

**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE TOWN COUNCIL  
HELD TUESDAY, APRIL 14, 2009, 7:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER**

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

Christopher Braund, Town Manager  
J. Christopher Callahan, Town Attorney

**ABSENT:** Commissioner Jeanine Noble

**CALL TO ORDER**

Mayor Proctor called the meeting to order at 7:00 p.m. He also commented on the recent passing of former Mayor Paul Wilson and the passing of Dorothy Washburn who resided in Lake Lure.

**INVOCATION**

Attorney Callahan gave the invocation.

**APPROVE THE AGENDA**

After discussion, Commissioner Pitts made a motion to approve the agenda as amended. Removing item 7f (Adopt Resolution No. 09-04-14 a schedule of fees for the administration of Subdivision Regulations, Chapter 91; Zoning Regulations, Chapter 92; and Lake Structures Regulations, Chapter 94 of the Code of Ordinances of the Town of Lake Lure as submitted by Community Development Director Shannon Baldwin) off the consent agenda. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

**PUBLIC FORUM**

Mayor Proctor invited the audience to speak on any non-agenda item and/or consent agenda topics and the following requested to speak. Bill Frykberg gave an up-to-date report about the Lake Lure Classical Academy charter school being planned in Lake Lure. Mr Frykberg asked Council members to write letters expressing their support for the Lake Lure charter school which will be submitted with an application package. Mr. Frykberg mentioned that he was the chairman of the Rutherford County EDC Board and that he had prepared an Economic Development Plan for Lake

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Lure. Copies of this plan were distributed to town council for their review and input. Paula Jordan, a resident of Lake Lure, volunteered to collect letters from the community supporting a charter school in Lake Lure.

**STAFF REPORTS**

Town Manager Chris Braund read his report into the record dated April 14, 2009. (Copy of the town manager's report is attached).

Mr. Braund distributed copies of the council action items log report and made them available at the meeting for anyone interested.

**COUNCIL LIAISON REPORTS & COMMENTS**

Commissioner Pitts reported on the activities of the Zoning/Planning Board and the Lake Advisory Board. He also mentioned that he had recently attended a class sponsored by the Institute of Government regarding manager evaluation and assessment process.

Commissioner Pitts recognized Lake Operations Director Dean Givens for performing exemplary multi-task duties including: being Emergency Medical Technician (EMT) certified, a volunteer firefighter for the Lake Lure Fire Department, and a Lake Lure police officer.

Commissioner Pitts reported on the status of the draft residential vacation rental ordinance.

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

After discussion, Commissioner Turner made a motion to approve an application fee of \$400 for an ABC permit for the Lake Lure Municipal Golf Course and authorized Town Manager Christopher Braund to apply for this permit. Commissioner Pitt seconded the motion and the vote of approval was unanimous.

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

**CONSENT AGENDA**

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

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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 10, 2009 (regular meeting and closed session);
- b. a request from Melissa Messer on behalf of the Hickory Nut Gorge Chamber of Commerce to waive the rental fee for use of the Community Hall in the Lake Lure Municipal Center on September 21, 2009 from 6:30 p.m. until 9:00 p.m. for their annual meeting; suspend the town's alcohol ordinance in order to serve beer and wine during this event;
- c. a budget amendment of \$37,026 regarding payment to Buckeye Construction Company, Inc. for the valve and materials used for the wastewater collection system improvements project as outlined in a memorandum dated April 7, 2009 submitted by the finance officer; (Copy of the Memorandum from Finance Officer Sam Karr is attached);
- d. a budget amendment of \$5,964.37 regarding repairs at the Lake Lure Community Center/Visitor Center as outlined in a memorandum dated April 7, 2009 submitted by the finance officer (Copy of the Memorandum from Finance Officer Sam Karr is attached);
- e. a request from Ed Dittmer on behalf of the Parks/Recreation Board as submitted, directing the Zoning and Planning Board in conjunction with the Parks/Recreation Board and the Community Development Department, to conduct a study of open space requirements in new developments and submit their recommendations to amend the subdivision regulations regarding this issue; and
- f. a request from the Hickory Nut Gorge Chamber of Commerce to waive the rental fee for use of the concrete pad area of the meadows adjacent to the Visitor Center during various events; this waiver is to remain in effect for the duration of the agreement between the town and the HNG Chamber of Commerce, renewable as the contract itself is re-approved.

**End of Consent Agenda.**

<p><b>UNFINISHED BUSINESS:</b></p> <p><b>a. CONSIDER APPROVAL OF A REQUEST FROM THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION REGARDING A DEED OF EASEMENT FOR A HIGHWAY RIGHT-OF-WAY PERTAINING TO PROJECT B-4258/REPLACEMENT OF BRIDGE NUMBER 7 OVER THE BROAD RIVER</b></p>
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Division Construction Engineer Ricky Tipton with the North Carolina Department of Transportation answered questions regarding the deed of easement for a highway right-of-way pertaining to Project B-4258/replacement of bridge number 7 over the Broad River.

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After discussion, Commissioner Hyatt made a motion to approve the request from the North Carolina Department of Transportation regarding a deed of easement for a highway right-of-way pertaining to Project B-4258/replacement of bridge number 7 over the Broad River as presented by Ricky Tipton. Also, authorize the Mayor and Town Clerk to sign this easement. Commissioner Turner seconded the motion and the vote of approval was unanimous.

