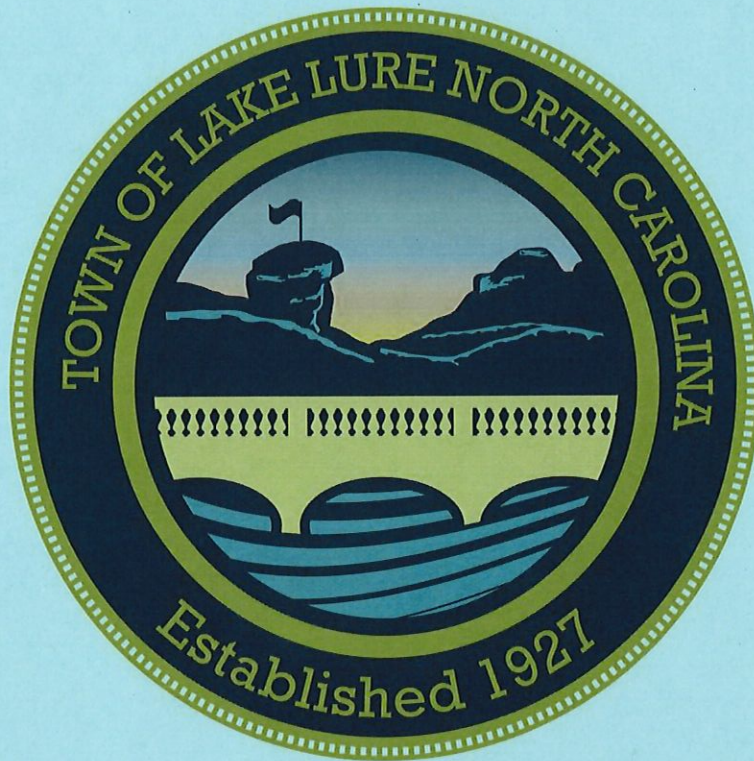


LAKE LURE MARINE COMMISSION REGULAR MEETING PACKET

Tuesday, June 9, 2020



**Mayor Carol C. Pritchett
Mayor Pro Tem John Moore
Commissioner Patrick Bryant
Commissioner David DiOrio
Commissioner John Kilby**



REGULAR MEETING OF THE LAKE LURE MARINE COMMISSION

*Tuesday, June 9, 2020
4:00 P.M.
Lake Lure Municipal Center*

AGENDA

1. Call to Order
2. Invocation
3. Approve the Agenda
4. Public Forum: *The public is invited to speak on any non-agenda and/or consent agenda topics. Comments should be limited to less than five minutes.*
5. Public Hearing:
 - A. Resolution No. 20-06-09 Amending the Lake Use Regulations
6. Consent Agenda:
 - A. Adoption of the March 10, 2020 Regular Meeting Minutes
7. Old Business
8. New Business:
 - A. Adopt Resolution No. 20-06-09 Amending the Lake Use Regulations
 - B. Consider a Request for a Commercial Livery Boat Permit
 - C. Consider Designating Town Marina Boat Slips for Daily Rentals
 - D. Update on Boating Accident
9. Adjournment

PUBLIC HEARING

- Proposed Resolution No. 20-06-09 of the
Town of Lake Lure Marine Commission
Amending the Lake Use Regulations



**RESOLUTION NO. 20-06-09
OF THE TOWN OF LAKE LURE MARINE COMMISSION
AMENDING THE LAKE USE REGULATIONS CONCERNING
LIMITS ON MOTORIZED BOAT PERMITS**

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 revise the limits on motorized boat permits; 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:

§ 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 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**

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- (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:
 - (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

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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.

