

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL  
HELD TUESDAY, APRIL 13, 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  
Mike Egan, Community Development Attorney

**ABSENT:** N/A

**CALL TO ORDER**

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

**INVOCATION**

Attorney Callahan gave the invocation.

**APPROVE THE AGENDA**

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

**PUBLIC HEARING - ORDINANCE NO. 10-04-13 AMENDING THE TOWN OF LAKE LURE ZONING REGULATIONS, TITLE IX, CHAPTER 92, PERTAINING TO COMMERCIAL HOSPITALITY USES; MODIFYING THE DEFINITION OF RESIDENTIAL VACATION RENTAL TO PROVIDE NEW DEFINITIONS FOR HOTELS, MOTELS, AND LODGES; MAKE LODGES PERMITTED USES IN THE CG ZONING DISTRICT AND CONDITIONAL USES IN THE R-4 ZONING DISTRICT**

Mayor Bob Keith opened the public hearing to receive comments on proposed Ordinance No. 10-04-13. Community Development Director Shannon Baldwin and Community Development Attorney Mike Egan gave a brief overview and answered questions with regards to proposed Ordinance No. 10-04-13. (Attached is a copy of a memorandum from Mike Egan dated April 5, 2010 addressed to town council pertaining to the residential vacation rental ordinance modifications.)

## **Page 2 - Minutes of the April 13, 2010 Regular Council Meeting**

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.

<p><b>CONSIDER ADOPTION OF ORDINANCE NO. 10-04-13 AMENDING THE TOWN OF LAKE LURE ZONING REGULATIONS, TITLE IX, CHAPTER 92, PERTAINING TO COMMERCIAL HOSPITALITY USES; MODIFYING THE DEFINITION OF RESIDENTIAL VACATION RENTAL TO PROVIDE NEW DEFINITIONS FOR HOTELS, MOTELS, AND LODGES; MAKE LODGES PERMITTED USES IN THE CG ZONING DISTRICT AND CONDITIONAL USES IN THE R-4 ZONING DISTRICT</b></p>
---

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. 10-04-13 as presented. Commissioner Turner seconded the motion and the vote of approval was unanimous.

### **ORDINANCE NUMBER 10-04-13**

**AN ORDINANCE AMENDING THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE; AMENDING §92.005 TO MODIFY THE DEFINITION OF RESIDENTIAL VACATION RENTAL AND TO PROVIDE NEW DEFINITIONS FOR HOTELS & MOTELS AND LODGES; MAKING LODGES PERMITTED USES IN THE CG ZONING DISTRICT AND CONDITIONAL USES IN THE R-4 ZONING DISTRICT**

**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

**WHEREAS**, in Ordinance No. 09-10-01, enacted by the Town Council on 1 October 2009, the Town of Lake Lure used such authority to implement a program regulating the use of residences as vacation rentals; and

**WHEREAS**, questions have been raised as to whether Ordinance No. 09-10-01 requires the operators of other forms of transient lodging, such as hotels, motels, and the like, to obtain vacation rental operating permits; and

**WHEREAS**, Town Council desires to dispel by making it clear that such uses, when operating pursuant to a valid certificate of zoning compliance, are not subject to the regulations governing residential vacation rentals; and

**Page 3 - Minutes of the April 13, 2010 Regular Council Meeting**

**WHEREAS**, the Zoning and Planning Board has recommended that Town Council enact this ordinance clarifying the intent of the residential vacation rental regulatory program; and

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

**WHEREAS**, this Council further finds that this ordinance is reasonable and in the public interest in that it serves to clarify its prior actions and, thereby, facilitate the administration of the Residential Vacation Rental Ordinance; and

**WHEREAS**, the Lake Lure Town Council, after due notice, conducted a public hearing on the 13th day of April, 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 neither consistent with, nor inconsistent with, the 2007-2027 Town of Lake Lure Comprehensive Plan.

