MINUTES OF THE REGULAR MEETING OF THE LAKE LURE MARINE COMMISSION HELD TUESDAY, OCTOBER 9, 2012, 6:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER

PRESENT: Presiding Officer Bob Keith Commission Member John W. Moore Commission Member Mary Ann Silvey Commission Member Diane Barrett Commission Member Bob Cameron

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

ABSENT: NA

CALL TO ORDER

Presiding Officer Bob Keith called the meeting to order at 6:00 p.m.

INVOCATION

Attorney Chris Callahan gave the invocation.

APPROVE THE AGENDA

Commission Member Diane Barrett made a motion to approve the agenda presented. Commission Member Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

PUBLIC FORUM

Presiding Officer Bob Keith invited the audience to speak on any non-agenda items and/or consent agenda topics.

No one requested to speak.

HEARING – CHARLES W. PAKE TO APPEAL CIVIL CITATIONS NUMBERED 000549, 000550, 000551, AND 000552

Lake Operations Director Dean Givens gave testimony during the hearing with regards to Civil Citations 000549, 000550, 000551, and 000552. (Copy of citations attached.) Charles W. Pake was absent from the hearing.

Page 2 - Minutes of the October 9, 2012 Regular Lake Lure Marine Commission Meeting

After discussion, Commission Member Diane Barrett made a motion to uphold Civil Citations 000549, 000550, 000551, and 000552 as written. Commission Member Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

Commission members asked that Mr. Pake be informed that the request was unanimously denied for one or more of the following reasons which came out during the discussion:

- 1. A death has occurred at the bridge in the past by a man jumping off the bridge.
- 2. Those issued the citations were warned by town employee Clint Calhoun not to jump off the bridge, but did anyway.
- 3. State law across North Carolina prohibits jumping off bridges that are clearly marked. The officer could have issued a state citation charging the subjects with violating state law, thus it would have been handled in district court. In North Carolina the court costs alone, not including any fine, are \$180.
- 4. The subjects trespassed on private property to access the top of the bridge from the lake.
- 5. Both sides of the bridge are clearly marked with large signs prohibiting jumping or diving from the bridge.

PUBLIC HEARING PROPOSED RESOLUTION 12-10-09 AMENDING SECTION 1.59 OF THE LAKE USE REGULATIONS PERTAINING TO COMMERICAL OPERATIONS

Presiding Officer Bob Keith opened the public hearing regarding proposed Marine Commission Resolution No. 12-10-09 and invited citizens to speak during the public hearing.

David Efird of 408 Boys Camp Road urged council not to adopt the proposed amendments to the Lake Use Regulations.

Lake Operations Director Dean Givens and Commission Member Mary Ann Silvey, liaison to the Lake Advisory Board, informed the commission that the Lake Advisory Board unanimously upholds their recommendation that no changes be made to the Lake Use Regulations concerning seasonal commercial operations.

Council members agreed to close the public hearing.

CONSIDER ADOPTION OF RESOLUTION 12-10-09 AMENDING SECTION 1.59 OF THE LAKE USE REGULATIONS PERTAINING TO COMMERICAL OPERATIONS

Page 3 - Minutes of the October 9, 2012 Regular Lake Lure Marine Commission Meeting

After discussion, Commission Member John Moore made a motion to adopt Resolution No. 12-10-09 amending Section 1.59 of the Lake Use Regulations pertaining to commercial operations. Commission Member Bob Cameron seconded the motion. Commission Member John Moore, Commission Member Bob Cameron, and Commission Member Diane Barrett voted in favor of the motion. Commission Member Mary Ann Silvey opposed. The motion passed with a vote of 3 to 1 in favor.

RESOLUTION NO. 10-10-12 OF THE TOWN OF LAKE LURE MARINE COMMISSION AMENDING THE LAKE USE REGULATIONS PERTAINING TO LAKE COMMERCIAL LICENSING

WHEREAS, the Lake Lure Town Council has created the Lake Lure Marine Commission as authorized by special act of the General Assembly of the State of North Carolina for the purposes of regulating all activities on Lake Lure; and

WHEREAS, the lake use regulations were adopted by resolution on March 9, 2004 by the Lake Lure Marine Commission; and

WHEREAS, the Lake Lure Marine Commission has determined that said regulations should be amended to further define and regulate activities on Lake Lure;

NOW, THEREFORE, BE IT RESOLVED BY THE LAKE LURE MARINE COMMISSION that the following revisions to the lake use regulations are hereby placed in effect and shall be enforced by the Town of Lake Lure:

[Words stricken through to be deleted, words <u>underlined</u> to be added]

