

LAKE LURE MARINE COMMISSION SPECIAL MEETING PACKET

Tuesday, October 8, 2019



**Mayor Carol C. Pritchett
Mayor Pro Tem John Moore
Commissioner Bob Cameron
Commissioner John Kilby
Commissioner Stephen M. Webber**



SPECIAL MEETING OF THE LAKE LURE MARINE COMMISSION

*Tuesday, October 8, 2019
4:00 P.M.
Lake Lure Municipal Center*

AGENDA

1. Call to Order
2. Invocation
3. Approve the Agenda
4. Public Hearing – Proposed Resolution No. 19-10-08 of the Town of Lake Lure Marine Commission Amending the Lake Use Regulations
5. Consent Agenda
 - A. Adoption of the June 11, 2019 Regular Meeting Minutes, the July 9, 2019 Special Meeting Minutes, and the August 13, 2019 Special Recessed Meeting Minutes
6. New Business
7. Adjournment

PUBLIC HEARING

- Proposed Resolution No. 19-10-08 of the
Town of Lake Lure Marine Commission
Amending the Lake Use Regulations

**LAKE LURE MARINE COMMISSION
REQUEST FOR BOARD ACTION**

Meeting Date: 10/8/2019

SUBJECT: Resolution No. 19-10-08 - Proposed Amendments to the Lake Use Regulations

AGENDA INFORMATION:

Agenda Location: Public Hearing
Item Number: A
Department: Parks, Recreation and Lake
Contact: Dean Givens, Parks, Recreation and Lake Director
Presenter: Dean Givens, Parks, Recreation and Lake Director

BRIEF SUMMARY: The Lake Advisory Board held a special meeting on September 26, 2019 and discussed numerous amendments to the Lake Use Regulations. They directed the Marine Commission to review and adopt the proposed changes to the Regulations.

Mike Bustle, former Lake Lure Police Chief, petitioned the Lake Advisory Board to consider allowing retired Town of Lake Lure employees to receive a complimentary annual boat permit. The LAB discussed and recommends that the Marine Commission approve allowing one free boat permit per household each calendar year to retired employees from the Town of Lake Lure that served 10 years and/or is a Town of Lake Lure retired police officer that served a total number of years equaling 10 or more by either full-time service alone or additional service as a reserve officer, with each four years as a reserve officer equaling one full-time year of service. This would allow the retiree to obtain a yearly water vessel permit at no cost provided the vessel is in the retiree's name and conforms to the current permitting regulations.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To adopt Resolution No. 19-10-08, amending the Lake Use Regulations.

FUNDING SOURCE: N/A

ATTACHMENTS: Resolution No. 19-10-08, email from Mike Bustle

STAFF'S COMMENTS AND RECOMMENDATIONS: A public hearing is scheduled for the October 8, 2019 Special Marine Commission Meeting for discussion of amendments to the current Lake Use Regulations. Staff recommends approval of the proposed amendments to the Lake Use Regulations.

March 3, 2019

Director Dean Givens
Town of Lake Lure
2948 Memorial Highway
Lake Lure, N. C. 28746

Dear Director Givens:

As you are aware, I served the Town of Lake Lure as Police Chief for almost eight years, retiring from the town in April 2006. I then continued to serve as a reserve officer for the town for an additional twelve years, maintaining my official state certification. During this period, it was the policy of the town to provide reserve officers and reserve firemen a complimentary boat permit.

As of 2018, I am fully retired due to health issues and disability. I would much appreciate the continued allowance of a boat permit in order to continue my contacts and service to the the Town of Lake Lure.

Thank you for your consideration and assistance in this matter.

Sincerely,

Charles M. "Mike" Bustle



**RESOLUTION NO. 19-10-08
OF THE TOWN OF LAKE LURE MARINE COMMISSION
AMENDING THE LAKE USE REGULATIONS CONCERNING
DEFINITIONS, COMPLIMENTARY BOAT PERMITS, COMMERCIAL
OPERATIONS, 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; and

WHEREAS, the Lake Lure Marine Commission, upon the recommendation of the Lake Lure Lake Advisory Board, has determined that said regulations should be amended to add and revise definitions, regulate complimentary boat permits on Lake Lure for retired employees, regulate commercial livery and vacation rental operations, and regulate lake commercial licensing for vacation rentals; and

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 1.02 Definitions as follows:

For the purpose of these regulations, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“BOAT.” For the purpose of these regulations, the term “boat” shall mean any form of water vessel.
Amended 11-9-04

“COMMERCIAL CRAFT.” Water vessels used in connection with any type of business, trade or commerce, for profit or non-profit, including but not limited to: boat rentals, marinas, real estate agents, resorts, inns, lodging establishments, camps, ski schools, fishing guides, tour boats, contractors, boat repair companies or house rentals (that are required to pay occupancy tax) with boats, real estate development companies or property owner’s associations. **Amended 11-9-04, 4-8-08, 6-13-17**

“COMMERCIAL OPERATIONS.” Any use of the lake in a manner that will generate direct or indirect revenue or by an entity that operates for profit or not-for-profit (excluding governmentally established entities) **Amended 4-08-08.** This is further quantified into eight classifications:

- (1) Liveries - ~~Boat rentals or boat use privileges with no operator provided that may be associated~~

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~~with (but not limited to) marinas, resorts, inns, lodging establishments, house rentals (that are required to pay occupancy taxes) with boats or real estate agents that rent boats. Boating operations that provide watercraft for rent and may be associated with marinas or other establishments that provide boats to individuals to operate for short periods of time.~~ **Amended 2-13-07**

- (2) Resorts - Boating operations available to patrons at resorts, inns, or lodging establishments. **Amended 3-13-2018**
- (3) Camps - Boating operations at camp facilities. **Amended 3-13-2018**
- (4) Ski Schools - All commercial operations providing water sports activities, not associated with a specific camp, resort, inn or lodging facility. **Amended 3-13-2018**
- (5) Tour Boats - Boating operations that are used to provide piloted tours of the lake. Boats in this class require a concession agreement with the Town regardless of the number permitted. **Amended 6-13-17**
- (6) Fishing Guides - Boating operations that are not associated with a specific camp, resort, inn or lodging facility and are used to provide a piloted fishing excursion.
- (7) Services - Boating operations utilized by building contractors and boat repair companies. **Amended 6-13-17**
- (8) Vacation Rentals - Boating operations available to individuals renting a residential vacation rental for the same duration of time.