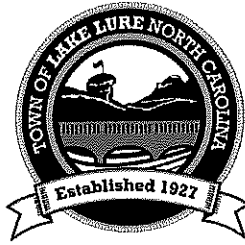
ATTEST:

Michelle Jolley, Town Clerk

Carol C. Pritchett, Mayor

CONSENT AGENDA

- Adoption of the March 10, 2020 Regular Meeting Minutes and the May 22, 2020 Special Meeting Minutes



MINUTES OF THE REGULAR MEETING OF THE LAKE LURE MARINE COMMISSION HELD TUESDAY, MARCH 10, 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 John Kilby
Commissioner David DiOrio
Shannon Baldwin, Town Manager

ABSENT: N/A

CALL TO ORDER

Mayor Pritchett called the meeting to order at 4:02 p.m.

INVOCATION

Commissioner Moore gave the invocation and Council members led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Commissioner John Kilby noted that approval of the December 10, 2019 Minutes should be removed from the Consent Agenda since that meeting was cancelled.

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

PUBLIC FORUM

Mayor Pritchett invited members of the public to speak and no one requested to speak at this time.

CONSENT AGENDA

Mayor Pritchett presented the Consent Agenda and asked if there were any proposed changes before calling for action.

Commissioner John Moore made a motion to approve the Consent Agenda, as presented. Commissioner David DiOrio seconded and the motion carried 4-0. Therefore, the Consent Agenda incorporating the following item was unanimously approved:

- A. Adopt the January 14, 2020 Special Meeting Minutes.

OLD BUSINESS

There were no old business items to discuss.

NEW BUSINESS

A. COMMERCIAL LICENSE APPLICATION REQUESTS

Mr. Givens reported that he received three vacation rental commercial license requests. The Lake Advisory Board (LAB) reviewed the requests and recommended approval since there is room available in the Commercial Model.

Commissioner Bryant referred to John Iyob's application pointing out that he did not check the boxes agreeing to maintain activity logs with hours on all motorized boats, to keep livery rental forms on file for one year, and to make logs and rental forms available to the Marine Commission. Mr. Givens explained that Linda Ward, Customer Service Coordinator, reviews all the applications and makes sure that each application is completed prior to issuing the permits. Commissioner DiOrio questioned if the \$100 late fee was applied to the applicants who missed the November 1st deadline and Mr. Givens stated yes. Commissioner DiOrio commented that the late fee should be applied consistently and waivers not be granted for some and not others. Commissioner Moore asked if daily boat activity logs are required for vacation rentals. Mr. Givens stated that this is not currently a requirement but discussions have been held in the past about requiring hour meters be installed on vacation rental boats. Commissioner Kilby commented that hour meters could be required for other commercial boat categories as well and the hour logs be submitted yearly. He suggested the LAB discuss this at their next meeting and bring a recommendation back to the Marine Commission. Mr. Givens explained how the hours are calculated for the Model. Mayor Pritchett asked how much it would cost to install an hour meter. LAB Board Member Gary Johnson stated around \$150-\$200. Commissioner Kilby pointed out that the hours would help improve the accuracy of the Commercial Boat Permit Model.

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LAB Chairman Mark Helms reported that John Iyoob came to an LAB meeting to contest the \$100 late fee he received due to missing the deadline applying for a lake commercial license. He explained to Mr. Iyoob that he would have to go before the Marine Commission to request the waiver of that fee. Commissioner DiOrio pointed out that he was not present and felt the Board should keep in line with the regulations.

Commissioner DiOrio asked how many boats were still available in the Model for livery and vacation rentals. Mr. Givens mentioned that 22 or 23 are available for vacation rentals and one livery is still available. After these three today that leaves 19 or 20.

Commissioner Moore made a motion to approve the three commercial licenses. Commissioner DiOrio seconded and the motion carried 4-0.

NEW BUSINESS

B. GRANT AUTHORITY TO PRLD TO GRANT COMMERCIAL LICENSE APPLICATIONS

Mr. Givens asked the Board for authority to approve commercial licenses that come in after the November 1st deadline, if they fit into the Model. Commissioner Moore felt this made perfect sense to allow.

Commissioner Kilby made a motion to accept the recommendation to grant authority to the Parks, Recreation, and Lake Director to approve licenses that come in after the November 1st deadline, if they fit into the Model. Commissioner Bryant seconded and the motion carried 4-0.