SECTION ONE. Amend Section 1.59 (D) as follows:

§ 1.59 LAKE COMMERCIAL LICENSING

Lake Commercial License Schedule of Criterion

(D) Lake Commercial License Schedule of Criterion – In determining both the number of lake commercial licenses that may be available for issuance to each of the eight commercial classifications defined in section 1.50 and whether to issue a license in response to an application either for a new lake commercial license or to renew an existing lake commercial license, the Marine Commission may consider the following criteria (and such other criteria as the marine commission the marine commission may consider reasonable and appropriate.

| | Commercial Classifications | | | | | | | |
|-----------|----------------------------|-----------|-----------|-----------|-----------|-----------|-----------|--------------------|
| Criterion | Livery | Resorts | Camps | Ski | Tour | Fishing | Services | Real Estate |
| | (Class 1) | (Class 2) | (Class 3) | Schools | Boats | Guides | (Class 7) | Agents |
| | | | | (Class 4) | (Class 5) | (Class 6) | | (Class 8) |

Page 4 - Minutes of the October 9, 2012 Regular Lake Lure Marine Commission Meeting

| | Commercial Classifications | | | | | | | | | |
|--|--|---|--|--|--|--|--|---|--|--|
| Criterion | Livery (Class 1) | Resorts (Class 2) | Camps (Class 3) | Ski Schools (Class 4) | Tour Boats (Class 5) | Fishing Guides (Class 6) | Services (Class 7) | Real Estate Agents (Class 8) | | |
| Seasonal | Businesses mus | t operate on the l | aka for a full soor | | | | a racajva a laka a | | | |
| Operation | Businesses must operate on the lake for a full season (summer, spring/fall OR winter) to be eligible to receive a lake commercial li Commercial activities planned for a day, week or other period less than one full season will not be considered. (Res. Passed 10-1 10) | | | | | | | | | |
| Lake Impact Limit (Summer) | TBD per Calc* | TBD per Calc* | TBD per Calc* | TBD per Calc* | TBD per Calc* | TBD per Calc* | TBD per Calc* | TBD per Calc* | | |
| Lake Impact Limit (Spring/Fall) | TBD per Calc* | TBD per Calc* | TBD per Calc* | TBD per Calc* | TBD per Calc* | TBD per Calc* | TBD per Calc* | TBD per Calc* | | |
| Lake Impact Limit (Winter) | TBD per Calc* | TBD per Calc* | TBD per Calc* | TBD per Calc* | TBD per Calc* | TBD per Calc* | TBD per Calc* | TBD per Calc* | | |
| Max Permits / Operation | 4 per owner or business entity** | 3 per owner or business entity** | 3 per owner or business entity** | 2 per owner or business entity** | 3 per owner or business entity** | | |
| Mooring | Must moor | Must moor | Must moor | Must moor | Must moor | Must moor | | | | |
| Restrictions | vessels at lake structures adjacent to lots zoned CG, GU, R4 or R3 – Except house rentals & Real Estate Agents | vessels at lake structures adjacent to lots zoned CG, GU, R4 or R3 | vessels at lake structures adjacent to lots zoned CG, GU, or R3 | which are princi | nally located in the | | |
| Requirements | It is the intent of the Marine Commission to limit lake commercial licenses to those business entities, which are principally located in the corporate limits of the Town of Lake Lure. The Marine Commission reserves the right to cancel lake commercial licenses, if it is later discovered that the business entity is not principally located in the corporate limits of the Town of Lake Lure. Non-resident real estate agents, fishing guides, contractors and boat repair companies hired by residents of Lake Lure may apply to the Lake Lure Marine Commission for special permits. If approved, non-resident commercial licensees will be allocated boat permits at a fee adjusted to represent the Non-Resident annual fee plus the commercial surcharge as applied to Resident annual permit fee. | | | | | | | | | |
| Marine Liability Insurance Requirements | Minimum coverage of \$1,000,000 per incident. Town of Lake Lure must be listed as co-insured. | Minimum coverage of \$1,000,000 per incident. Town of Lake Lure must be listed as co- insured. | Minimum coverage of \$1,000,000 per incident. Town of Lake Lure must be listed as co-insured. | Minimum coverage of \$1,000,000 per incident. Town of Lake Lure must be listed as co-insured. | Minimum coverage of \$1,000,000 per incident. Town of Lake Lure must be listed as co-insured. | Minimum coverage of \$1,000,000 per incident. Town of Lake Lure must be listed as co-insured. | Minimum coverage of \$300,000 per incident. Town of Lake Lure must be listed as co-insured. | Minimum coverage of \$300,000 per incident. Town of Lake Lure must be listed as co-insured. | | |