“COMMERCIAL OPERATORS.” All boat operators who pilot boats for commercial classifications ~~2-7~~ **8**, inclusive. **Amended 11-9-04**

“DEVELOPED LOT.” A developed lot shall be a lot whereon a residence or business building is constructed. (Res. Passed 4-11-06)

“LAKE, also LAKE LURE” The body of water known as Lake Lure formed by the creation of the dam at Tumbling Shoals over the Broad River in Rutherford County, NC and including that portion of the Broad River above the lake extending below the elevation of 992 feet above mean sea level. **Amended 11-9-04, 6-13-17**

“LAKE COMMERCIAL LICENSE.” A license issued annually by the Marine Commission for commercial operations on the waters of Lake Lure. **Amended 11-9-04, 6-13-17**

“LAUNCHING.” Any method of placing a water vessel onto the lake from the land above the shoreline. This does not include launching of water vessels from lake structures. **Amended 11-9-04**

“LAUNCH SITE.” Any location on the land adjacent to the shoreline of Lake Lure that may be used for launching water vessel(s), provided that this term does not include lake structures as defined in the Lake Structures Regulations. **Amended 11-9-04, 6-13-17**

“LAUNCH SITE, PRIVATE.” A launch site available for use by one single-use family dwelling for launching only boats permitted in that family’s name. **Amended 11-9-04**

“LAUNCH SITE, GENERAL.” Any launch site other than a private launch site. **Amended 11-9-04**

“MARINE COMMISSION.” The Lake Lure Marine Commission as established by Ordinance 03-09-09. **Amended 11-9-04**

“NON-PEAK SEASON.” The period of each year starting on the Tuesday after Labor Day through the Thursday before Memorial Day. **Amended 11-9-04**

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“NON-RESIDENT.” Any person not owning real property within the corporate limits of the town or any person who resides outside the corporate limits of the town for more than 50% of the calendar year.

“NO-WAKE.” Idle speed or a slow speed creating no appreciable wake (producing white water off the bow). **Amended 6-13-17**

“PEAK SEASON.” The period of each year starting on the Friday before Memorial Day through Monday, Labor Day. **Amended 11-9-04**

“PERMIT.” A display permit issued by the Marine Commission to operate a boat on Lake Lure for recreational, fishing and/or commercial purposes.

“PERMIT LIMIT.” The maximum number of permits which will be issued for a specific permit classification. **Amended 11-9-04**

“PERSONAL WATERCRAFT” (ALSO KNOWN AS PWC OR SKICRAFT). An inboard powered craft using a water-jet pump as the primary source of propulsion and operated by a person sitting, standing or kneeling on the craft rather than in the conventional manner of boat operation.

“PROPERTY OWNERS.” This term shall be deemed to include corporations, joint property owners (i.e. a person listed on the deed of record as an owner of the real property), and “time share” owners.

“PUBLIC BATHING BEACH.” A public access to the waters of Lake Lure where swimming is allowed. **Adopted 6-13-17**

“RESIDENT.” Any person owning real property within the corporate limits of the town or any person who resides within the corporate limits of the town for more than 50% of the calendar year.

“RESIDENTIAL VACATION RENTAL.” The renting of a single-family dwelling, duplex, or any portion thereof, for occupancy, dwelling, lodging or sleeping purposes. Said term shall include a motorized pontoon or tritoon boat and/or non-motorized watercraft(s) which shall also be rented for the same duration of time as the dwelling, and registered in the property owner’s name.

“VACATION RENTAL MANAGEMENT COMPANY.” A business that is the responsible party as designated by the owner to act for and on behalf of the owner in managing the property, that provides motorized and/or non-motorized watercraft(s) that are registered with the business.

“WATER SPORTS.” Water skiing, knee boarding, wake boarding, tubing, and other similar activities which involve being towed behind a boat.

“WATER VESSEL(S).” Every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water. Said term shall include, but shall not necessarily be limited to pontoon boats, fishing boats, house boats, ski boats, pleasure boats, personal watercraft, row boats, kayaks, stand up paddleboards, sail boats, hydro-bikes, paddle boats or canoes. **(Res. Passed 3-9-04, Amended 6-13-17)**

SECTION TWO. Add a new Section 4.01(D) and relabel all subsequent sections as follows:

- (A) Except as hereinafter provided, all persons, firms, or corporations shall secure a permit from the Marine Commission or its designated agents before placing, operating, or

allowing any water vessel to be placed or operated on Lake Lure.

- (B) All commercial operations must apply for a lake commercial license in accordance with section 4.08 and 4.09 of these regulations. **Amended 4-11-06, 6-13-17**
- (C) All town employees and any member on the active roster of the Lake Lure, Bill's Creek, Chimney Rock, or Fairfield Volunteer Fire Departments shall be entitled to receive one complimentary annual water vessel permit. A member on the active roster of the Bat Cave, Gerton or Sunny View Volunteer Fire Departments may purchase one annual water vessel permit at the resident rate. A member on the active roster of the Hickory Nut Gorge Emergency Medical Service shall be entitled to one complimentary annual water vessel permit. Only one boat permit allowed per household. **Amended 7-12-11, 6-13-17**
- (D) Retired employees from the Town of Lake Lure that served 10 years and/or is a Town of Lake Lure retired police officer that served at least a total number of years equaling 10 or more by either full-time service alone or additional service as a Reserve Officer, with each four years equaling one full-time year of service. Only one boat permit allowed per household.
- (~~D~~ E) (1) Federal, State and Local governmental agencies are exempt from this Section provided they are operating in an official capacity, including but not limited to training, research, data collection, emergency response, or other service related duties. Complimentary permits will be provided for the dates and times needed to perform their official duties, and will only require a valid registration. Vessel length restrictions shall not be imposed. Vessels permitted under this policy shall not be used for recreational activities. **Adopted 12-13-16**
- (2) Contractors that are providing a lake-related service to the Town of Lake Lure under a Town sponsored project, without a boat permit will receive a complimentary boat permit. Permits granted under this section are only valid for the duration of the project. Valid registration and insurance will be required. Vessel length restrictions shall not be imposed. Vessels permitted under this policy shall not be used for recreational activities. **Adopted 12-13-16**
- (3) Contractors that are providing a lake-related construction service for a property owner on Lake Lure that has specialized equipment generally prohibited by the Lake Use Regulations, may apply for a prorated commercial temporary boat permit for a specific job they are contracted for. Permits granted under this section are only valid for the duration of the project and are subject to a commercial license application fee. Valid boat registration and commercial boat insurance will be required in accordance with section 4.07(C) of these regulations. Vessel length restrictions shall not be imposed. Vessels permitted under this policy shall not be used for recreational activities or any other use than approved for. Approval of a commercial temporary boat permit will be at the discretion of the Parks, Recreation & Lake Director or the Town Manager. **Adopted 3-12-19**
- (~~E~~ F) All water vessel permit fees shall be assessed according to a schedule of permit fees