NEW BUSINESS

C. AMEND THE LAKE FEE SCHEDULE

Mr. Givens reported that there has been past discussions about designating slips in the new marina for commercial use and noted that the fees for those rentals would need to be determined. He also stated that a fee would need to be determined for weekly slip rentals as well, if a slip is designated for weekly use and suggested \$100 a week. The slip rental fee would be in addition to the boat permit fee. Commissioner Moore asked if the fee should remain the same during non-peak season as well and Mr. Givens suggested that it should. Mr. Givens mentioned that there should still be plenty of parking available in other places for temporary tie-ups. He stated that he is attempting to track how many people are purchasing annual non-resident motorized permits to use during peak season just for one week so that they are able to go out on the lake on weekends and holidays. Commissioner Kilby questioned how long the annual resident motorized permit fee has been \$200. Mark Helms and Gary Johnson stated around three years. Commissioner Kilby felt that \$200 was a bargain for a boat permit for the entire year. Commissioner

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DiOrio suggested tasking the LAB to discuss the boat permit fees and bring a recommendation back for the June Marine Commission meeting.

Commissioner DiOrio explained the importance of the Commercial Boat Permit Model being self-sustaining noting that any additional revenue is really important and benefits everyone in helping to balance Lake Operations. This will help in getting loans from the LGC in the future.

Commissioner Kilby asked how many resident annual motorized weekday only permits are sold and questioned if these types of permits are even needed. Mr. Givens stated that he would provide them with an end of year boat permit summary which would show how many permits were sold last year.

Commissioner Patrick Bryant made a motion to approve the lake fee schedule as amended, postponing the decision on the fees for weekly boat slip rentals and commercial boat slip fees until the June Marine Commissioner Meeting. Commissioner John Kilby seconded and the motion carried 4-0.

ADJOURNMENT

With no further business, Commissioner John Kilby made a motion to adjourn the meeting at 4:35 p.m. Commissioner David DiOrio seconded and the motion carried 4-0.

ATTEST:

Michelle Jolley,
Town Clerk

Mayor Carol C. Pritchett

NEW BUSINESS

- Adopt Resolution No. 20-06-09 Amending the Lake Use Regulations
- Consider a Request for a Commercial Livery Boat Permit
- Consider Designating Town Marina Boat Slips for Daily Rentals
 - Update on Boating Accident

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

Meeting Date: June 9, 2020

SUBJECT: Resolution No. 20-06-09 Amending the Lake Use Regulations

AGENDA INFORMATION:

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

BRIEF SUMMARY: Section 4.01(J)(3) of the Lake Use Regulations limits the number of annual non-resident motorized boat permits that can be sold each year to a maximum of 75. There are currently 208 boat slips in the Marina. It is my recommendation that an annual non-resident motorized boat permit be allowed for any non-resident who rents an annual boat slip at the town marina, and will not take away from the maximum number of 75 annual motorized boat permits allotted each year for non-residents.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To approve Resolution No. 20-06-09 amending the Lake Use Regulations.

FUNDING SOURCE: n/a

ATTACHMENTS: none

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff recommends approval of the amendment to the Lake Use Regulations.

LAKE LURE MARINE COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: June 9, 2020

SUBJECT: Request from Mr. and Mrs. Lail for a 2020 Commercial License for a Commercial Livery Boat Permit

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: B
Department: Lake Operations
Contact: Dean Givens, Lake Operations Director
Presenter: Dean Givens, Lake Operations Director

BRIEF SUMMARY: Mr. and Mrs. Lail are requesting a commercial livery boat permit. The LAB discussed this request during their last meeting on June 1st and recommended approval.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To approve the request from Mr. and Mrs. Lail for a 2020 commercial license for a commercial livery boat permit.

FUNDING SOURCE: n/a

ATTACHMENTS: none

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff recommends approval.