| (Class 1) (Class 2) (Class 3) Schools Boats Cuides (Class 7) Ag Lodging Restrictions House rentals All clientele All campers No lodging No lodging No lodging No lodging No lodging amenities amenities </th <th colspan="9">Commercial Classifications</th> | Commercial Classifications | | | | | | | | | |
|--|---|--|--|--|--|--|--|--|--|--|
| Lodging Restrictions House rentals must occur in corporate fimits of the Town of Lake Lure All clientele must be facilities All clientele must be indiged at facilities All clientele must be indiged at facilities All clientele must be facilities All clientele must be facilities No lodging amenities allowed for this commercial category No lodging amenities commercial category No lodging amenities commercial category No lodging amenites category No lodging ameni | | | | | | | | | | |
| Lodging RestrictionsHouse rental must occur in in must occur in lodged at line of the Town of Lake LureAll celentele must be into corporate individual dispersa into the rown of take Town of Lake LureAll celentele must be into the rown of Lake LureAll compersa must be into the rown of Lake LureNo lodging amenities amen | gents | | | | | | | | | |
| Lodging Restrictions House rentals must occur in corporate imits of the Lake Lure All clientele must be lodged at imits of the corporate Lake Lure No lodging amenities allowed for this No lodging allowed for this No lodging allowed for this Operators All commercial corporate indev use All commercial operators shall successfully complete a Marine Commission approved boating safety class an Application. Cartificates must be submitted to Town prior to operator(s). Any changes to operator(s) performing lake associated busines seriet(s). Order of Priority All commercial capacity is fully consumed for a given classification. Lake commercial licenses will be granted in priorit util the available commercial capacity is fully consumed for a given classification. The order of priority will be as follows: First: Commercial boats that were | lass 8) | | | | | | | | | |
| Restrictions must occur in corporate limits of the Town of Lake Lure must be facilities inities facilities must be facilities facilities must be facilities amenities this bis amenities allowed for this amenities commercial category amenities allowed for this amenities allowed for this amenities commercial category amenities allowed for this amenities category amenities allowed for this Operator Requirements All operators must be regulations, and provided lake use regulations, and provided lake use regulation pamplicat All commercial operators shall successfully consumed for a given classification. The order of priority will be as follows: First: Commercial boats that were approved in the prior year, provided lake use regulations, in order of business establishment date. Resident businesses have priority over norres businesses. Second: Additional boats for businesses approved in the prior year, provided: (a) the businesses remains in good standing with respect to lake operations and adherence to regulations (b) the businesses shave treached the individual maximums for # of boats (by class) (| lging | | | | | | | | | |
| corporate limits of the Town of Lake Lure lodged at facilities lodged at facilities lodged at facilities allowed for this commercial category commercial category commercial category commercial category category category <t< td=""><th></th></t<> | | | | | | | | | | |
| Imits of the Town of Lake Lurefacilities within the corporate imits of the Town of Lake Lurethis commercial categorythis categorythis commercial categorythis categorythis categorythis categorythis categorythis categorythis categorythis categorythis tategorythis categorythis tategorythis tategorythis tategorythis tategorythis tategorythis tategorythis tategorythis tategorythis tategorythis tategorythis tategorythis tategorythis tategorythis tategorythis tategorythis tategorythis tategorythis tategorythis tategory <th>ed for this</th> | ed for this | | | | | | | | | |
| Town of Lake Lure within the corporate limits of the Town of Lake within the corporate limits of the Town of Lake commercial category commercial category commercial category commercial category category category <thcategory< th=""></thcategory<> | ercial | | | | | | | | | |
| Lake Lure corporate limits of the Town of Lake Lure category category <th></th> | | | | | | | | | | |
| Town of Lake Lure Town of Lake Lure Town of Lake Lure Image: Competition of Lake Commercial License(s) require a list of operator(s). Any changes to operator(s) list must be delivered to Town within 14 days prior to change. Boating safety course certificates required for all operator(s) on applications. Certificates must be submitted to Town prior to operator(s) performing lake associated busines regulation, pamphlet Order of Priority Anong applicants that meet all of the criteria (above) for their classification, lake commercial licenses will be granted in priorit until the available commercial capacity is fully consumed for a given classification. The order of priority will be as follows: First: Commercial boats that were approved in the prior year, provided the business remains in good standing with respect to 1 operations and adherence to regulations, in order of business establishment date. Resident businesses have priority over nonrest businesses. Second: Additional boats for businesses approved in the prior year, provided: (a) the business remains in good standing with respect to 1 lake operations and adherence to regulations (c) there is capacity remaining for the desired class of commercial boating activity. Boat these new businesses will be approved in the following priority order: (a) businesse based in the Lake Lure town limits, ordered by date established (b) out-of-area businesses, ordered by date established | | | | | | | | | | |
| Operator Requirements All operators must be informed of lake use regulation, and provided lake use regulation All commercial operators shall successfully complete a Marine Commission approved boating safety class ann Applications for lake commercial license(s) require a list of operator(s). Any changes to operator(s) list must b delivered to Town within 14 days prior to change. Boating safety course certificates required for all operator(s) and provided lake use regulation, pamphlet Order of Priority Among applicants that meet all of the criteria (above) for their classification, lake commercial licenses will be granted in priorit until the available commercial capacity is fully consumed for a given classification. The order of priority will be as follows: First: Commercial boats that were approved in the prior year, provided the business remains in good standing with respect to 1 operations and adherence to regulations, in order of business establishment date. Resident businesses have priority over nonress businesses. Second: Additional boats for businesses approved in the prior year, provided: (a) the business new not reached the individual maximums for # of boats (by class) (b) the business remains in good standing with respect to lake operations and adherence to regulations (c) there is capacity remaining for the desired class of commercial boating activity (additional boats ordered by business establishment) Third: New applicant businesses, provided there is capacity remaining for the desired class of commercial boating activity. Bo these new businesses will be approved in the following priority order: (a) businesses based in the Lake Lure town limits, ordered by date established (b) out-of-area businesses, ordered by date established Notes: (1) A business | | | | | | | | | | |