**SECTION THREE.** The definition of *Residential Vacation Rental* contained in Section 92.005 of the Zoning Regulations of the Town of Lake Lure, is hereby amended as follows:

*Residential Vacation Rental.* The rental of any single-family dwelling, or duplex, or any portion thereof, for occupancy, dwelling, lodging or sleeping purposes for any period of time less than 30 days. For purposes of this Ordinance, the term does not include multi-family dwellings nor does it apply to duplexes other than those situated within the R-1, R-1A, R-1B, R-1C, R-1D, R-2 and M-1 zoning districts. The term also does not include other transient lodging such as hotels and motels, lodges, and bed & breakfast establishments, which are otherwise authorized under these regulations and which have been duly permitted or which are legal nonconforming uses.

**SECTION FOUR.** Section 92.005 of the Zoning Regulations of the Town of Lake Lure, entitled "Definitions", is hereby amended by adding the following new definition:

*Hotels & Motels.* A building or group of buildings occupied as a temporary abiding place for individuals in which the rooms are usually occupied singularly for hire and in which rooms no provisions for cooking are made. A hotel or motel may include structures located on separate parcels so long as (a) they are contiguous and interconnected by means of one or more viable pedestrian walkways, (b) there are common amenities, and (c) the entire campus functions as a

**Page 4 - Minutes of the April 13, 2010 Regular Council Meeting**

single enterprise. Onsite management is required. This term includes inns but does not include lodges, bed & breakfast establishments or residential vacation rentals which are otherwise defined herein.

Lodge. A group of attached or detached buildings containing individual living or sleeping units, designed or used temporarily by automobile tourists or transients. Cooking facilities may be included within living units. A lodge may include structures located on separate parcels so long as (a) they are contiguous and interconnected by means of one or more viable pedestrian walkways, (b) there are common amenities, and (c) the entire campus functions as a single enterprise. Onsite management is required. This term includes auto courts and motor lodges but does not include hotels & motels, bed & breakfast establishments or residential vacation rentals which are otherwise defined herein.

**SECTION FIVE.** Paragraph (D) of Section 92.030A of the Zoning Regulations of the Town of Lake Lure, concerning conditional uses in the R-4 Residential/Office District, is hereby amended by adding the following new conditional use:

Lodges.

**SECTION SIX.** Paragraph (B)(6) of Section 92.031C of the Zoning Regulations of the Town of Lake Lure, concerning permitted uses in the CG Commercial General District, is hereby amended as follows:

(6) Hotels, motels, and ~~inns~~ lodges.

**SECTION SEVEN.** 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.

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

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

**Page 5 - Minutes of the April 13, 2010 Regular Council Meeting**

Adopted this 13th day of April, 2010.

ATTEST:

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

\_\_\_\_\_  
Bob Keith  
Mayor

Approved as to content and form:

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

<p><b>PUBLIC HEARING - ORDINANCE NO. 10-04-13A AMENDING THE TOWN OF LAKE LURE ZONING REGULATIONS, TITLE IX, CHAPTER 92, PERTAINING TO DAMAGE OF PUBLIC INFRASTRUCTURE DURING CONSTRUCTION PROCESS</b></p>
---

Mayor Bob Keith opened the public hearing to receive comments on proposed Ordinance No. 10-04-13A. Community Development Director Shannon Baldwin gave a brief overview and answered questions with regards to proposed Ordinance No. 10-04-13A. (Attached is a copy of a memorandum from Shannon Baldwin dated April 6, 2010 addressed to town council pertaining to amendment to the Zoning Regulations to address damage to public infrastructure.)

Mr. Baldwin asked Council members to consider amending the proposed ordinance by changing the word “shall” perform to “may” perform in the following sentence.

Prior to the issuance of a certificate of zoning compliance, the Town of Lake Lure Public Works Director or his/her designee shall perform a pre-construction inspection of the public infrastructure in the vicinity of the subject property to assess and document the existing conditions thereof.