LAKE LURE MARINE COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: June 9, 2020

SUBJECT: Consider Designating Town Marina Boat Slips for Daily Rentals

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: C
Department: Lake Operations
Contact: Dean Givens, Lake Operations Director
Presenter: Dean Givens, Lake Operations Director

BRIEF SUMMARY: At their meeting on June 1st, the LAB discussed and recommended designating six of the 208 town marina boat slips to be used for daily rentals at a cost of \$25 a day with a minimum four day rental required.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To designate six town marina boat slips as daily rentals at a cost of \$25 a day with a four day minimum rental requirement.

FUNDING SOURCE: n/a

ATTACHMENTS: none

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff recommends approval of this request. Town Council must amend the Fee Schedule to set the determined fee for daily slip rentals.

LAKE LURE MARINE COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: June 9, 2020

SUBJECT: Update on Boating Accident and Civil Citations

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: D
Department: Lake Operations
Contact: Dean Givens, Lake Operations Director
Presenter: Dean Givens, Lake Operations Director

BRIEF SUMMARY: On April 4, 2020 Sgt. Carl Umphlett was dispatched to the area of Tryon Bay Cove in regards to a boating accident involving two boats and no injuries. After an investigation, Carl Stecker was arrested and charged with BWI. Mr. Stecker was also served with three civil fines including wake violation, reckless endangerment, and operation of boat without valid permit for a total of \$750. At this time the fines have not been paid.

RECOMMENDED MOTION AND REQUESTED ACTIONS: none at this time.

FUNDING SOURCE: n/a

ATTACHMENTS: Town Civil Citations

STAFF'S COMMENTS AND RECOMMENDATIONS: Staff will provide an update to the Marine Commission.

Town of Lake Lure Civil Citation

Permit # NO PERMIT St. Reg. SC 1755 DM

☐ Vacation Rental ☒ Non-Vacation Rental

Issued to: CARL MAX STECKER

Address: 1833 BUFFALO SHOALS RD

LAKE LURE

Telephone # _____

Location: TRIVON BAY

Date/Time: 1615 hrs 04-04-2020

Issued By: Sgt. C. L.

☐ Warning ☒ Citation/fine

☐ Operation of boat without valid permit (1.51)C

☒ Wake Violation (within 75 ft of shoreline or unauthorized areas, during no wake hours, within 100 ft of emergency vessel displaying lights) (1.53)C

☐ Child under 13 w/out PFD (1.55)C

☐ Towing more than two persons at a time (1.54)C

☒ Reckless endangerment (1.54)C

to wit: CRASHED INTO ANOTHER BOAT

☐ Swimming violation (under the influence, unaccompanied, unauthorized area) (1.15/1.17)C

☐ Trespassing (1.05)B

☐ Littering (1.54)B

☐ Uncertified Operator (1.57)A

☐ Boat tied to public dock more than 2.5 hours (1.53)A

Other _____

No. 000301

Entered LLPD

Fines have not yet been paid
as of 6/4/20, per Linda Ward.

Town of Lake Lure Civil Citation

Permit # NO PERMIT ^{HULL #} St. Reg. MB C52KB3A919

☐ Vacation Rental ☐ Non-Vacation Rental

Issued to: CARL MAX STECKER

Address: 1833 BUFFALO SHOALS RD

LAKE LURE

Telephone # _____

Location: TRIVON BAY

Date/Time: 1615 hrs 04-04-2020

Issued By: Sgt. C. HUMPHREY

☐ Warning ☒ Citation/fine

☒ Operation of boat without valid permit (1.51)C

☐ Wake Violation (within 75 ft of shoreline or unauthorized areas, during no wake hours, within 100 ft of emergency vessel displaying lights) (1.53)C

☐ Child under 13 w/out PFD (1.55)C

☐ Towing more than two persons at a time (1.54)C

☐ Reckless endangerment (1.54)C

to wit: _____

☐ Swimming violation (under the influence, unaccompanied, unauthorized area) (1.15/1.17)C

☐ Trespassing (1.05)B

☐ Littering (1.54)B

☐ Uncertified Operator (1.57)A

☐ Boat tied to public dock more than 2.5 hours (1.53)A

Other _____

No. 000302