| Operator Requirements All operators must be informed of lake use regulations, and provided lake use regulation All commercial operators shall successfully complete a Marine Commission approved boating safety class ann Applications for lake commercial license(s) require a list of operator(s). Any changes to operator(s) list must l delivered to Town within 14 days prior to change. Boating safety course certificates required for all operators on application. Certificates must be submitted to Town prior to operator(s) performing lake associated busines service(s). Order of Priority Among applicants that meet all of the criteria (above) for their classification, lake commercial licenses will be granted in priorit until the available commercial capacity is fully consumed for a given classification. The order of priority will be as follows: First: Commercial boats that were approved in the prior year, provided the business remains in good standing with respect to 1 operations and adherence to regulations, in order of business establishment date. Resident businesses have priority over nomes businesses. Second: Additional boats for businesses approved in the prior year, provided: (a) the business remains in good standing with respect to lake operations and adherence to regulations (c) there is capacity remaining for the desired class of commercial boating activity. Bo these new businesses will be approved in the following priority order: (a) businesse stablishment) Third: New applicant businesses, provided there is capacity remaining for the desired class of commercial boating activity. Bo these new businesses will be approved in the following priority order: (a) businesses based in the Lake Lure town limits, ordered by date established (b) out-of-area businesses, ordered by date established < | | | | | | | | | | |
| Requirements must be informed of lake use regulations, and provided lake use regulations, and provided lake use regulations, and provided lake use regulations. Applications for lake commercial licenses(s) require a list of operator(s). Any changes to operator(s) list must l delivered to Town within 14 days prior to change. Boating safety course certificates required for all operator(s) and provided lake use regulation. Certificates must be submitted to Town prior to operator(s) performing lake associated business service(s). Order of Priority Among applicants that meet all of the criteria (above) for their classification, lake commercial licenses will be granted in priorit until the available commercial capacity is fully consumed for a given classification. The order of priority will be as follows: First: Commercial boats that were approved in the prior year, provided the businesses have priority over nonrest businesses. Second: Additional boats for businesses approved in the prior year, provided: (a) the business remains in good standing with respect to lake operations and adherence to regulations. (b) the business remains in good standing with respect to lake operations and adherence to regulations. (c) there is capacity remaining for the desired class of commercial boating activity. Bot these new businesses will be approved in the following priority order: | | | | | | | | | | |
| informed of lake use regulations, and provided lake use regulation delivered to Town within 14 days prior to change. Boating safety course certificates required for all operator(s) on application. Certificates must be submitted to Town prior to operator(s) performing lake associated busines service(s). Order of Priority Among applicants that meet all of the criteria (above) for their classification, lake commercial licenses will be granted in priorit until the available commercial capacity is fully consumed for a given classification. The order of priority will be as follows: First: Commercial boats that were approved in the prior year, provided the business remains in good standing with respect to 1 operations and adherence to regulations, in order of business establishment date. Resident businesses have priority over nonres businesses. Second: Additional boats for businesses approved in the prior year, provided: (a) the business has not reached the individual maximums for # of boats (by class) (b) the business remains in good standing with respect to lake operations and adherence to regulations (c) there is capacity remaining for the desired class of commercial boating activity (additional boats ordered by businesse establishment) Third: New applicant businesses, provided there is capacity remaining for the desired class of commercial boating activity. Bot these new businesses will be approved in the following priority order: (a) businesses based in the Lake Lure town limits, ordered by date established (b) out-of-area businesses, ordered by date established (b) out-of-area businesses, ordered by date established (c) A busin | nually. | | | | | | | | | |
| lake use on application. Certificates must be submitted to Town prior to operator(s) performing lake associated business service(s). and provided lake use regulation pamphlet Order of Among applicants that meet all of the criteria (above) for their classification, lake commercial licenses will be granted in priorit until the available commercial capacity is fully consumed for a given classification. The order of priority will be as follows: First: Commercial boats that were approved in the prior year, provided the business remains in good standing with respect to 1 soperations and adherence to regulations, in order of business establishment date. Resident businesses have priority over nonress businesses. Second: Additional boats for businesses approved in the prior year, provided: (a) the business has not reached the individual maximums for # of boats (by class) (b) the business remains in good standing with respect to lake operations and adherence to regulations (c) there is capacity remaining for the desired class of commercial boating activity (additional boats ordered by business establishment) Third: New applicant businesses, provided there is capacity remaining for the desired class of commercial boating activity. Bot these new businesses will be approved in the following priority order: | | | | | | | | | | |