adopted annually by the Marine Commission. **Amended 4-11-06, 6-13-17**

(F G) (1) Water vessel permit fees for “non-residents” may be set at a greater amount than water vessel permit fees for residents. **Amended 4-11-06**

(2) Corporations owning real property in the Town of Lake Lure may purchase an annual water vessel permit at resident rates, provided the proper registration papers can be presented showing the boat is registered to the corporation.

(3) Residents or their spouses who own a developed lot (a lot with a dwelling or commercial structure) qualify for up to three resident annual motorized over 10 HP boat permits, provided that the maximum number of permits for motorized over 10 HP boats have not been issued. **Amended 4-11-06, 2-13-07, 6-13-17**

(4) Property owners or their spouses owning an undeveloped lot qualify for one annual motorized boat permit or one peak season weekday only permit. **Amended 4-11-06, 2-13-07, 9-09-14, 6-13-17**

(G H) The valid and current state registration of the water vessel must be presented to the designated issuing agent when purchasing a Lake Lure water vessel (boat) permit. A resident’s or property owner’s registration must match the name on the town’s tax records for the permit to be issued as a resident permit. Commercial operators must present tax records if their water vessel is registered with a leasing agency.

(H I) Owners of timeshare properties within the Town of Lake Lure may purchase one motorized boat permit at the resident rate for the week(s) for which they have a timeshare contract. Verification of the contract is required. **Amended 4-11-06**

(I J) The Marine Commission has adopted the following limits on motorized boat permits:

- (1) A maximum of 1,000 resident annual unlimited use permits for boats with more than 10 HP.
- (2) A maximum of 250 resident annual peak season weekday (no use on holidays), unlimited off-peak season permits for boats with more than 10 HP.
- (3) A maximum of 75 non-resident annual unlimited use permits.
- (4) A maximum of 75 non-resident annual peak season weekday (no use on holidays), unlimited off-peak season permits for boats with more than 10 HP.

Amended 12-11-12, 6-13-17

(J K) Owners of lakefront lots having structures thereon shall have the E911 designated address assigned to the property posted in accordance with §42.6 of the Code of Ordinances of the Town of Lake Lure titled Boat House Numbering. Said signs shall be ordered through the Town office before any annual water vessel permit may be obtained from the Town. **Amended 4-11-06, 6-13-17**

(K L) The Marine Commission will determine the total number of available commercial and/or non-commercial boat permits based on a schedule of permit limits. To insure the health, safety and welfare of those who use the lake, the schedule will be reviewed annually; utilizing standards established by the Marine Commission which may

include, but are not limited to formulas utilized by the US Army Corps of Engineers, Department of the Interior, Environmental Protection Agency and data from the Coast Guard and the Town of Lake Lure. To help maintain an accurate account of the number of commercial boats being permitted, all applicants who apply for and are approved for commercial boats to be permitted are required to purchase permits for all boats that were applied for and approved by the Marine Commission prior to April 15th of the permitted year, or their space will be reallocated to other applicants. **Amended 3-13-18, Amended 6-12-18**

- (~~L~~ **M**) All applications for motorized boat permits must be accompanied by proof of marine liability insurance coverage written by a company approved by the State of North Carolina and AM Best. All non-commercial motorized applications must have minimum marine liability coverage of \$300,000.00 per incident. All applicants for commercial motorized boat permits must hold a lake commercial license, and adhere to the insurance requirements defined under section 4.07 below. Proof of marine liability insurance coverage shall be the actual marine liability insurance policy (or either a copy of the marine liability insurance policy or certificate of marine liability insurance provided directly to town from insurance provider) which specifically references the boat by listing the boat's serial number, state registration number or reference that adequately insures that the boat is covered by the policy that a permit is being requested for, states liability limits for said boat, and identifies effective and renewal dates for policy. (Res. Passed 3-9-04) Penalty, see § 5.01 **Amended 11-9-04, 4-28-05, 6-13-17**

SECTION THREE. Add a new Section 4.07(H) and relabel all subsequent sections, and add a new Section 4.07(P), (Q), and (R) as follows:

Commercial operations shall be allowed on the waters of Lake Lure subject to the following conditions:

- (A) A lake commercial license shall be required annually prior to purchasing commercial boat permits. **Amended 6-13-17**
- (B) All commercial operators shall successfully complete a Marine Commission approved boating safety class annually.
- (C) All applications for lake commercial licenses shall be accompanied by proof of marine liability insurance written by a company approved by the state of North Carolina and AM Best for all associated motorized boats. Commercial classifications 1, 2, 3, 4, 5, & 6 must have minimum liability coverage of \$1,000,000.00. Commercial classification 7 shall carry the appropriate type of insurance policy (commercial/non-commercial) suitable for business operation, and have minimum marine liability coverage of \$300,000.00. All commercial operators shall name the town as co-insured on the required policies. **Amended 4-28-05, Amended 6-12-18**