**UNFINISHED BUSINESS:**  
**b. Other Unfinished Business**

There was no other unfinished business for discussion.

**NEW BUSINESS:**

**a. CONSIDER APPROVAL OF THE PRELIMINARY DESIGN CONCEPTS OF THE GENERAL DEVELOPMENT PLAN FOR THE TOWN OF LAKE LURE PROPERTY (NC-9 and ISLAND CREEK ROAD) BEING PREPARED BY WNC PROFESSIONAL ENGINEERS & SURVEYORS**

After discussion, Commissioner Turner made a motion to approve the preliminary design concepts of the General Development Plan for the Town of Lake Lure Property (NC-9 and Island Creek Road) being prepared by WNC Professional Engineers and Surveyors as presented by Town Manger Christopher Braund. Commissioner Pitts seconded the motion and the vote of approval was unanimous.

**NEW BUSINESS:**

**b. CONSIDER APPROVAL OF RESOLUTION NO. 09-04-14A REQUESTING STATE GRANT ASSISTANCE AS AUTHORIZED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT FOR STIMULUS FUNDS FOR THE WASTEWATER COLLECTION SYSTEM IMPROVEMENTS**

After discussion, Commissioner Pitts made a motion to adopt Resolution No. 09-04-14A requesting state grant assistance as authorized by the American Recovery and Reinvestment Act for stimulus funds for the wastewater collection system improvements as presented by Town Manager Christopher Braund. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

**RESOLUTION NO. 09-04-14A**

**BY GOVERNING BODY OF APPLICANT**

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**WHEREAS**, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (N.C.G.S. 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of (state whether a wastewater treatment works, wastewater collection system, drinking water treatment works, and/or drinking water distribution system); and

**WHEREAS**, The Town of Lake Lure has need for and intends to conduct a wastewater collection system improvement described as the Sewer Pipe Joint Wrapping-Sealing project; and

**WHEREAS**, The Town of Lake Lure intends to request state grant assistance for the project, as authorized by the American Recovery and Reinvestment Act of 2009.

**NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE:** That the Town of Lake Lure, the Applicant, will arrange financing for all remaining costs of the project, if approved for a State grant award.

That the Applicant will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the Applicant agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Lake Lure to make scheduled repayment of the loan, to withhold from the Town of Lake Lure any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the Applicant will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Chris Braund, Town Manager, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a loan to aid in the construction of the project described above.

That the Authorized Official, 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 the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

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Adopted this the 14<sup>th</sup> day of April, 2009 at Lake Lure, North Carolina.

ATTEST

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Mary A. Flack, MMC  
Town Clerk

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Mayor Jim Proctor

**CERTIFICATION BY RECORDING OFFICER**

The undersigned duly qualified and acting as Town Clerk of the Town of Lake Lure does hereby certify: That the above attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Town Council duly held on the 14th day of April, 2009; and, further, that such resolution has been fully recorded in the minutes of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 14<sup>th</sup> day of April, 2009.

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(Signature of Recording Officer) Mary A. Flack

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Town Clerk  
(Title of Recording Officer)

**NEW BUSINESS:**

**c. BOARD APPOINTMENTS - LAKE ADVISORY BOARD & BOARD OF ADJUSTMENTS/LAKE STRUCTURES APPEALS BOARD**

Council members voted by ballot and Town Manager Christopher Braund announced the following results.

David Efird was appointed to fill Chris Braund's position on the Lake Advisory Board with a term expiring December 31, 2010.

A motion was made by Commissioner Hyatt and seconded by Commissioner Turner to appoint Bob Cameron to fill Harvey Jacques's position as regular member on the Board of Adjustment/Lake Structures Appeals Board with a term expiring December 31, 2009. The vote of approval was unanimous.

**CLOSED SESSION**

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

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A motion was made by Commissioner Hyatt to enter into the closed session in accordance with G.S. 143-318.11(a) (1) & (3) to discuss: (1) attorney client privilege regarding a lawsuit between Lake Lure 25, LLC filed by Angela S. Beeker and the Town of Lake Lure, (2) legal matters, and (3) Honors and Awards. Commissioner Pitts seconded the motion and the vote of approval was unanimous.

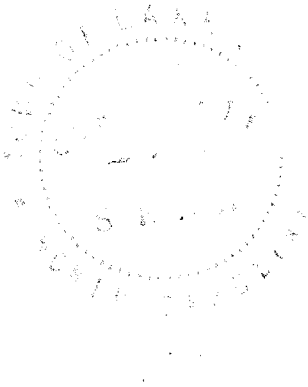
While in closed session, Council members voted to seal the minutes of the closed session meeting in order to avoid frustrating the purpose of the closed session.

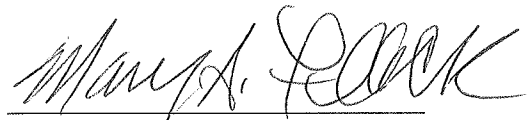
With no further items of discussion in closed session, Commissioner Turner made a motion to come out of the closed session meeting and re-enter the regular session of the town council meeting at 9:34 p.m. Commissioner Pitts seconded the motion and the vote of approval was unanimous.

**ADJOURN THE MEETING**

With no further items of discussion, Commissioner Turner made a motion to adjourn the meeting 9:35 p.m. Commissioner Hyatt seconded the motion and the vote of approval was unanimous.

ATTEST:



  
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Mary A. Flack, MMC  
Town Clerk