| regulations, and provided lake use regulation pamphet service(s). Order of Priority Among applicants that meet all of the criteria (above) for their classification, lake commercial licenses will be granted in priorit until the available commercial capacity is fully consumed for a given classification. The order of priority will be as follows: First: Commercial boats that were approved in the prior year, provided the business remains in good standing with respect to 1 operations and adherence to regulations, in order of business establishment date. Resident businesses have priority over nonress businesses. Second: Additional boats for businesses approved in the prior year, provided: (a) the business has not reached the individual maximums for # of boats (by class) (b) the business remains in good standing with respect to lake operations and adherence to regulations (c) there is capacity remaining for the desired class of commercial boating activity (additional boats ordered by business establishment) Third: New applicant businesses, provided there is capacity remaining for the desired class of commercial boating activity. Bot these new businesses will be approved in the following priority order: (a) businesses based in the Lake Lure town limits, ordered by date established (b) out-of-area businesses, ordered by date established (b) out-of-area boat for a year loses their priority position if they decide to return to commercial operation succeeding years. They will be considered a new business. | | | | | | | | | | |
| and provided lake use regulation pamphet | | | | | | | | | | |
| lake use regulation pamphlet Order of Priority Among applicants that meet all of the criteria (above) for their classification, lake commercial licenses will be granted in priorit until the available commercial capacity is fully consumed for a given classification. The order of priority will be as follows: First: Commercial boats that were approved in the prior year, provided the business remains in good standing with respect to be operations and adherence to regulations, in order of business establishment date. Resident businesses have priority over nonress businesses. Second: Additional boats for businesses approved in the prior year, provided: (a) the business has not reached the individual maximums for # of boats (by class) (b) the business remains in good standing with respect to lake operations and adherence to regulations (c) there is capacity remaining for the desired class of commercial boating activity. Bot these new businesses will be approved in the Calce Lure town limits, ordered by date established (b) out-of-area businesses, ordered by date established (b) out-of-area businesses, ordered by date established (c) these is not renew a boat for a year loses their priority position if they decide to return to commercial operation succeeding years. They will be considered a new business. | | | | | | | | | | |
| regulation pamphlet Order of Priority Among applicants that meet all of the criteria (above) for their classification, lake commercial licenses will be granted in priorit until the available commercial capacity is fully consumed for a given classification. The order of priority will be as follows: First: Commercial boats that were approved in the prior year, provided the business remains in good standing with respect to 1 is operations and adherence to regulations, in order of business establishment date. Resident businesses have priority over nonress businesses. Second: Additional boats for businesses approved in the prior year, provided: (a) the business has not reached the individual maximums for # of boats (by class) (b) the business remains in good standing with respect to 1 lake operations and adherence to regulations (c) there is capacity remaining for the desired class of commercial boating activity (additional boats ordered by business establishment) Third: New applicant businesses, provided there is capacity remaining for the desired class of commercial boating activity. Bot these new businesses will be approved in the following priority order: (a) businesses based in the Lake Lure town limits, ordered by date established (b) out-of-area businesses, ordered by date established Notes: (1) A business that does not renew a boat for a year loses their priority position if they decide to return to commercial operation succeeding years. They will be considered a new business. | | | | | | | | | | |
| pamplet Order of Priority Among applicants that meet all of the criteria (above) for their classification, lake commercial licenses will be granted in priorit until the available commercial capacity is fully consumed for a given classification. The order of priority will be as follows: First: Commercial boats that were approved in the prior year, provided the business remains in good standing with respect to L operations and adherence to regulations, in order of business establishment date. Resident businesses have priority over nonress businesses. Second: Additional boats for businesses approved in the prior year, provided: | | | | | | | | | | |
| Order of Priority Among applicants that meet all of the criteria (above) for their classification, lake commercial licenses will be granted in priorit until the available commercial capacity is fully consumed for a given classification. The order of priority will be as follows: First: Commercial boats that were approved in the prior year, provided the business remains in good standing with respect to L operations and adherence to regulations, in order of business establishment date. Resident businesses have priority over nonress businesses. Second: Additional boats for businesses approved in the prior year, provided: (a) the business has not reached the individual maximums for # of boats (by class) (b) the business remains in good standing with respect to lake operations and adherence to regulations (c) there is capacity remaining for the desired class of commercial boating activity (additional boats ordered by business establishment) Third: New applicant businesses, provided there is capacity remaining for the desired class of commercial boating activity. Bot these new businesses will be approved in the following priority order: (a) businesses based in the Lake Lure town limits, ordered by date established (b) out-of-area businesses, ordered by date established (c) A business that does not renew a boat for a year loses their priority position if they decide to return to commercial operatior succeeding years. They will be considered a new business. | | | | | | | | | | |