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- (D) No single business owner or commercial operation may have more than seven permits for motorized boats over 10 HP, unless they have a concession agreement with the Town specifically stating a different number.
- (E) No single business owner or commercial operation may have more than seven permits for motorized boats 10 HP or less, unless they have a concession agreement with the Town specifically stating a different number.
- (F) No single business owner or commercial operation may have more than ten (10) permits for non-motorized boats, unless they have a concession agreement with the Town specifically stating a different number. **Amended 4-28-05**
- (G) The only way that a business owner or commercial operation may obtain more permits than what is allowed in any one classification or in total is to enter into a concession agreement with the Town of Lake Lure. A concession agreement is also required if a business owner or commercial operator wishes to do business from any land owned by the Town. **Amended 4-10-12, 6-13-17**
- (H) Livery operations shall be located within a Zoning District that permits commercial use.
- ~~(H I)~~ Commercial craft with more than 100 horsepower shall have boat-to-shore communications capability.
- ~~(I J)~~ Commercial operators shall report to law enforcement any violation of State or local regulations as well as any observed accidents.
- ~~(J K)~~ Commercial operators must render assistance to any disabled vessel(s). (Res. Passed 4-12-05) Penalty, see § 5.01
- ~~(K L)~~ Water sports are expressly prohibited behind boats with a resort, livery, service, tour boat and fishing commercial classification (including boats associated with rental homes). (Res. Passed 4-11-06) **Amended 6-13-17, Amended 6-12-18**
- ~~(L M)~~ Commercial craft shall not be operated when lightning is visible, or thunder is audible. Commercial craft operating on the lake when these conditions occur must return to moorings immediately. (Res. Passed 4/11/06) **Amended 6-13-17**
- ~~(M N)~~ Because there are limits in the numbers of commercial boat permits issued, once a boat permit has been issued for a particular commercial classification, that boat shall retain that classification until the permit expires. A boat cannot change classification in the same calendar year that it was permitted. Commercial vessels may only be operated for the purpose approved in the commercial license. Dual permitting of boats is prohibited. (Res. Passed 10-12-10) **Amended 6-12-18**
- ~~(N O)~~ Boats licensed in commercial classification 5 (tour boats) shall be subject to the following further conditions:
 - (1) Voice amplification systems shall not be allowed. **Amended 6-13-17**

- (2) Operations will be carried out at low wake in all parts of the lake except the center
- (3) Each boat shall show the name of the commercial operator and have large numerals to facilitate identification for comments. **Amended 4-10-12**
- (4) Tour boats shall not navigate under a bridge or enter a cove other than the town marina cove except for picking up and dropping off passengers. **Adopted 6-13-17**
- (5) Tour boats shall not navigate in "no wake zones". **Adopted 6-13-17**
- (6) Boarding and departing passengers will be allowed access only from commercial landings with the exception of special events approved by the Town Manager. **Adopted 6-13-17**
- (7) Tour Boats shall not travel in clusters and must be separated at a minimum distance of 100 yards. **Adopted 6-13-17**
- (8) Tour boats require a concession agreement with the Town regardless of the number permitted. **Adopted 6-13-17**

- (P) Owners of residential vacation rentals and vacation rental management companies shall only rent their permitted motorized and non-motorized watercraft(s) for the same duration of time as their residential vacation rental(s).

- (Q) No vacation rental watercraft shall be permitted to tow any person(s) at any time.

- (R) Vacation rental management companies shall only provide motorized and non-motorized watercraft(s) that are registered and commercially permitted with their business.

SECTION FOUR. Amend Section 4.09 Lake Commercial Licensing as follows:

- (A) A lake commercial license is required prior to purchasing commercial boat permits.
- (B) All new lake commercial license applications and all lake commercial license renewal applications must be received by the first day of November. **Amended 6-13-17**
- (C) The Marine Commission will complete its review of all license applications and may issue lake commercial licenses by the first day of January of the following year

Section Continued on next page.

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(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~~ **eight** commercial classifications defined in section 1.02 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 may consider reasonable and appropriate.) **Amended 6-13-17**

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)	Vacation Rentals (Class 8)
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**	2 per owner or business entity**	2 per owner or business entity**	2 per owner or business entity**	1 VRM per owner or business entity** and up to 10 VRN

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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)	Vacation Rentals (Class 8)
Mooring Restrictions	Commercial business operations must be conducted from lake structures adjacent to lots zoned CG, GU, R3 or R4 (except house rentals, service boats or real estate agents). Commercial boats may be moored in any zoning district under these conditions: a) <u>The boat is moored at property being used as a residence for the business owner or an employee.</u> b) <u>Primary business operations are not being conducted at the residence.</u>							
Residence 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.	<u>Minimum coverage of \$1,000,000 per incident. Town of Lake Lure must be listed as co-insured.</u>

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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)	Vacation Rentals (Class 8)
Lodging Restrictions	House rentals must occur in corporate limits of the Town of Lake Lure <u>No lodging amenities allowed for this commercial category</u>	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	<u>House rentals must occur in corporate limits of the Town of Lake Lure.</u>
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 of the 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). Amended 6-13-2017						<u>All operators must be informed of lake use regulations, and provided a vacation boat rental contract addendum</u>

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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)	<u>Vacation Rentals</u> (Class 8)
Order of Priority	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: First: 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. 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 date of business establishment) Third: 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: (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 operations in 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							

Amended 04-08-2014, 06-13-2017

**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.*

*** As provided in section 4.07, no business owner or commercial operation may have more than 7 motorized over 10 hp boat permits across all*

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commercial classifications, unless they have obtained a concession agreement with the town.

