contain a population of more than 15,000 residents; and

WHEREAS, Wayne Hyatt is an elected member of the Town of Lake Lure's Town Council and is a manufacturer's representative for Amerochem, a chemical distributor for the water and wastewater treatment industry; and

WHEREAS, the town's wastewater treatment plant operator has evaluated cost proposals from two supplier representatives and recommends Wayne Hyatt's proposal as providing the best cost and service to the Town of Lake Lure; and

WHEREAS, Mr. Hyatt has, on behalf of the distributor Amerochem, presented a written purchasing contract to the town with a 1-year term; and

WHEREAS, Mr. Hyatt has disclosed to the Council his personal, financial benefit from this purchasing relationship between the Town and Amerochem.

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

The Town Manager is authorized to enter into the presented chemical purchasing contract. This contract shall be revised and presented to the Town Council annually for consideration of renewal. Per statutory requirements, the contract will be posted in a conspicuous place, updated every three months and declared in the annual financial audit.

This Resolution is adopted on this 9th day of March, 2010.

ATTEST:

Mary A. Flack, MMC
Town Clerk

Robert Keith
Mayor

APPROVED AS TO FORM:

J. Christopher Callahan
Town Attorney

NEW BUSINESS:

d. CONSIDER A REQUEST FROM THE TOWN MANAGER FOR AUTHORIZATION TO NOTIFY CERTAIN INDIVIDUALS IN WRITING REMINDING THEM ABOUT THE TOWN'S REGULATIONS REQUIRING MANDATORY WATER CONNECTIONS

Town Manager Braund reviewed and answered questions pertaining to his memorandum dated March 3, 2010 pertaining to mandatory water connections. Mr. Braund ask Council members to authorize him to notify certain individuals in writing reminding them about the town's regulations requiring mandatory water connections.

After discussion, Commissioners Hyatt and Turner withdrew their motion authorizing the town manager to notify in writing certain individuals about the town's regulations requiring mandatory water connections.

A motion was made by Commissioner Hyatt to table action on the town manager's request and reconsider it at the next month's regular council meeting being held on April 13, 2010. Also, extend the grace period from May 31, 2010 by an additional 30 days on the town's requirement for certain individuals to connect onto the town's water system. Commissioner Turner seconded the motion and the vote of approval was unanimous.

Town Manager Braund agreed to furnish a report to town council on the town's water capacity available for the new school.

NEW BUSINESS:

e. Consider a Request from the Town Manager for Authorization to Demolish a Structure Located at 147 Sidney Lanier in Accordance with Chapter 90 of the Town of Lake Lure Code of Ordinances Regarding Abandoned Structures and Unfit Dwellings

Town Manager Braund reviewed and answered questions pertaining to his memorandum dated February 23, 2010 regarding authorization to demolish a structure located at 147 Sidney Lanier. (Attached is a copy of the memorandum dated February 23, 2010 from Town Manager Chris Braund).

After discussion, Commissioner Hyatt made a motion to approve a request from the town manager for authorization to demolish a structure located at 147 Sidney Lanier in accordance with Chapter 90 of the Town of Lake Lure Code of Ordinances regarding abandoned structures and unfit dwellings. Commissioner Turner seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

f. Appointments - Parks and Recreation Board

A motion was made by Commissioner Turner to appoint Valerie Hoffman to serve as a regular member on the Parks and Recreation Board with a term expiring on December 31, 2012. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

A motion was made by Commissioner Turner to appoint Carl Nelson to serve as regular member on the Parks and Recreation Board with a term expiring on December 31, 2011. Commissioner Moore seconded the motion and the vote of approval was unanimous.

Town Council members voted by ballot to fill Valerie Hoffman's position as an alternate member on the Parks and Recreation Board with a term expiring on December 31, 2010. Town Manager Braund announced the results of the vote and William D. Miller was appointed to fill Valerie Hoffman's position as an alternate member on the Parks and Recreation Board with a term expiring on December 31, 2010.


ADJOURN THE MEETING

With no further items of discussion, Commissioner Turner made a motion to adjourn this meeting at 8:50 p.m. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.


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ATTEST:





Mary A. Black, MMC
Town Clerk



Mayor Bob Keith