| Priority until the available commercial capacity is fully consumed for a given classification. The order of priority will be as follows: First: Commercial boats that were approved in the prior year, provided the business remains in good standing with respect to 1a operations and adherence to regulations, in order of business establishment date. Resident businesses have priority over nonrest businesses. Second: Additional boats for businesses approved in the prior year, provided: (a) the business has not reached the individual maximums for # of boats (by class) (b) the business remains in good standing with respect to lake operations and adherence to regulations (c) there is capacity remaining for the desired class of commercial boating activity (additional boats ordered by business establishment) Third: New applicant businesses, provided there is capacity remaining for the desired class of commercial boating activity. Bot these new businesses will be approved in the following priority order: | | | | | | | | | | |
| First: Commercial boats that were approved in the prior year, provided the business remains in good standing with respect to be operations and adherence to regulations, in order of business establishment date. Resident businesses have priority over nonress businesses. Second: Additional boats for businesses approved in the prior year, provided: (a) the business has not reached the individual maximums for # of boats (by class) (b) the business remains in good standing with respect to lake operations and adherence to regulations (c) there is capacity remaining for the desired class of commercial boating activity (additional boats ordered by business establishment) Third: New applicant businesses, provided there is capacity remaining for the desired class of commercial boating activity. Bot these new businesses will be approved in the following priority order: (a) businesses based in the Lake Lure town limits, ordered by date established (b) out-of-area businesses, ordered by date established Notes: (1) A business that does not renew a boat for a year loses their priority position if they decide to return to commercial operation succeeding years. They will be considered a new businesse. | Among applicants that meet all of the criteria (above) for their classification, lake commercial licenses will be granted in priority order | | | | | | | | | |
| operations and adherence to regulations, in order of business establishment date. Resident businesses have priority over nonresibusinesses. Second: Additional boats for businesses approved in the prior year, provided: (a) the business has not reached the individual maximums for # of boats (by class) (b) the business remains in good standing with respect to lake operations and adherence to regulations (c) there is capacity remaining for the desired class of commercial boating activity (additional boats ordered by business establishment) Third: New applicant businesses, provided there is capacity remaining for the desired class of commercial boating activity. Bot these new businesses will be approved in the following priority order: | | | | | | | | | | |
| operations and adherence to regulations, in order of business establishment date. Resident businesses have priority over nonresibusinesses. Second: Additional boats for businesses approved in the prior year, provided: (a) the business has not reached the individual maximums for # of boats (by class) (b) the business remains in good standing with respect to lake operations and adherence to regulations (c) there is capacity remaining for the desired class of commercial boating activity (additional boats ordered by businesse establishment) Third: New applicant businesses, provided there is capacity remaining for the desired class of commercial boating activity. Bot these new businesses will be approved in the following priority order: | | | | | | | | | | |
| businesses. Second: Additional boats for businesses approved in the prior year, provided: (a) the business has not reached the individual maximums for # of boats (by class) (b) the business remains in good standing with respect to lake operations and adherence to regulations (c) there is capacity remaining for the desired class of commercial boating activity (additional boats ordered by business establishment) Third: New applicant businesses, provided there is capacity remaining for the desired class of commercial boating activity. Bot these new businesses will be approved in the following priority order: (a) businesses based in the Lake Lure town limits, ordered by date established (b) out-of-area businesses, ordered by date established Notes: (1) A business that does not renew a boat for a year loses their priority position if they decide to return to commercial operation succeeding years. They will be considered a new businesse. | First: Commercial boats that were approved in the prior year, provided the business remains in good standing with respect to lake | | | | | | | | | |
| Second: Additional boats for businesses approved in the prior year, provided: (a) the business has not reached the individual maximums for # of boats (by class) (b) the business remains in good standing with respect to lake operations and adherence to regulations (c) there is capacity remaining for the desired class of commercial boating activity (additional boats ordered by business establishment) Third: New applicant businesses, provided there is capacity remaining for the desired class of commercial boating activity. Bot these new businesses will be approved in the following priority order: (a) businesses based in the Lake Lure town limits, ordered by date established (b) out-of-area businesses, ordered by date established Notes: (1) A business that does not renew a boat for a year loses their priority position if they decide to return to commercial operation succeeding years. They will be considered a new businesse. | operations and adherence to regulations, in order of business establishment date. Resident businesses have priority over nonresident | | | | | | | | | |
| (a) the business has not reached the individual maximums for # of boats (by class) (b) the business remains in good standing with respect to lake operations and adherence to regulations (c) there is capacity remaining for the desired class of commercial boating activity (additional boats ordered by business establishment) Third: New applicant businesses, provided there is capacity remaining for the desired class of commercial boating activity. Bot these new businesses will be approved in the following priority order: (a) businesses based in the Lake Lure town limits, ordered by date established (b) out-of-area businesses, ordered by date established Notes: (1) A business that does not renew a boat for a year loses their priority position if they decide to return to commercial operation succeeding years. They will be considered a new businesse. | businesses. | | | | | | | | | |
