

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, JANUARY 18, 2011 (RESCHEDULED MEETING FROM JANUARY 11,
2011), 7:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER**

PRESENT: Mayor Bob Keith
Commissioner Wayne Hyatt
Commissioner John W. Moore
Commissioner Mary Ann Dotson Silvey
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 Turner made a motion to approve the agenda as amended. Adding an item 9f to schedule a special meeting regarding a hearing for an appeal by David Pearlman and Avrum Bebergal the decision of the Lake Structures Appeals Board regarding Case No. LSA-2010003 - Tim Fisk. Commissioner Silvey seconded the motion and the vote of approval was unanimous.

PUBLIC FORUM

Mayor Keith invited the audience to speak on any non-agenda item and/or consent agenda topics. Nancy Wait thanked town council members for allowing Isothermal Community College to hold computer classes in the Lake Lure Municipal Hall.

STAFF REPORTS

Town Manager Christopher Braund read into the record the town manager's report dated January 18, 2011. (Copy of the town manager's report is attached).

COUNCIL LIAISON REPORTS & COMMENTS

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

Bill Miller, member of the Lake Lure Parks and Recreation Board, mentioned that he was recruiting community volunteers with a passion for gardening who will create and maintain the new flowering bridge across the Rocky Broad River in Lake Lure. He said the first organizational meeting will be held on February 7, 2011 at Lake Lure Town Hall at 10:00 a.m.

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

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

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

CONSENT AGENDA

Mayor Keith presented the consent agenda and asked if any items should be removed before calling for action.

Commissioner Turner moved, seconded by Commissioner Silvey, 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 December 14, 2010 (regular meeting);
- b. Resolution No. 11-01-18 granting the applicant permission to apply for a grant from the Clean Water Management Trust Fund to assist in developing a Town Center Master Plan;
- c. Resolution No. 11-01-18A granting the applicant permission to apply for a grant from the Z. Smith Reynolds Foundation to assist in developing a Town Center Master Plan;
- d. request from Isothermal Community College as presented by the town manager to hold computer classes and waive the Community Hall rental fees during these events; and
- e. Resolution No. 11-01-18B establishment of a fire equipment Capital Reserve Fund; approve a budget amendment as presented by the finance director regarding fire equipment.

End of Consent Agenda.

UNFINISHED BUSINESS:
A. OTHER UNFINISHED BUSINESS

There was no other unfinished business.

NEW BUSINESS:

A. PRESENT PROCLAMATION TO CHRISTOPHER T. FRANCIS FOR HIS DEDICATED SERVICE TO THE TOWN OF LAKE LURE; INTERMISSION - REFRESHMENTS

Mayor Keith presented on behalf of Town Council a proclamation to Christopher T. Francis for his dedicated service to the Town of Lake Lure and recessed the meeting for a brief intermission including refreshments.

NEW BUSINESS:

B. CONSIDER A REQUEST FROM MARY-LU ELIAS TO HOLD A "BLESSING OF THE ANIMALS" SERVICE ON TOWN PROPERTY AT THE GAZEBO (MORSE PARK); WAIVE THE RENTAL FEES FOR THIS EVENT

Mary-Lu Elias reviewed and answered questions pertaining to her request to hold a "Blessing of the Animals" service on town property at the gazebo (Morse Park).

After discussion, Commissioner Turner made a motion to approve a request from Mary-Lu Elias to hold a "Blessing of the Animals" service on town property at the gazebo (Morse Park) on a Sunday in October and to waive the rental fees for this event. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

C. DISCUSSION REGARDING EROSION CONTROL REGULATIONS AND DAMAGE INCURRED FROM CONSTRUCTION AT 219 PICNIC POINT ROAD

Garrett Humphries asked council members to intervene in a dispute between neighbors arising from a home construction at 219 Picnic Point Road and erosion problems. It was mentioned that Town Council may require an individual to restore land affected by the failure to minimize the detrimental effects of sedimentation for land disturbance. He showed pictures taken of the damage at his property.

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Mr. Humphries informed council members that his property was damaged by erosion from the construction of a home by his neighbors (LPME LLC) and has not been sufficiently repaired to his satisfaction. He also mentioned that Clint Calhoun, Erosion Control Officer for the Town of Lake Lure, should have issued a notice of violation (NOV) to LPME LLC and has not done so. Mr. Humphries asked council members to require his neighbor to make repairs to his property.

Mr. Clint Calhoun answered and responded to questions pertaining to Mr. Humphries complaint.

Town Attorney Callahan advised council members regarding what actions can be made with regards to Mr. Humphries request.

It was suggested by council members to Mr. Humphries to try to mediate an agreement with his neighbor to resolve this matter.

Commissioner Turner made a motion to continue discussion regarding Mr. Humphries request and notify the neighbor to attend to speak regarding this matter. The motion did not carry due to a lack of a second on the motion.

After discussion, Council members agreed to take no action regarding Mr. Humphries request concerning the Erosion Control Regulations and damage incurred from construction at 219 Picnic Point Road.

NEW BUSINESS:

D. CONSIDER APPROVAL OF A DEED CONSERVATION AGREEMENT WITH CAROLINA MOUNTAIN LAND CONSERVANCY; ALSO, AUTHORIZE THE MAYOR AND TOWN CLERK TO EXECUTE THIS AGREEMENT

After discussion, Commissioner Turner made a motion to approve a deed conservation agreement with Carolina Mountain Land Conservancy as presented by the town manager. Also, authorize the mayor and town clerk to execute this agreement. Commissioner Moore seconded the motion and the vote of approval was unanimous.

NEW BUSINESS:

E. BOARD APPOINTMENT - LAKE ADVISORY BOARD

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Council members voted by ballot and the town manager announced the following result:

Bill Ashman was appointed to fill Gary Hasenfus's position on the Lake Advisory Board with a term expiring on December 31, 2011.

NEW BUSINESS:

F. SCHEDULE A SPECIAL MEETING

After discussion, Commissioner Turner made a motion to schedule a special meeting on Friday, March 25, 2011, at 4:00 p.m., in the council meeting room of the Municipal Hall for the purpose of holding a hearing regarding an appeal by David Pearlman and Avrum Bebergal the decision of the Lake Structures Appeals Board regarding Case No. LSA-2010003 - Tim Fisk. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

CLOSED SESSION

A motion was made by Commissioner Turner to enter into the closed session in accordance with G. S. 143-318.11(a)(3) to discuss attorney client privilege and legal matters regarding a lawsuit between the Town of Lake Lure Vs. McGill Associates, P. A., Randall D. Hintz, and Brentwood Industries, Inc. Commissioner Silvey 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 Hyatt made a motion to come out of the closed session meeting and re-enter the regular session of the town council meeting at 10:45 p.m. Commissioner Turner seconded the motion and the vote of approval was unanimous.

ADJOURN THE MEETING

With no further items of discussion, Commissioner Hyatt made a motion to adjourn this meeting at 10:45 p.m. Commissioner Turner seconded the motion and the vote of approval was unanimous.

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ATTEST:



A handwritten signature in cursive script, appearing to read "Mary A. Flack", written over a horizontal line.

Mary A. Flack, MMC
Town Clerk

A handwritten signature in cursive script, appearing to read "Bob Keith", written over a horizontal line.

Mayor Bob Keith