

**MINUTES OF THE RECESSED REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL HELD TUESDAY, JANUARY 15, 2008, 9:30 A.M. AT LAW OFFICE OF ATTORNEY J. CHRISTOPHER CALLAHAN**

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

H. M. Place III, Town Manager  
J. Christopher Callahan, Town Attorney

**ABSENT:** Steve Wheeler, Town Manager  
Mary A. Flack, Town Clerk

**Call to Order**

Mayor Proctor reconvened the recessed town council meeting from January 8, 2008 to January 15, 2008, 9:30 a.m. at the Law Office of Attorney J. Christopher Callahan, 252 Charlotte Road, Rutherfordton.

Commissioner Russ Pitts recorded the minutes in the absence of the town clerk.

**Closed Session**

A motion was made by Commissioner Noble to enter into closed session to discuss attorney client/matters regarding the ongoing litigation between the Town of Lake Lure vs. Marilyn Moore pursuant to G.S. 143-318.11(a)(3). Commissioner Turner seconded the motion and the vote of approval was unanimous.

After discussion, Commissioner Turner made a motion to recess the closed session meeting to reconvene at the Rutherford County Court House at 10:10 a.m. 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 discussion in closed session, Commissioner Noble made a motion to come out of the closed session meeting and re-enter the regular session of the town council meeting. Commissioner Turner seconded the motion and the vote of approval was unanimous.

The mayor recessed the meeting for 10 minutes and reconvened the meeting.

**Approve a Budget Amendment as Submitted by the Finance Director for the Removal and Replacement of Trees at the Wastewater Treatment Plant**

Town Council members reviewed a memorandum dated January 11, 2008 submitted by the finance director requesting a budget amendment for the removal and replacement of trees at the wastewater treatment plant.

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After discussion, Commissioner Pitts made a motion to approve the transfer of \$8,000 from the water/sewer fund equity account to the sewer supplies/materials account (#53-71400-215) to cover the expense of removing existing trees next to the wastewater treatment plant's settling basin and replace them with Cyprus trees. The motion included a stipulation that the town will adhere to all processes and procedures associated to the tree and sedimentation ordinances, and not perform any activity that will knowingly create additional costs associated to soil disturbances. Commissioner Noble seconded the motion and the vote of approval was unanimous. (Attached is a copy of a memorandum dated January 11, 2008 from the Finance Director Sam Karr.)

**Adopt Resolution No. 08-01-15 Approving a State Grant Application Requesting Funding for a Long-Range Wastewater Collection and Treatment Plant Study**

After discussion, Commissioner Noble made a motion to adopt Resolution No. 08-01-15 approving a state grant application requesting for a long-range wastewater collection and treatment plant study as presented and authorize the mayor and town clerk to sign on behalf of the town. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

**THE TOWN OF LAKE LURE**

**NORTH CAROLINA**

**RESOLUTION NO. 08-01-15 APPROVING GRANT APPLICATION**

**WHEREAS,** the North Carolina Clean Water Management Trust Fund has authorized the making of grants to aid eligible units of government or non-profit organizations in financing the cost of improvements and/or studies that will impact the quality of affected waterways and

**WHEREAS,** The Town of Lake Lure has need for and intends to significantly improve its existing wastewater collection system currently located within the lake and associated wastewater treatment system by authorizing a study which evaluates alternatives for providing sanitary sewer service and wastewater treatment to existing and future Town customers.

**WHEREAS,** The Town of Lake Lure intends to request grant assistance from the State of North Carolina through the Clean Water Management Trust Fund for planning the replacement and/or rehabilitation of these existing sewer collection and treatment systems;

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

That the Town of Lake Lure will arrange financing for all remaining costs of the Project, if approved for a State grant.

That the Town of Lake Lure will perform the functions and obligations of the grant recipient as set out in a grant agreement should this project be chosen for funding.

That Steven Wheeler, Town Manager and successors so titled, is hereby authorized to execute and file an application on behalf of the Town of Lake Lure with the North Carolina Clean Water Management Trust Fund for a grant to aid in the study described above.

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That Steven Wheeler, Town Manager and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or study: to make the assurances as contained above, and to execute such other documents as may be required in connection with the application.

Adopted this the 15th day of January, 2008 at Lake Lure, North Carolina.

ATTEST:

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Mary A. Flack, MMC  
Town Clerk

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Mayor Jim Proctor

**Approval to Accept Final Mitigation Terms between Marilyn P. Moore and the Town of Lake Lure**

After discussion, Commissioner Turner made a motion to accept the final mitigation terms between Marilyn P. Moore and the Town of Lake Lure which were agreed upon in the consent final judgment order. Commissioner Pitts 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 the meeting at 1:40 p.m. Commissioner Noble seconded the motion and the vote of approval was unanimous.

ATTEST:





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Mary A. Flack, MMC  
Town Clerk