Council members expressed their desire to leave the word “shall” perform as presented in the proposed ordinance for adoption. They agreed it was beneficial to have staff perform a pre-construction inspection of the public infrastructure.

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.

<b>CONSIDER ADOPTION OF ORDINANCE NO. 10-04-13A AMENDING THE TOWN OF LAKE LURE ZONING REGULATIONS, TITLE IX, CHAPTER 92, PERTAINING TO DAMAGE OF PUBLIC INFRASTRUCTURE DURING CONSTRUCTION PROCESS</b>
--

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. 10-04-13A as presented. Commissioner Dotson seconded the motion and the vote of approval was unanimous.

**ORDINANCE NUMBER 10-04-13A**

**AN ORDINANCE TO AMEND THE ZONING REGULATIONS OF THE TOWN OF LAKE LURE PERTAINING TO DAMAGE TO PUBLIC INFRASTRUCTURE DURING THE CONSTRUCTION PROCESS**

**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 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:

Policy GA -1-1.2:

Ensure policies and regulations are enforced thoroughly.

(1) Clearly define the responsibilities of each department for enforcement of existing regulations.

(2) Seek opportunities to bridge gaps and perform monitoring in an efficient manner.

**WHEREAS**, this Council further finds that this ordinance is reasonable and in the public interest in that it serves to prohibit damage to public infrastructure during construction activity; and;

**WHEREAS**, the Lake Lure Town Council, after due notice, conducted a public hearing on the 13<sup>th</sup> day of April, 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:**

**Page 7 - Minutes of the April 13, 2010 Regular Council Meeting**

**SECTION ONE.** Section 92.063 of the Zoning Regulations is hereby amended to add the following:

**§ 92.063 ~~RESERVED~~ INFRASTRUCTURE NOT TO BE DAMAGED DURING CONSTRUCTION**

It shall be a violation of these regulations to damage any street, sidewalk, bridge, culvert, ditch and drain, sign, sign post, street light, water line, water meter, sewer line, manhole, or other property owned by the town.

Prior to the issuance of a certificate of zoning compliance, the Town of Lake Lure Public Works Director or his/ her designee shall perform a pre-construction inspection of the public infrastructure in the vicinity of the subject property to assess and document the existing conditions thereof. Subsequently, prior to the issuance of a certificate of occupancy, the Public Works Director or his/ her designee shall perform a post-construction inspection of the same infrastructure and assess and document damage, if any.

If, in the determination of the Zoning Administrator, in consultation with the Public Works Director, damage resulted from the construction process, the property owner shall be responsible for repairing the damaged infrastructure.

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

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

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

**Page 8 - Minutes of the April 13, 2010 Regular Council Meeting**

ATTEST:

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

\_\_\_\_\_  
Bob Keith  
Mayor

Approved as to content and form:

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

<b>PUBLIC FORUM</b>
---------------------

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

1. Bill Bush, a resident of Lake Lure, asked for an update on the status of work being done on the bridge being replaced on Highway 64/74 near Boys Camp Road.

Town Manager Braund responded to Mr. Bush's request and gave a brief report on the progress of the work being done by the North Carolina Department of Transportation on the bridge near Boys Camp Road.

2. Yvonne Anderson, a resident of Lake Lure, complimented the work being completed on Morse Park by the Parks/Recreation Board and the Public Works Department. She also informed town council about certain lots (near Grey Rock, Boys Camp Road, and adjacent to Lake Lure beach side area) in Lake Lure needing mowing and cleanup.

Town Manager Braund informed Ms. Anderson about the town's nuisance ordinance. Mr. Braund agreed to look into Ms. Anderson's concerns regarding lots needing attention.

3. Ed Dittmer, Chairman of the Parks and Recreation Board, reported on improvements made to Morse Parks.

<b>STAFF REPORTS</b>
----------------------

Town Manager Christopher Braund read into the record the town manager's report dated April 13, 2010. (Copy of the town manager's report is attached).