- (E) The Marine Commission may suspend or revoke lake commercial licenses at any time for violation of applicable lake use regulations. (Res. Passed 4-12-05) Penalty, see § 5.01

SECTION FIVE. Amend Section 5.01 Enforcement; Penalties, and relabel all subsequent sections as follows:

- (A) All law enforcement officers with territorial jurisdiction as to any part of the waters of Lake Lure or its shoreline area within the limitations of their subject matter jurisdiction, have the authority of peace officers in enforcing the laws over all of the waters of Lake Lure and its shoreline area. A certificate of training issued by the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriffs' Education and Training Standards Commission will suffice for certification for the purposes of the Lake Use Regulations. **Amended 6-13-17**
- (B) Any person, firm, or corporation violating any provision of the Lake Use Regulations for which no specific penalty is otherwise provided, shall upon conviction be guilty of a misdemeanor as provided in NCGS § 14-4; however, violations of § 4.04 shall be as provided in NCGS § 75A-18. **Amended 6-13-17**
- (C) Any person, firm, or corporation violating any provisions of the Lake Use Regulations, upon conviction thereof, may be suspended from further use of Lake Lure, at the discretion of the Marine Commission. **Amended 6-13-17**
- (D) Any person, firm, or corporation attempting to manipulate or defraud the permitting system, upon conviction thereof, may be suspended from further use of Lake Lure, at the discretion of the Marine Commission.
- ~~(D)~~ E The Marine Commission may also provide for enforcement of the Lake Use Regulations by other remedies, as authorized in NCGS § 160A-175, including the imposition of those civil fines defined in the schedule of fines, the ordering of specific equitable relief, including injunctions, or a combination of remedies. In addition the Marine Commission may seek an appropriate equitable remedy issuing from a court of competent jurisdiction. (Res. Passed 3-9-04) **Amended 4-11-06, 6-13-17**
- ~~(E)~~ F A schedule of fees for violations of Class A, Class B, Class C (Non-motorized), Class C (Motorized), and Class D shall be adopted by the Marine Commission annually. Said schedule may be amended by Resolution of the Commission as required. (Res. Passed 4-11-06) **Amended 6-13-17**
- (G) All Class D violations, and the conviction thereof, will be in perpetuity and may result in permit revocation.

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Lake Use Regulations Amendments
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Schedule of Civil Fines for Lake Regulation Violations	Fine Number	Violation Category
1 - General Lake Use		
Disposal of any litter, raw sewage, bottles, cans, papers or other liquid or solid materials on the waters of Lake Lure	1.1	C
Disposal of any trash, brush, leaves or scrap building materials into the lake	1.2	C
Trespassing on boats, boat houses or docks	1.3	B
2 - Swimming		
Swimming under the influence of an impairing substance	2.1	B
Unaccompanied swimming greater than 50 feet offshore	2.2	B
Diving, jumping or swimming from any bridge or road	2.3	C
3 - Fishing		
Use of more than two fishing lines per person	3.3	A
4 - Boating (Permits)		
Operation of boat without a valid permit	4.1	C
Failure to display 911 address on boat house	4.2	A

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Lake Use Regulations Amendments
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Schedule of Civil Fines for Lake Regulation Violations	Fine Number	Violation Category
Manipulation of permitting process	4.3	D
5- Boating (Operation)		
Operation of boat at a speed greater than "no wake" speed within 75 feet of shoreline	5.2	C
Operation of boat at a speed greater than "no wake" speed during "no wake" hours	5.4	C
Boat tied to town public dock for longer than 2.5 hours	5.5	A
Boat tied to town buoy or marker	5.6	A
(a) resulting in damage to property	5.8a	B
(b) resulting in personal injury	5.8b	C
(c) resulting in death	5.8c	D
Motorized water vessel racing	5.10	C
Insufficient exhaust muffling for town sound requirements	5.11	A
6- Water Sports		
Engaging in water sports in prohibited cove	6.2	B
7- Commercial Operations Only		

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Schedule of Civil Fines for Lake Regulation Violations	Fine Number	Violation Category
Use of boat for commercial purposes without a valid lake commercial license and boat permit	7.1	D
Operation of commercial craft greater than 100hp without boat-to-shore communications capability	7.2	B
Failure to report violation of state or local regulations or observed accidents	7.3	A
Failure to render assistance to disabled vessel	7.4	A
Uncertified operator	7.5	B
Engaging in water sports (towing) without Class 4 Ski School License (or permission of such)	7.6	C
Operation of boat during lightning threat	7.7	C
Permanent mooring of any commercial boats at a lake structure out of compliance with zoning requirements of upland lots	7.8	D

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Schedule of Civil Fines for Lake Regulation Violations	Fine Number	Violation Category
Conducting business on Town owned land without a required concession agreement	7.9	D
Operation of a residential vacation boat rental for a duration of time less than the dwelling	8.0	C
Operation of a livery in a Zoning District that does not permit commercial use	8.1	C
Vacation Rental Management Company providing watercraft(s) for rent that are not registered with their business	8.2	D
Violation Category		
A = nuisance, little impact on others		
B = minor impact on lake operations and safety		
C = significant impact on lake operations and safety		
D = major impact on lake operations and safety		

Adopted 6-13-17; Amended 3-13-18

SECTION SIX. This Resolution shall be in full force and effect from and after the date of adoption.

Adopted this 8th day of October, 2019.

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Lake Use Regulations Amendments
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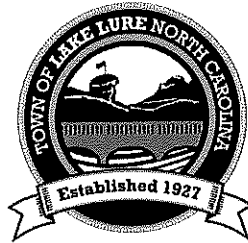
ATTEST:

Michelle Jolley, Town Clerk

Carol C. Pritchett, Mayor

CONSENT AGENDA

- Adoption of the June 11, 2019 Regular Meeting Minutes, the July 9, 2019 Special Meeting Minutes, and the August 13, 2019 Special Recessed Meeting Minutes



MINUTES OF THE REGULAR MEETING OF THE LAKE LURE MARINE COMMISSION HELD TUESDAY, JUNE 11, 2019, 4:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER

PRESENT: Mayor Pro Tem John W. Moore
Commissioner Bob Cameron
Commissioner John Kilby
Commissioner Stephen M. Webber
Shannon Baldwin, Town Manager

ABSENT: N/A

CALL TO ORDER

Mayor Pro Tem John Moore called the meeting to order at 4:00 p.m.

INVOCATION

Mayor Pro Tem John Moore gave the invocation and Council members led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Mayor Pro Tem Moore called asked if everyone approved the agenda. Commissioner Kilby asked if he could add a discussion of Lake Patrols under New Business.

Commissioner Webber asked for discussion before the agenda was approved. He recommended that Item A under New Business be tabled until the amended resolution was included in the packet for Town Council review. He noted that a public hearing was held at the last meeting and a recommendation was made to adopt an amendment to a regulation regarding boat permits for Town retirees.

