

Town of Lake Lure - Lake Advisory Board

- Minutes of Regular Monthly Meeting -

The Lake Advisory Board held their regular monthly meeting at the Town of Lake Lure's Lake Operations Building on Monday the 3rd day of October, 2011 at 1:30 p.m.

Attendees:

Bo Williams (chairperson)
Wiley Bourne (vice-chair)
Mark Helms
David Efird
Tom McKay
Mary Ann Silvey (council liaison)
Dean Givens (lake operations)
Clint Calhoun (lake operations)
Andi Calvert (town clerk)

Non-Attending Members:

Robin Proctor
Bill Ashman

Guests:

Blaine Cox
Tom Judson

General Meeting Actions:

- Chairperson Bo Williams called the meeting to order at 1:30 p.m.
- Mark Helms made a motion, seconded by Wiley Bourne, to amend the agenda to include approval of the minutes of the August 1, 2011 regular meeting and to approve the August 1, 2011 minutes as written. The vote of approval was unanimous.
- Mark Helms made a motion to adjourn the meeting at 4:25p.m. David Efird seconded the motion and the vote of approval was unanimous.

Public Forum:

- No one requested to speak during public forum.

Individual Meeting Reports and Actions:

Lake Operations Director – Dean Givens provided board members a handout (attached) and reported the following:

- About 400 feet of shoreline on the river side of Morse Park is deteriorating and needs to be fixed (rip rapped). Permits to have been applied for and the town is working with USACE to determine the best solution.
- The town received four bids for the marina project. The bids were opened at town hall on September 23rd. The results will be presented to Town Council at their regular meeting on October 11th. Town Council will award the bid at that time.
- Dr. Mark Brenner's aquaculture class from Warren Wilson College joined the Lake Operations department for water sampling this month. They plan to share their results with the lake operations department so they can do some comparative analysis of data.
- One fatal accident involving a canoe occurred this month.

Town Council / Marine Commission Liaison:

Commissioner Mary Ann Silvey expressed concerns about low visibility of paddleboards on the lake.

Reports from areas of responsibility:

Commercial & Recreational – Nothing to report
Fishery & Ecosystem – Nothing to report

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Lake Structures – Nothing to report

Dam & Sewer Operations, Water Quality – Lake Operations Director Dean Givens reported that fecal counts were pretty high this month compared to previous months. Mr. Givens mentioned that we had several inches of rain prior to sampling, which tends to increase fecal numbers.

Special Topics:

CONSIDER A REQUEST FROM RUMBLING BALD RESORT TO EXTEND THE NO WAKE ZONE IN FRONT OF THE RESORT

Due to growing numbers of non-motorized boats, Tom Judson presented a request from Rumbling Bald Resort to extend the no-wake zone at the north end of the lake in the area surrounding the Rumbling Bald Resort in order to create a “safe zone”. Mr. Judson provided the board with a map illustrating the proposed no-wake zone. (Copy of map is attached)

Lake Operations Director Dean Givens gave the board further detail and background concerning this matter. Mr. Givens explained that if the proposed area was made a no-wake zone it would impact the lake’s acreage used in the commercial model for boat permitting.

After discussion, Wiley Bourne made a motion to recommend that the buoys stay at their current location and not extend the no-wake zone. Mark Helms seconded the motion. David Efird, Mark Helms, and Wiley Bourne voted in favor of the motion. Tom McKay opposed. Therefore the motion carried with a vote of three to one in favor.

CONSIDER CHANGES TO SECTION 1.57 OF THE LAKE USE REGULATIONS REGARDING COMMERCIAL OPERATIONS

Chairman Bo Williams appointed Wiley Bourne to preside over this portion of the meeting. Bo also asked to be excused from voting on this matter.

Wiley Bourne stated that on August 15 he met with Town Manager Chris Braund, Lake Operations Director Dean Givens, and Tom McKay to further discuss tour boats, commercial licensing and the town’s concession agreements.

Mr. Bourne presented potential revisions to the Lake Use Regulations intended to clarify when a concession agreement with the Town is required.

After discussion, Mark Helms made a motion to recommend to the Marine Commission the following amendments to Section 1.57 of the Town of Lake Lure’s Lake Use Regulations:

{ ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE STRUCK THROUGH }

§ 1.57 COMMERCIAL OPERATIONS.

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

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(A) A lake commercial license shall be required prior to purchasing commercial boat permits. (See schedule in section 1.59(D) for the maximum number of permits allowed in each of the eight commercial classifications.)

(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 classifications 7 & 8 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.

(D) No single business owner or commercial operation may have more than 7 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 7 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 10 permits for non-motorized boats, unless they have a concession agreement with the town specifically stating a different number.

(G) The only way that a business owner or commercial operation may obtain more permits than allowed in any one classification (see Section 1.59(D)) or in total (see Sections 1.57(D), (E), and (F)) 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.

~~(G)~~ (H) Commercial craft with more than 100 horsepower shall have boat-to-shore communications capability.

~~(H)~~ (I) Commercial operators shall report to lake enforcement agency(s) any violation of state or local regulations as well as any observed accidents.

~~(I)~~ (J) Commercial operators must render assistance to any disabled vessel(s). (Res. Passed 4-12-05) Penalty, see § 1.99

~~(J)~~ (K) Water sports are expressly prohibited behind boats with a livery, service and fishing commercial classification (including boats associated with rental homes). (Res. Passed 4-11-06)

~~(K)~~ (L) All 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)

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~~(L)~~ (M) 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. (Res. Passed 10-12-10)

(N): Boats licensed in commercial classification 5 (tour boats) shall be subject to the following further conditions:

(1) No voice amplification system is allowed

(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 complaints.

Tom McKay seconded the motion and the vote of approval was unanimous.

REVIEW LAKE USE REGULATION SECTIONS 1.58 LAUNCHING WATER VESSEL & LAUNCH SITES

Lake Operations Director Dean Givens agreed to continue research on implementation of enforcement of the current regulation.

Other Business:

The board discussed schedule conflicts associated with the Lake Advisory Board's regular meeting time, which was changed from 5:30 p.m. to 1:30 p.m. The board agreed to hold their next regular meeting at 1:30 p.m. and discuss the issue further at that time.

Respectfully submitted,

Andrea H. Calvert