<b>COUNCIL LIAISON REPORTS &amp; COMMENTS</b>
---

Commissioner Turner reported on the activities of the Parks and Recreation Board.  
Commissioner Moore reported on the activities of the Zoning/Planning Board.

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

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

<b>CONSENT AGENDA</b>
-----------------------

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 March 9, 2010 (regular meeting);
- b. a budget amendment pertaining to an executed deed of conveyance from John H. Moore and wife, Regina Moore, of certain property upon reimbursement for 2009 ad valorem property taxes as outlined in a memorandum from the finance director; (Attached is a copy of the memorandum from Finance Director Sam Karr dated April 7, 2010); and
- c. Resolution No. 10-04-13 amending the Town of Lake Lure Personnel Plan relating to work schedule, and modified job assignment for work related injuries, as submitted by the town manager.

**RESOLUTION NO. 10-04-13**

**AMENDING THE PERSONNEL POLICY OF THE TOWN OF LAKE LURE  
PERTAINING TO WORK SCHEDULE AND MODIFIED JOB  
ASSIGNMENT FOR WORK RELATED INJURIES**

**WHEREAS,** The Mayor and Council Members of the Town of Lake Lure recognize the importance of their municipal employees and have adopted a personnel policy manual establishing

**Page 10 - Minutes of the April 13, 2010 Regular Council Meeting**

the rules and regulations governing employment by the town; and

**WHEREAS**, the board desires to amend the current personnel policy relating to modified work assignment for work related injuries, work schedule.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF LAKE LURE**, hereby amends the Personnel Policy as follows:

**SECTION ONE.** Article VI., Work Conditions and Expectations, Section 18 of the Personnel Policy of the Town of Lake Lure is hereby amended as follows:

**Section 18. Modified Work Assignment for Work Related Injuries**

The Town encourages early return to work for employees who suffer work related injury or illness. If the healthcare provider determines that the injured employee cannot return to their job without restrictions, a modified work assignment or reassignment to a different job will be considered. In all cases, managers and supervisors are expected to work with employees to identify modified duty opportunities, with the primary focus being the return of the employee to their regular job. If a suitable modified duty position cannot be found, the Human Resources Department should be contacted to assist in finding reasonable accommodations, including tasks within the department that may be different than the employee's regular job or assignment to a different job. Employees who return to a modified assignment duty must perform the work within the restrictions indicated by the healthcare provider.

Employees must report to their next scheduled shift once the healthcare provider releases them to work. Failure to report to a modified duty assignment may result in disciplinary action. Employees are responsible for providing their supervisor with written notice of the healthcare provider's change in restrictions. The modified duty assignment will end when the employee reaches maximum medical improvement. If the employee reaches maximum medical improvement but cannot return to the original job, the Human Resources Department will consider all other options available under the Town's personnel policies.

{ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~;

**SECTION TWO.** Article V., The Pay Plan, Section 13 of the Personnel Policy of the Town of Lake Lure is hereby amended as follows.

**Section 13. Work Week and Pay Periods**

The standard seven day workweek for the Town of Lake Lure is 12:01 a.m. Saturday to 12:00 midnight on the following Friday. The Town's office hours are Monday through Friday from 8:30 8:00 a.m. to 4:30 5:00 p.m. and stagger staff members

**Page 11 - Minutes of the April 13, 2010 Regular Council Meeting**

schedules to maintain the current policy benefit allowing one paid lunch hour.  
However, many services performed by town employees are essential and some must be provided 24 hours each day, every day of the year. Therefore, town employees may be required to work changing shifts and the number of hours per day may differ.

{ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~}

**SECTION THREE.** Article VI., Work Conditions and Expectations, Section 1 of the Personnel Policy of the Town of Lake Lure is hereby amended as follows.