Commissioner Bob Cameron made a motion to approve the Agenda as amended. Stephen Webber Commissioner seconded and the motion carried 4-0.

PUBLIC FORUM

Mayor Pro Tem Moore invited the audience to speak and no one requested to speak at this time.

CONSENT AGENDA

Mayor Pro Tem John Moore presented the Consent Agenda and asked if any items should be removed before calling for action.

Commissioner Bob Cameron made a motion to approve the Consent Agenda, as presented. Commissioner Stephen Webber seconded and the motion carried 4-0. Therefore, the Consent Agenda incorporating the following item was unanimously approved:

- A. Adoption of the March 12, 2019 Regular Meeting Minutes
- B. Adoption of the April 9, 2019 Special Meeting Minutes

NEW BUSINESS

A. TOWN RETIREE'S BOATPERMIT

This item was tabled until the next meeting.

NEW BUSINESS

B. PERMIT FOR WORK BARGE

Parks, Recreation and Lake Director Dean Givens explained that Jay Freeman, one of the long term contractors working on the lake, made a special request regarding his work barge. He requested approval to put a 10' x 30' work barge on the lake for year-round seawall and shoreline repair. This barge would allow for a mini excavator and could be used for many other projects on the lake. Mr. Givens recommended approval of this request. He advised that it did not go through the Lake Advisory Board because it came in after their last meeting but he stated that he did not think the LAB would oppose approval of this request.

Commissioner Webber recommended that if this regulation needed to be adjusted to accommodate contractors within reason, it should go to the LAB for review and recommendation to the Marine Commission.

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Council members discussed the Lake Use Regulations concerning work barges.

Commissioner Bob Cameron made a motion to approve the request for a 10' x 30' work barge and that this recommendation be forwarded on to the LAB for review and potential recommendation for amendments to the regulations. Commissioner John Kilby seconded and the motion carried 4-0.

NEW BUSINESS

C. DISCUSSION OF LAKE PATROL

Commissioner John Kilby asked if the Town had a list of duties that the Lake Patrol Officer should perform. Mr. Givens explained that their role is to correct violations, as seen. Commissioner Kilby asked which regulations were monitored. Mr. Givens provided examples including: wake breaking, children under 13 without a life vest, no permit on the boat, pulling too many people, etc.

Commissioner Kilby advised that he observed boats on Memorial Day without a current boat permit. He added that this past Saturday there was one boat in sight that did not have a current sticker. Another boat had a 2007 sticker on it. He stated that these people were ripping off our Town and this should be addressed. He added that there should be a fine for not having current permits. He recommended that the Marine Commission consider directing the Lake Patrol to address these issues.

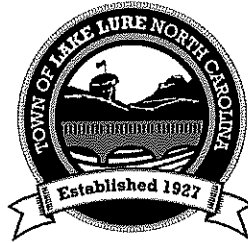
Lake Lure Police Chief Sean Humphries came to the podium to assist in addressing questions related to Lake Patrol. Commissioner John Kilby recommended that Officers patrolling for permits become a focus. He states that if they saw someone with a sticker that was out of date, they should pay a penalty and come before the Board to explain their circumstances. There was a general discussion on the issues.

Town Manager, Shannon Baldwin recommended that Mr. Givens and Mr. Humphries work together to present a comprehensive overview of Lake Patrol and how these issues were being managed. Town Council added that they would like to see the Daily Activity Roster.

ADJOURNMENT

With no further business, Commissioner Bob Cameron made a motion to adjourn the meeting at 4:25 p.m. Mayor Pro Tem John Moore seconded and the motion carried 4-0.

Laura Krejci,
Assistant Town Clerk



MINUTES OF THE SPECIAL MEETING OF THE LAKE LURE MARINE COMMISSION HELD TUESDAY, JULY 9, 2019, 4:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER

PRESENT: Mayor Pro Tem John W. Moore
Commissioner Bob Cameron
Commissioner John Kilby
Commissioner Stephen M. Webber
Shannon Baldwin, Town Manager

ABSENT: N/A

CALL TO ORDER

Mayor Pro Tem John Moore called the meeting to order at 4:00 p.m.

INVOCATION

Mayor Pro Tem John Moore gave the invocation and Marine Commission members led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Commissioner Bob Cameron made a motion to approve the Agenda as presented. Commissioner Stephen Webber seconded and the motion carried 4-0.

PUBLIC FORUM

Mayor Pro Tem John Moore invited the audience to speak.

Wade Oppliger, Lake Lure Racing, reported that they have received proposals and are planning to hold a regatta on the lake in November. He stated that they hope to do a marathon race, starting from the beach area to Rumbling Bald Resort for a total of 26.2 miles, noting that they are trying to build the event going forward. He mentioned that they will be using 4-person or 8-person row boats and possibly a few kayaks as well. Mr. Oppliger noted that they would launch at 7 a.m. and should be finished by noon.

NEW BUSINESS

A. CONSIDERATION TO DISCONTINUE LAKE LOWERING EVERY THREE YEARS

Dean Givens, Parks, Recreation and Lake Director, explained that in the past the Town has lowered the lake every three years to allow property owners the opportunity to perform maintenance on seawalls and boathouses. He further explained that over the years it has been found that lowering the lake has many adverse effects on the fisheries, shoreline, sewer system, boathouses, commercial operations and aesthetics. Mr. Givens added that it also affects the ability for the Town to generate hydroelectricity during drawdown, which could impact revenues as much as \$100,000 per month. He noted that repairs to seawalls and boathouses can be made without the lake being lowered.

Mr. Givens stated that this recommendation is also supported by local contractor Marathon Builders, whose main concern is that lake levels stay consistent and not fluctuate. He expressed the Lake Advisory Board's recommendation that the Marine Commission only lower the lake when needed for repairs instead of on an every three year cycle. He explained that each time the lake is lowered it can inadvertently cause damage to sewer manholes and seawalls, pointing out that the last lake drawdown caused damage to one of the manholes on the lake. Commissioner Cameron commented that a lake drawdown would be necessary at some point to allow for new construction and new sewer lines and did not feel contractors should have to wait a significant amount of time.

