



MINUTES OF THE REGULAR MEETING OF THE LAKE LURE MARINE COMMISSION HELD TUESDAY, JUNE 9, 2020, 4:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER

PRESENT: Mayor Carol C. Pritchett
Mayor Pro Tem John W. Moore
Commissioner Patrick Bryant
Commissioner David DiOrio
Commissioner John Kilby
Shannon Baldwin, Town Manager
William Morgan, Jr., Town Attorney

ABSENT: N/A

CALL TO ORDER

Mayor Carol C. Pritchett called the meeting to order at 4:00 p.m. Commissioner Moore gave the invocation and Council members led the pledge of allegiance.

APPROVAL OF THE AGENDA

Commissioner Bryant proposed adding an item to discuss dredging projects and Commissioner Kilby proposed adding an item to discuss lake safety in the upcoming season.

Commissioner John Moore made a motion to approve the Agenda, as amended. Commissioner David DiOrio seconded and the motion carried 4-0.

PUBLIC FORUM

No one from the public requested to speak during this time.

PUBLIC HEARING

A. RESOLUTION NO. 20-06-09 AMENDING THE LAKE USE REGULATIONS

Parks, Recreation, and Lake Director Dean Givens provided an overview of the Resolution. The proposed change to the Lake Use Regulations would allow additional

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annual motorized non-resident boat permits to be sold. The current regulations only allows 75 to be sold and that limit has already been met. He noted there are a total of 208 total boat slips in the Marina. Currently 24 non-residents have purchased an annual slip and 92 Lake Lure residents have purchased an annual slip, leaving 92 slips still available for rent. He stated that Linda Ward, Customer Service Coordinator, first offered slips to the residents on the waiting list and then to the non-residents on the waiting list. Mr. Givens recommended that the Marine Commission allow an annual boat permit be available for every non-resident slip renter without reducing the numbers to the 75 total allotted each year. Commissioner Moore felt that residents should set precedent over non-residents for slip rentals and suggested that there be a way to prioritize the applications and Council agreed. Mr. Givens stated that he could work on this and bring back some proposals for the Marine Commission to review. He noted that there is already a plan in place now that when a slip renter resigns their slip, residents will get first choice. Commissioner Moore explained that the Town does not profit from slip rentals; all slip fees received goes towards the boat slip and marina project. He suggested refunding anyone who requests a refund and then offering their slip to the next person on the waiting list, with residents getting first choice. If someone on the waiting list chooses not to get the slip, that person would then be moved to the bottom of the waiting list. Commissioner Kilby noted that this is a way to help make the Lake self-sustaining. He agreed that refunds should be allowed since the slips were not ready on May 1st as planned. However, he suggested that no partial refunds be given; only full refunds.

Commissioner John Moore made a motion to allow a full refund of the slip rental fee to slip renters who wish to forfeit their slip this year. Commissioner Kilby seconded the motion. The Board discussed incorporating a deadline to forfeit a slip and came to a consensus that refunds of boat permits would not be given.

Commissioner John Moore made a motion to amend the original motion to include a deadline of June 30, 2020 for anyone requesting a refund of their annual boat slip rental. Commissioner John Kilby seconded and the amended motion carried 4-0.

Commissioner Bryant suggested that the LAB discuss how long a resident on the waiting list would have priority for a boat slip rental and provide a recommendation back to the Marine Commission in September. Mr. Givens pointed out that there are many residents who own multiple boats which are never on the Lake at the same time. He expressed that 176 boats are currently commercially permitted and are not using the hours that are allotted in the Commercial Lake Model. He mentioned that the Marina seems to have more boats parked in slips than are being used out on the Lake.

Mr. Givens reported that the LAB have been discussing hour meters and are working on a recommendation to send to the Marine Commission in September, prior to the November 1st commercial license application deadline. Commissioner Kilby added that the LAB discussed requiring an hour meter for all boat permits for a more accurate number. Mr. Givens pointed out that some boaters may take their boats to other lakes as well.

CONSENT AGENDA

Mayor Carol C. Pritchett presented the Consent Agenda and asked if any other items should be removed before calling for action.