**Section 1. Work Period and Schedule**

The work period and schedule for all divisions will be determined by the town manager after considering the activities required to meet work needs of particular departments. The workweek is defined as seven consecutive days beginning at 12:01 a.m. on Saturday and ending at 12:00 midnight on the following Friday. Office hours for all administrative departments shall be from ~~8:30~~ 8:00 a.m. to ~~4:30~~ 5:00 p.m. Monday through Friday except for official holidays.

{ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~}

Adopted this the 13th day of April, 2010.

ATTEST:

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

\_\_\_\_\_  
Mayor Bob Keith

AS TO FORM:

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

**End of Consent Agenda.**

**UNFINISHED BUSINESS:**

**a. CONSIDER A REQUEST FROM DIANE BARRETT FOR A WAIVER OF BOAT PERMIT FEES DURING THE LAKE LURE DRAGON BOAT RACE AND FESTIVAL**

Mary-Lu Elias, Event Coordinator of the Lake Lure Dragon Boat Racing Organization

## **Page 12 - Minutes of the April 13, 2010 Regular Council Meeting**

reported on the mission of the Dragon Boat Race Organization and on the upcoming events. Ms. Elias urged council members to not approve the request previously submitted by former Interim Event Coordinator Diane Barrett, requesting approval for a waiver of boat permit fees for the kayaks and paddle boards being used in a one day demonstration by Diamond Brand on the Lake Lure beach area during the May 8<sup>th</sup> Lure of the Dragons race and festival. Ms. Elias stated that she opposed approval of this request for various reasons including safety and liability issues.

Bo Williams, Lake Advisory Board Chairman, reported that the Lake Advisory Board had reviewed Mrs. Barrett's request and the board agreed that the kayak demo be allowed during the 2010 Dragon Boat Festival contingent upon the vendor providing proof of necessary insurance including satisfactory liability releases and a water safety plan approved by the Director of Lake Operations Dean Givens. The Lake Advisory Board also recommended that commercial permit fees be waived as long as the demo is held at the town beach and the demo area is restricted to the area between the life guard stands and the shore of the beach.

Council members questioned Ms. Elias as to whether she was speaking on behalf of the board of the Dragon Boat Organization's preference concerning Mrs. Barrett's request. Ms. Elias said she was only stating her opinion and not on the board's preferences.

Council members stated that they did not have sufficient enough information to neither approve or disapprove Mrs. Barrett's request.

After discussion, Council members agreed to table the approval of Diane Barrett's request for a waiver of boat permit fees during the Lake Lure Dragon boat race and festival for further review.

### **UNFINISHED BUSINESS:**

#### **b. 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**

After discussion, Commissioner Hyatt made a motion to authorize the town manager to notify certain individuals in writing reminding them about the town's regulations requiring mandatory water connections. Commissioner Moore seconded the motion and the vote of approval was unanimous.

### **UNFINISHED BUSINESS:**

#### **c. OTHER UNFINISHED BUSINESS**

There was no other unfinished business.

**NEW BUSINESS:**

**a. CONSIDER A REQUEST FROM BO WILLIAMS ON BEHALF OF LAKE LURE TOURS, INC. FOR APPROVAL OF A TEMPORARY STRUCTURE TO SERVE AS A WAITING AREA FOR TOUR BOAT PASSENGERS**

Bo Williams, Operations Manager of Lake Lure Tours, Inc., reviewed and answered questions pertaining to his request for approval of a temporary structure to serve as a waiting area for tour boat passengers.

Ed Dittmer, Chairman of the Parks and Recreation Board, requested that his board be included in the review process with requests that concern Morse Park Meadows.

After discussion, Commissioner Dotson made a motion to approve the request from Bo Williams on behalf of the Lake Lure Tours, Inc. as detailed in his letter dated March 30, 2010 and drawings for a temporary structure to serve as a waiting area for tour boat passengers, contingent upon this request being reviewed by the Parks and Recreation Board. Commissioner Turner seconded the motion and the vote of approval was unanimous. (Attached is a copy of a letter from Bo Williams dated March 20, 2010 including drawings of a temporary structure.)