| (a) the business has not reached the individual maximums for # of boats (by class) (b) the business remains in good standing with respect to lake operations and adherence to regulations (c) there is capacity remaining for the desired class of commercial boating activity (additional boats ordered by business establishment) Third: New applicant businesses, provided there is capacity remaining for the desired class of commercial boating activity. Bot these new businesses will be approved in the following priority order: (a) businesses based in the Lake Lure town limits, ordered by date established (b) out-of-area businesses, ordered by date established Notes: (1) A business that does not renew a boat for a year loses their priority position if they decide to return to commercial operation succeeding years. They will be considered a new businesse. | | | | | | | | | | |
| (b) the business remains in good standing with respect to lake operations and adherence to regulations (c) there is capacity remaining for the desired class of commercial boating activity (additional boats ordered by business establishment) Third: New applicant businesses, provided there is capacity remaining for the desired class of commercial boating activity. Bot these new businesses will be approved in the following priority order: (a) businesses based in the Lake Lure town limits, ordered by date established (b) out-of-area businesses, ordered by date established Notes: (1) A business that does not renew a boat for a year loses their priority position if they decide to return to commercial operation succeeding years. They will be considered a new business. | | | | | | | | | | |
| (c) there is capacity remaining for the desired class of commercial boating activity (additional boats ordered by business establishment) Third: New applicant businesses, provided there is capacity remaining for the desired class of commercial boating activity. Bot these new businesses will be approved in the following priority order: (a) businesses based in the Lake Lure town limits, ordered by date established (b) out-of-area businesses, ordered by date established Notes: (1) A business that does not renew a boat for a year loses their priority position if they decide to return to commercial operation succeeding years. They will be considered a new business. | | | | | | | | | | |
| business establishment) Third: New applicant businesses, provided there is capacity remaining for the desired class of commercial boating activity. Bot these new businesses will be approved in the following priority order: (a) businesses based in the Lake Lure town limits, ordered by date established (b) out-of-area businesses, ordered by date established Notes: (1) A business that does not renew a boat for a year loses their priority position if they decide to return to commercial operation succeeding years. They will be considered a new business. | | | | | | | | | | |
| Third: New applicant businesses, provided there is capacity remaining for the desired class of commercial boating activity. Bot these new businesses will be approved in the following priority order: (a) businesses based in the Lake Lure town limits, ordered by date established (b) out-of-area businesses, ordered by date established Notes: (1) A business that does not renew a boat for a year loses their priority position if they decide to return to commercial operation succeeding years. They will be considered a new business. | | | | | | | | | | |
| these new businesses will be approved in the following priority order: (a) businesses based in the Lake Lure town limits, ordered by date established (b) out-of-area businesses, ordered by date established Notes: (1) A business that does not renew a boat for a year loses their priority position if they decide to return to commercial operation succeeding years. They will be considered a new business. | ousiness estaonsminent) | | | | | | | | | |
| these new businesses will be approved in the following priority order: (a) businesses based in the Lake Lure town limits, ordered by date established (b) out-of-area businesses, ordered by date established Notes: (1) A business that does not renew a boat for a year loses their priority position if they decide to return to commercial operation succeeding years. They will be considered a new business. | Third: New applicant businesses, provided there is capacity remaining for the desired class of commercial beating activity. Posts for | | | | | | | | | |
| (a) businesses based in the Lake Lure town limits, ordered by date established (b) out-of-area businesses, ordered by date established Notes: (1) A business that does not renew a boat for a year loses their priority position if they decide to return to commercial operation succeeding years. They will be considered a new business. | | | | | | | | | | |
| (b) out-of-area businesses, ordered by date established Notes: (1) A business that does not renew a boat for a year loses their priority position if they decide to return to commercial operation succeeding years. They will be considered a new business. | | | | | | | | | | |
| Notes: (1) A business that does not renew a boat for a year loses their priority position if they decide to return to commercial operation succeeding years. They will be considered a new business. | - | | | | | | | | | |
| (1) A business that does not renew a boat for a year loses their priority position if they decide to return to commercial operation succeeding years. They will be considered a new business. | (D) out-of-area dustnesses, ordered by date established | | | | | | | | | |
| (1) A business that does not renew a boat for a year loses their priority position if they decide to return to commercial operation succeeding years. They will be considered a new business. | Notes: | | | | | | | | | |
| succeeding years. They will be considered a new business. | ons in | | | | | | | | | |
| | | | | | | | | | | |
| (2) A business that transfers owners and does not miss a year of commercial licensing will retain their priority position | succeeding years. They will be considered a new business. | | | | | | | | | |
| | (2) A business that transfers owners and does not miss a year of commercial licensing will retain their priority position | | | | | | | | | |
| () is a second | (2) 12 cusiness and autority owners and does not mass a year of commercial neersing with reach after provide position | | | | | | | | | |