Commissioner Webber pointed out that allowing boathouses to be maintained is a tax benefit to the Town noting that Town Council wants to allow property owners the ability to maintain their boathouses in a practical way. He questioned if the Town is making it more difficult for property owners and would be held liable in some way by not lowering the lake to allow for maintenance. He also questioned if it costs more money to perform maintenance with the water down than it would with the water up. Jonathan Hinkle, Marathon Builders, 268 Firefly Cove, replied that it would depend on the process. He stated that building a boathouse, for instance, would not be a difference in rates one way or the other. However, he stated that the cost for a seawall would be lower with the water down as it would not require a cofferdam. He did not feel there would be greater expenses either way with the exception of seawalls. Mr. Hinkle also pointed out that there is no public deep water access to use when the lake is down. He noted that if he needed additional equipment for a project he would have to bring it in by land, which can be more difficult because of steep terrains. Commissioner Webber questioned if DWQ has to be involved with the permitting process for lake structures. Mr. Givens stated that there is a permitting process being put together for lake structures to include all the applications and forms needed but stated that he was unsure if DWQ would be involved.

Mayor Pro Tem John Moore felt that a blanket permit from the Town submitted to DWQ would be convenient for property owners. He asked Mr. Burton if there were currently any applications on file for construction of a new home to be completed when

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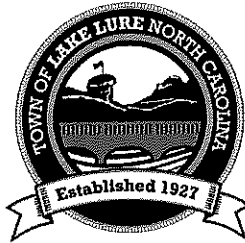
the lake is down in order to connect to town sewer. Mr. Burton replied that he has not had any applications turned in for construction of a new home. He stated that there is currently an application on file for a partial seawall repair for when the lake is lowered and another seawall repair coming soon. He pointed out that rip rap required for stabilization for those projects would not require the lake to be down. Mr. Burton stated that he is not aware of anyone waiting for the lake to come down in order to tie into the sewer. Commissioner Webber suggested determining to not lower the lake this year and to hold a public hearing at the September Marine Commission Meeting to get public input. Mayor Pro Tem John Moore suggested calling it a public input session rather than a public hearing.

Public Works Director David Arrowood pointed out that there may be situations in which he would have to approach the Board and request the lake to be lowered, such as for the removal of a manhole. He felt that lowering the lake on a case-by-case basis would be acceptable. Mr. Arrowood made Council aware of a homeowner on the lake whose sewer system is failing and asked how to tie into the Town's manhole. He explained that the homeowner would have to cross multiple properties to get to the manhole, which would require him to get permission from every property owner whose property he crosses. Commissioner Webber questioned if the Town is making that situation worse for the homeowner by not lowering the lake. Commissioner Kilby suggested this would be a circumstance for a case-by-case basis to lower the lake.

Mark Helms, 232 Firefly Cove, questioned what level the lake would need to be lowered to in order to connect sewer lines to a manhole and Commissioner Cameron replied around six feet. Mayor Pro Tem John Moore suggested a list compiled and kept on file of all the projects that must to be done while the lake is lowered. He suggested to lower the lake once that list includes a certain number of projects. Commissioner Cameron suggested lowering the lake for 30 days to allow for projects that need to be done with the lake down and discussion ensued. Mr. Givens pointed out that the Polar Plunge occurs every year on January 1st. Mr. Helms asked what depth the lake needs to be at in order to continue generating power. Mr. Arrowood replied around 5 or 6 feet. Commissioner Bob Cameron recommended lowering the lake after the Polar Plunge, bringing the lake back up the second or third week in February and holding a public input session to discuss a long-term policy. Mr. Givens also pointed out that dredging process could be potentially be affected and limited during the time the lake is lowered because it is a hydraulic dredge. Commissioner John Kilby suggested the public input session be held in August.

Commissioner Bob Cameron made a motion to recess the meeting until Tuesday, August 13th at 4:00 p.m. to continue discussion on lake lowering and calling for a public input session. Commissioner John Kilby seconded and the motion carried 4-0.

Michelle Jolley,
Town Clerk



MINUTES OF THE SPECIAL RECESSED MEETING OF THE LAKE LURE MARINE COMMISSION HELD TUESDAY, AUGUST 9, 2019, 4:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER (recessed from Tuesday, July 9, 2019 at 4:00 p.m. at the Lake Lure Municipal Center)

PRESENT: Mayor Pro Tem John W. Moore
Commissioner Bob Cameron
Commissioner John Kilby
Commissioner Stephen M. Webber

William Morgan, Jr., Town Attorney
Shannon Baldwin, Town Manager

ABSENT: N/A

CALL TO ORDER

Mayor Pro Tem John Moore reconvened the recessed meeting from Tuesday, July 9, 2019, at 4:01 p.m.

INVOCATION

Mayor Pro Tem John Moore gave the invocation and Marine Commission members led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Commissioner Bob Cameron made a motion to approve the Special Recessed Meeting Agenda as presented. Commissioner Stephen Webber seconded and the motion carried 4-0.

Mayor Pro Tem John Moore explained that the purpose of this meeting is to receive public input on when the lake should be lowered and how much it should be lowered.

PUBLIC INPUT SESSION

Nancy McNary, Sunset Cove, commented that in the past the lake was lowered every year and during that time, whenever a storm hit, it would cause erosion to the base

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of seawalls. She stated that the lake policy then changed to the lake being lowered every three years but mentioned that there is still that fear that damage will occur to seawalls. Ms. McNary then suggested a policy that property owners be required to email daily progress reports of the work being done on their property anytime an extension is granted.

Wally Gilbert, Yacht Island Drive, stated that in the winter when the wind starts whistling down the Gorge, everything facing west is at risk because of the 3-4 foot waves that the wind generates. Mr. Gilbert conveyed that he is against letting the lake down. He explained that the last time the lake was lowered, it caused substantial damage to his boathouse, which took him two months to stabilize. He mentioned that he lost 3-4 feet of sand beneath his boathouse noting that he had pictures.

