

**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

<b>CALL TO ORDER</b>
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Presiding Officer Bob Keith called the meeting to order at 6:00 p.m.

<b>INVOCATION</b>
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Attorney Chris Callahan gave the invocation.

<b>APPROVE THE AGENDA</b>
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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.

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

No one requested to speak.

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

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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.

<b>PUBLIC HEARING PROPOSED RESOLUTION 12-10-09 AMENDING SECTION 1.59 OF THE LAKE USE REGULATIONS PERTAINING TO COMMERCIAL OPERATIONS</b>
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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.

<b>CONSIDER ADOPTION OF RESOLUTION 12-10-09 AMENDING SECTION 1.59 OF THE LAKE USE REGULATIONS PERTAINING TO COMMERCIAL OPERATIONS</b>
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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 underlined 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.

Criterion	Commercial Classifications							
	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)

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Criterion	Commercial Classifications							
	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)
<b>Seasonal Operation</b>	Businesses must operate on the lake for a full season (summer, spring/fall OR winter) to be eligible to receive a lake commercial license. Commercial activities planned for a day, week or other period less than one full season will not be considered. (Res. Passed 10-12-10)							
<b>Lake Impact Limit (Summer)</b>	TBD per Calc*	TBD per Calc*	TBD per Calc*	TBD per Calc*	TBD per Calc*	TBD per Calc*	TBD per Calc*	TBD per Calc*
<b>Lake Impact Limit (Spring/Fall)</b>	TBD per Calc*	TBD per Calc*	TBD per Calc*	TBD per Calc*	TBD per Calc*	TBD per Calc*	TBD per Calc*	TBD per Calc*
<b>Lake Impact Limit (Winter)</b>	TBD per Calc*	TBD per Calc*	TBD per Calc*	TBD per Calc*	TBD per Calc*	TBD per Calc*	TBD per Calc*	TBD per Calc*
<b>Max Permits / Operation</b>	4 per owner or business entity**	3 per owner or business entity**	3 per owner or business entity**	2 per owner or business entity**	2 per owner or business entity**	2 per owner or business entity**	2 per owner or business entity**	3 per owner or business entity**
<b>Mooring Restrictions</b>	Must moor vessels at lake structures adjacent to lots zoned CG, GU, R4 or R3 – Except house rentals & Real Estate Agents	Must moor vessels at lake structures adjacent to lots zoned CG, GU, R4 or R3	Must moor vessels at lake structures adjacent to lots zoned CG, GU, or R3	Must moor vessels at lake structures adjacent to lots zoned CG, GU, or R3	Must moor vessels at lake structures adjacent to lots zoned CG, GU, or R3	Must moor vessels at lake structures adjacent to lots zoned CG, GU, or R3		
<b>Residence Requirements</b>	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.							
<b>Marine Liability Insurance Requirements</b>	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.

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	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)
Lodging Restrictions	House rentals must occur in corporate limits of the Town of Lake Lure	All clientele must be lodged at facilities within the corporate limits of the Town of Lake Lure	All campers must be lodged at facilities within the corporate limits of the Town of Lake Lure	No lodging amenities allowed for this commercial category	No lodging amenities allowed for this commercial category	No lodging amenities allowed for this commercial category	No lodging amenities allowed for this commercial category	No lodging amenities allowed for this commercial category
Operator Requirements	All operators must be informed of lake use regulations, and provided lake use regulation pamphlet	All commercial operators shall successfully complete a Marine Commission approved boating safety class annually. Applications for 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) listed on application. Certificates must be submitted to Town prior to operator(s) performing lake associated business service(s).						
Order of Priority	<p>Among applicants that meet all of the criteria (above) for their classification, lake commercial licenses will be granted in priority order until the available commercial capacity is fully consumed for a given classification. The order of priority will be as follows:</p> <p><b>First:</b> Commercial boats that were approved in the prior year, provided the business remains in good standing with respect to lake operations and adherence to regulations, in order of business establishment date. Resident businesses have priority over nonresident businesses.</p> <p><b>Second:</b> Additional boats for businesses approved in the prior year, provided:</p> <ul style="list-style-type: none"><li>(a) the business has not reached the individual maximums for # of boats (by class)</li><li>(b) the business remains in good standing with respect to lake operations and adherence to regulations</li><li>(c) there is capacity remaining for the desired class of commercial boating activity (additional boats ordered by date of business establishment)</li></ul> <p><b>Third:</b> New applicant businesses, provided there is capacity remaining for the desired class of commercial boating activity. Boats for these new businesses will be approved in the following priority order:</p> <ul style="list-style-type: none"><li>(a) businesses based in the Lake Lure town limits, ordered by date established</li><li>(b) out-of-area businesses, ordered by date established</li></ul> <p><b>Notes:</b></p> <p>(1) A business that does not renew a boat for a year loses their priority position if they decide to return to commercial operations in succeeding years. They will be considered a new business.</p> <p>(2) A business that transfers owners and does not miss a year of commercial licensing will retain their priority position</p>							

\*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.

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\*\* 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**

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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.

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Andrea H. Calvert  
Lake Lure Marine Commission Clerk