Page 5 - Minutes of the October 9, 2012 Regular Lake Lure Marine Commission Meeting

*In determining lake impact limits, formulas and data utilized by the U.S. Army Corps of Engineers, the

Department of the Interior, the Environmental Protection Agency and the Coast Guard were employed to

determine the following impact per business classification.

Page 6 - Minutes of the October 9, 2012 Regular Lake Lure Marine Commission Meeting

** As provided in section 1.57(D), no business owner or commercial operation may have more than 7

motorized over 10 hp boat permits across all commercial classifications, unless they have obtained a

concession agreement with the town.

Adopted this 9th day of October, 2012.

CONSENT AGENDA

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

Commission Member Bob Cameron moved, seconded by Commission Member Mary Ann Silvey, to approve the consent agenda items as presented. Therefore, the consent agenda incorporating the following items was unanimously approved:

a. Minutes –July 10, 2012 (Regular Meeting)

End of consent agenda.

CONSIDER APPROVAL OF A PROCEDURE REGARDING BOATING VIOLATIONS CAPTURED BY MOTION ACTIVATED CAMERAS PLACED IN VARIOUS LOCATIONS AROUND THE LAKE

Lake Operations Director Dean Givens presented a request regarding motion activated cameras that have been placed at various locations around the lake to take pictures of passing boats in an effort to prevent boaters from violating boating regulations by educating boaters who violate the town's Lake Use Regulations.

Mr. Givens presented a letter that he proposed be sent to boaters caught violating the Lake Use Regulations and suggested that violators be sent a warning letter for their first offense captured by the cameras.

After discussion, Commission Member Diane Barrett made a motion to accept the procedure regarding boating violations captured by the motion activated cameras. Commission Member Bob Cameron seconded the motion. Commission Member John Moore asked to amend the motion to state that, in an effort to prevent future violations, boaters should be notified as soon as possible when caught in violation. Commission Member Moore also asked that Mr. Givens only issue warnings (not citations) to boaters caught violating regulations until he comes back before the commission to allow them an opportunity to review the procedure again. Commission Members unanimously voted in favour of the amended motion.

ADJOURNMENT

Page 7 - Minutes of the October 9, 2012 Regular Lake Lure Marine Commission Meeting

With no further items of discussion, Commission Member Diane Barrett made a motion to adjourn the meeting at 7:05 p.m. Commission Member Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

Andrea H. Calvert Lake Lure Marine Commission Clerk