**NEW BUSINESS:**

**b. DISCUSSION REGARDING SEWER CONNECTION AT 211 SUNSET COVE ROAD**

Town Manager Braund reviewed and answered questions pertaining to his memorandum dated March 18, 2010 concerning a sewer connection at 211 Sunset Cove Road. (Attached is a copy of a letter from Chris Braund dated March 18, 2010.) Mr. Braund asked for Council's guidance on how to deal with Faye Thompson's sewer connection.

Attorney Peter Lane representing Faye Thompson spoke briefly on her behalf with regards to a wet-line sewer connection located on property at 211 Sunset Cove Road. Mrs. Thompson stated that she did not know her residence was on the town's sewer system for the past 20 years.

Nancy McNary, a neighbor of Faye Thompson, stated that her husband Bill McNary had informed Mrs. Thompson's former husband Al Thompson about a break in the sewer line in years past at the Thompson's residence. Mrs. McNary said the Thompson's sewer line went under their boat house. Mrs. McNary urged Mrs. Thompson to consider getting off the wet-line system and connect to a community sewer system.

Blaine Cox, a Lake Lure resident and former Lake Lure Commissioner, stated that the town had approved sewer wet-lines during previous years and charged sewer tap fees, as well as, monthly charges for sewer service. Mr. Cox said he had a wet-line approved by the town for his residence. He also paid a sewer tap fee at that time and continues to pay monthly charges for sewer service.

## **Page 14 - Minutes of the April 13, 2010 Regular Council Meeting**

After discussion, Council Members tabled action on this item, at this time, for further study. Town Council also directed the town manager to negotiate a solution with Faye Thompson that would include her in a new private sewer extension project in the area. Also, to bring back to town council recommendations to be considered for approval.

### **NEW BUSINESS:**

**c. CONSIDER A REQUEST FROM MARY ANN RANSOM ON BEHALF OF SHEPHERD'S CARE FOR APPROVAL TO USE THE COMMUNITY HALL ROOM IN THE LAKE LURE MUNICIPAL CENTER EACH FRIDAY YEAR ROUND FROM 10:00 A.M. UNTIL 2:00 P.M. TO PROVIDE A PROGRAM FOR SENIOR CITIZENS IN THE COMMUNITY; ALSO WAIVE THE COMMUNITY HALL RENTAL FEES FOR THESE EVENTS**

Nancy Mc Nary answered questions pertaining to a request submitted by Mary Ann Ransom on behalf of Shepherd's Care, to use the Community Hall room in the Lake Lure Municipal Center each Friday year round from 10:00 a.m. until 2:00 p.m. regarding a program for senior citizens in the community.

After discussion, Commissioner Turner made a motion to approve a request from Mary Ann Ransom on behalf of Shepherd's Care, to use the Community Hall room in the Lake Lure Municipal Center each Friday year round from 10:00 a.m. until 2:00 p.m. regarding a program for senior citizens in the community, with the stipulation that town business would take president first for use of the Community Hall. Also, waive the rental fees for use of the Community Hall during these events. Commissioner Dotson seconded the motion and the vote of approval was unanimous.

### **CLOSED SESSION**

Mayor Bob Keith recessed the meeting for a brief break prior to entering into closed session.

A motion was made by Commissioner Turner to enter into closed session to discuss legal matters and attorney client privilege in accordance with G.S. 143-318.11(a) (3) regarding a lawsuit between the Town of Lake Lure and the Town of Lake Lure Board of Adjustment vs. Robert F. Peffer and wife, Mary Ann Peffer. Commissioner Hyatt 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 9:30 p.m. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

**ADJOURN THE MEETING**

With no further items of discussion, Commissioner Turner made a motion to adjourn this meeting at 10:30 p.m. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

ATTEST:



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

  
\_\_\_\_\_  
Mayor Bob Keith