Mike Fitzgerald, on the Board of Directors with Rumbling Bald Resort and speaking on behalf of the Resort, stated that the Resort finds the every three year lake lowering schedule very disruptive to their operations. He explained that they have floating docks and members are required to remove their boats each time the lake is lowered. However, he mentioned that there are a few members that cannot get their boats out of the dock in time and their boat ends up sitting in the mud. He also mentioned that the visitors during that time do not get what they paid for and what they were expecting when visiting to Lake Lure. Lastly, he mentioned that the Resort hosts rowing teams each year and the rowers are walking through mud trying to get to the water. He noted that they understand the lake must be lowered at times but felt that less is better. He also pointed out that they are also dredging this year and the lake being lowered would create a problem for them as well.

Mayor Pro Tem John Moore provided everyone with a list, compiled by Mr. Givens, of the pros and cons of lowering the lake.

David Klett, 410 Cut Away Road, stated that his boathouse is over 50 years old and requires a lot of maintenance. He commented that the three year lake lowering schedule works well for him explaining that one year's worth of repairs would typically only last about three years. He mentioned that the only time he can repair the pilings under his boathouse is when the lake is down and felt that lowering the lake any longer than four years could cause problems with his boathouse. He noted that if he were to hire someone to make the repairs he needs underwater, it would be a burden on him because of the costly expense.

Steve Norrie, on the Board of Directors with Lake Lure Village Resort and speaking on behalf of the Resort, reported that the Resort has floating docks and each time the lake is lowered it causes major and expensive damage to their docks. He pointed out that the last time the lake was lowered the Resort incurred a \$13,000 bill to dredge and repair the docks that had been damaged as a result of the lake being lowered.

Al Joiner, 428 Cut Away Road, recommended a happy medium between letting the lake down every three years and never letting it down. He stated that he does not

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always have repairs that would require a contractor and explained that if his only option is to use divers and contractors for those repairs, it would be a lot more expensive and he felt it would lead to less preventative repairs to boathouses on the lake long-term. He felt that there would be more work and more barges on the lake during peak season because there would be more work during the off-season than contractors could keep up with. He also suggested that if the lake is lowered for emergencies, making that the lake drawdown year instead of lowering the lake again the next year.

Michael Harris, 179 Dogwood Drive, commented that he was in favor of the lake being lowered every 1-3 years stating that it would be a lot easier and cheaper to access and make repairs while the lake is down. He also agreed with Mr. Joiner's comment about changing the lake lowering schedule to when the lake is lowered for an emergency situation.

Mayor Pro Tem Moore read over the lake lowering schedule handout prepared by Mr. Givens. He asked for a show of hands of anyone in the audience who would prefer to not see the lake lowered at all (2). He asked how many would prefer the lake to be lowered every three years (13). He asked how many would prefer the lake to be lowered every five years (25). Mr. Fitzgerald noted the rowers come in at the end of February. Commissioner John Kilby commented that the Lake Advisory Board discusses this subject at almost every meeting. He pointed out that the LAB holds a public meeting the first Monday of every month at 3:30 and encouraged the public to attend. Mr. Kilby pointed out that there are a number of contractors that are expanding their ability to do things while the water is up and they are aware of the need of what needs to be done. He explained that from an ecological standpoint, we are much better off by not lowering the lake and explained that the decision will not be an easy one to make. He also pointed out that the repairs the Town will be facing in the future with the Dam and the sewer system could potentially cause the lake to be lowered for an extensive period of time.

Public Works Director David Arrowood requested the lake to be lowered starting January 1st through the end of the month to install a valve to put into the Town's main sewer trunk line which the State is requiring be installed. He stated the lake must be lowered in order to get the flow at the treatment plant low enough to tie into that line. He noted that Don Byers stated that the lake should be lowered somewhere between 5-6 feet to allow a drastic drop to the flow. However, he stated that the lake would only be lowered up to a point in which the flow is reduced enough to move forward. Mr. Arrowood mentioned that the manholes would be inspected during that time in order to make needed repairs while the lake is lowered. He explained that they would lower the lake using the generator to avoid potential problems that could arise if the lake were brought down too quickly. Discussed ensued on when to lower the lake and for how long. Commissioner Bob Cameron suggested lowering the lake on January 1st and bringing the lake back up on February 14th which would allow for six weeks of maintenance. Mayor Pro Tem Moore suggested bringing the lake down in December and finding a different location for the Polar Plunge.

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Patrick Bryant with the Lake Lure Inn reported that the Polar Plunge brought in almost \$4,000 in their best year, which goes directly towards Hickory Nut Gorge EMS and Lake Lure Fire and Rescue. He mentioned that the event has been held at the Lake Lure Inn pool the years when the lake was lowered. He pointed out that the event brought in no money for two years when it was held at the pool. Commissioner John Kilby asked if the date of the Polar Plunge could be changed from January 1st and Mr. Bryant stated possibly and that he would look into it.

Nancy McNary stated that the views are not going to be nice during Christmas time if the lake is lowered and suggested it not be lowered until the first of January. Yvonne Anderson, town citizen, commented that it would not hurt to lower the lake in December noting that the lake is more important than the views. Gary Johnson, Lake Advisory Board and town citizen, commented that he was a contractor and work can be done within a specific timeframe if a date is set in stone. He explained that contractors will get their work done.

Debra, town citizen, commented that since this may be the last time the lake is lowered for several years, she suggested allowing property owners additional time to make needed repairs.

Commissioner John Kilby made a motion to begin to lower the lake on December 1st and begin returning to full pond on February 15th. Mayor Pro Tem John Moore seconded the motion.

Commissioner Webber noted that starting the lake back up on February 10th would accommodate the rowing teams.

Commissioner John Kilby amended his previous motion to begin to lower the lake on December 1st and begin returning to full pond on February 10th. Mayor Pro Tem John Moore seconded the motion. Commissioner John Kilby, Commissioner Stephen Webber, and Mayor Pro Tem John Moore voted yes. Commissioner Bob Cameron voted no. The amended motion passed 3-1.

ADJOURN THE MEETING

Commissioner Bob Cameron made a motion to adjourn the meeting at 4:45 p.m. Commissioner John Kilby seconded and the motion carried 4-0.

Michelle Jolley,
Town Clerk