Commissioner Patrick Bryant made a motion to approve the Consent Agenda as presented. Commissioner John Moore seconded. Therefore, the Consent Agenda incorporating the following items was unanimously approved and adopted:

- A. Adopt the March 10, 2020 Regular Meeting Minutes

NEW BUSINESS

A. RESOLUTION NO. 20-06-09 AMENDING THE LAKE USE REGULATIONS ADOPTION

Commissioner Kilby made a motion to adopt Resolution No. 20-06-09 Amending the Lake Use Regulations, as presented. Commissioner Bryant seconded and the motion carried 4-0.

**RESOLUTION NO. 20-06-09
OF THE TOWN OF LAKE LURE MARINE COMMISSION
AMENDING THE LAKE USE REGULATIONS CONCERNING
BOAT PERMITS FOR TOWN MARINA ANNUAL SLIP RENTERS**

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 has determined that said regulations should be amended to allow boat permits for all town marina annual slip renters; 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 4.01 Permit Fee; Boating Permit Required, as follows:

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§ 4.01 PERMIT FEE; BOATING PERMIT REQUIRED.

- (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, 10-8-19**
- (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-term 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. **Adopted 10-8-19**
- (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

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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**

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

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- (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 and no maximum limit for non-resident annual town marina boat slip renters.
 - (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**
- (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**
- (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, 6-12-18**
- (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 TWO. This Resolution shall be in full force and effect from and after the date of adoption.

Adopted this 9th day of June, 2020.

B. REQUEST FOR A COMMERCIAL LIVERY BOAT PERMIT

Mr. Givens stated that Mr. and Mrs. Lail are requesting approval to purchase a 2020 commercial livery boat permit. The LAB reviewed this request on June 1, 2020 and recommended approval. The Lail's purchased a home on the Lake and a portion of the property is zoned commercially. Mr. Givens suggested that hours in the Model be taken from Vacation Rentals and moved to Livery Boats.

Commissioner Moore made a motion to approve the request from the Lail's for a 2020 Commercial Livery Boat Permit. Commissioner DiOrio seconded and the motion carried 4-0.

C. CONSIDER DESIGNATING MARINA BOAT SLIPS FOR DAILY RENTALS
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Mr. Givens reported that the LAB discussed designating six of the boat slips at the Marina for daily rentals at a fee of \$25 a day with a four day minimum rental required. The LAB suggested designating the last six slips closest to the Beach for daily use. He stated that the Marina gets requests every year from people wanting to rent a boat slip for just one day. Commissioner Moore asked to keep track of how many requests come in for a daily slip rental to reevaluate this after the summer season. Mr. Givens noted that he could post reserve signs whenever the slips are rented. Commissioner DiOrio felt there were plenty of slips to allow for this and to get data this year.

Commissioner DiOrio made a motion to approve designating six of the boat slips at the Marina for daily rentals with a four day minimum rental required. Commissioner Kilby seconded and the motion carried 4-0.

D. UPDATE ON BOATING ACCIDENT

Police Sergeant Carl Umphlett provided an update on a boating accident that occurred on April 4, 2020 in Tryon Bay. He stated that Carl Stecker was charged with BWI, reckless and negligent boating and civil charges with breaking wake, no permit, and reckless and endangerment boating. To his understanding he has not yet paid his fines but purchased a boat permit last Friday. He added that Mr. Stecker has a court date on June 23rd. He stated that Mr. Stecker was operating a red Mastercraft ski boat during the time of the accident but the permit that was just purchased was for a black and white

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Sea Ray. Sergeant Umphlett explained that the BWI charge is a \$500 fine and has no impairment on Mr. Stecker's driver's license or for driving a boat. Mr. Givens mentioned that the Lake Use Regulations grants authority for the Marine Commission to approve or deny permits at their discretion. Mr. Givens reported that Mr. Stecker had one of his employees come in last Friday to purchase his boat permit. Commissioner Moore suggested that the Town Manager send Mr. Stecker a letter explaining that any further infraction on the Lake will result in a suspension of his boat permit. Commissioner Kilby suggested the letter be sent after his court date. Sergeant Umphlett reported that Mr. Stecker's breathalyzer showed he was almost three times the legal limit of driving a vehicle. He reported that Mr. Stecker drove on top of an occupied boat in Tryon Bay Cove. Commissioner DiOrio expressed that the Board has the responsibility of maintaining safety of the people utilizing the Lake and felt that the Board should revoke Mr. Stecker's boat permit and present some sort of remediation. Once remediation has occurred he may then come before the Marine Commission to request a boat permit. Sergeant Umphlett pointed out that all four of the other passengers on the boat, which were all family or extended family, were impaired as well. Mr. Baldwin suggested that a letter be drafted incorporating all the facts and details of the incident. Commissioner Moore asked that Mr. Baldwin draft the letter and send to Attorney Morgan for review. Commissioner DiOrio suggested that the letter express that his boat permit has been revoked. Attorney Morgan stated he would first need to check into the limit of Council's authority. The Board unanimously agreed to suspend Mr. Stecker's current boat permit as a means to ensure public safety until a decision is made at his court hearing. However, they agreed that non-motorized boat permit would be okay.

E. DREDGING PROJECTS

Mr. Givens described the current dredging plan stating that dredging started in the river, then moved into the river bay for the Marina/Boardwalk project, and then back into the main channel of the Lake for Firefly Cove. Those areas have been completed now. We're now dredging in the river to dredge the catch basin to allow catching sediment before it gets into the lake. The dredge is currently dredging in the river portion through the end of the month. He recommends then holding off until September to begin dredging again and wants to do some lake mapping on where to begin next. The lake is scheduled to go down this coming winter for dam maintenance project. For a short period of time only. Will drop and raise quickly. He has other dredging ideas he wants to look into while the lake is down. He then wants to move back to hydraulic dredging. Mr. Baldwin added that we can adjust this plan at Council's pleasure. However, Dean cannot act at the behest of an individual who wants to see some sort of action. He is bound to the plan but he can be reasonable and entertain requests if reasonable. Mr. Givens also stated that he'll have a new dredging proposal and schedule in September for the next year. We are behind on dredging and need to get ahead.

Jim Proctor, Boys Camp Road, stated that in years past typically Council specified dates dredging would happen in the winter time. As a business owner he did not feel this was fair. He immediately had customers complain from the dredge noise more

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this year than ever. He suggested the Marine Commission to specify dates the dredge should run and stay with that. He stated that his business was shut down for a few months due to the pandemic and now that he has opened up he is getting complaints because of the noise. He also suggested only dredging in the winter time as was done in the past. He did not even know that dredging was going to happen in front of his business.

Commissioner Moore stated that silt is building up and we have to get it out when we have the chance before another large rain event. He suggested letting people know when we're going to be dredging. Mr. Proctor stated the pit in the river is lower than it's ever been and is not doing anything practical from stopping silt going into the lake. Mayor Pritchett stated we should let people know when we're going to be dredging. Commissioner Bryant noted that historically it's been in the winter. Commissioner Kilby stated that it was always that way because of the trout moratorium which we recently found out we are not under. So now we'll have to decide if there's an alternative we can come up with. We have a responsibility to prevent losing the lake. We'll get information together and bring back a better idea if there is one. Mr. Proctor stated there has never been historically a dredge in front of his property in the height of the season. He stated this is not right.

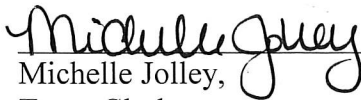
F. LAKE SAFETY

Commissioner Kilby predicted that we are about to have the busiest lake summer season we've ever had this year and he is really concerned and feels we're lacking on lake patrol and people that are trained. He did not feel there was a lake officer on the lake this weekend and felt we need to get focused on this for safety. He stated that we are in a situation to double up and do what we need to try and make sure we're doing the best we can to provide safety. He stated that we do not have enough presence on the lake for a safety standpoint. They asked for Dean and Chief Humphries to come up with a proposal to send back. We need to crack down on permits. Mr. Givens stated that Mr. Deviney is still working with us but has just had a surgery and is out. Commissioner Kilby just wanted to raise awareness. Mr. Baldwin stated he would have Dean and Chief create a plan and bring back for recommendation.

Commissioner Kilby also stated that he heard a comment that was said from Jim Proctor. Mr. Givens stated that he heard from the dredge operators to stay away from his property on the lake. He felt threatened by his comments and did not appreciate that.

ADJOURNMENT

With no further business, Commissioner John Moore made a motion to adjourn the meeting at 5:15 p.m. Commissioner David DiOrion seconded and the motion carried 4-0.


Michelle Jolley,
Town Clerk


Mayor Carol C. Pritchett

