

# Town of Lake Lure - Lake Advisory Board

## - Minutes of Regular Monthly Meeting -



The Lake Advisory Board held their regular monthly meeting at the Lake Lure Fire Department on Monday, the 7th day of December, 2015 at 3:30 p.m.

### **Attendees:**

Mark Helms (chairperson)  
Joe Pritchett  
Dan Breneman  
Gary Johnson  
Gary Hasenfus  
Bill Ashman (via phone)  
Derek Papesh  
Mary Ann Silvey (council liaison)  
Dean Givens, Dir. Lake Ops.  
Clint Calhoun, Environment Mgmt. Officer

### **Non-Attending Members:**

### **Call to Order:**

- Chairperson Mark Helms called the meeting to order at 3:30 p.m.

### **Approval of the minutes:**

Gary Hasenfus made a motion to approve the minutes November 2, 2015 regular meeting as presented. Joe Pritchett seconded the motion and the vote of approval was unanimous.

### **Public Forum:**

Francine Nordt presented a letter on behalf of Lake Lure Village Resort concerning damage that was done when the lake was lowered and asking that the Lake Lure Village Resort be put on the list to be considered for assistance from the town to help fund dredging.

### **Individual Meeting Reports and Actions:**

**Lake Operations Department** – Dean Givens reviewed the department's report that was sent to board members by email prior to the meeting.

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Mr. Givens also presented a proposed design for a boathouse to be built at the Lake Operations Office and explained that council has approved the sell of the boathouse property at the dam and funds from the sell of the property will be used to fund construction of the new boat docks.

Mr. Givens also presented a list of the 2016 commercial boat permit applicants and the 2016 commercial boat permit summary and recommendations from the Lake Operations department.

After discussion, Joe Pritchett made a motion to recommend that the Marine Commission approve the 2016 commercial boat permits as presented. Derek Papesh seconded the motion and the vote of approval was unanimous.

The board discussed the responsibility of the commercial owner the pay for citations issued to boaters using a commercially permitted boat. The board asked that all commercial boat owners be sent a notification with their commercial license approval letter stating that they are responsible for fine received by boaters on their boats.

### **Town Council / Marine Commission Liaison Report – No report.**

### **Fishery & Ecosystem – Gary Hasenfus reported:**

- Mr. Hasenfus informed board members that he has written an article for the local paper, *Mountain Breeze*, on the history of fishing on Lake Lure. Mr. Hasenfus also stated that he is looking forward to Christmas tree delivery since the tree habits are really needed especially since they didn't do any last year and previously placed habitats are likely decaying.

Mr. Hasenfus pointed out that last year an opportunity to remove a large amount of carp was missed (a large amount of carp were gathered at the entrance of the small pond in Morse Park trying to get into the pond for spawning) and further stated that he would like to get ahead of it this year and make plans to remove some of the carp.

### **Lake Structures – Gary Johnson:**

- No report.

### **Emergency Preparedness & Response – Dan Breneman:**

- Mr. Breneman stated that he has been working on a proposal for a debris catcher in the river.

Mr. Breneman also report that, as directed by the board, a lake levels meeting was held in August. There was discussion with the dam operator concerning the lake being kept lower than it has been in the past, but discussion was tabled and the group may look into

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it again next spring since the lake level change this year is likely due to the large amount of predicted rainfall compared to the small amount of actual rainfall.

Mr. Breneman also stated that he does not think the town has responsibly to Lake Lure Village Resort financially for the damages that occurred during the lake lowering that was reported during public forum.

### **Dredging & Watershed Stabilization – Joe Pritchett:**

- Mr. Pritchett stated that final dredging approval is still being awaited, but it is close and dredging equipment should start to be seen in the in the next couple weeks.

### **Water Quality – Bill Ashman reported:**

- Environmental Management Officer Clint Calhoun expressed concerns about the turbidity in the water in the golf course area. The board discussed the concerns. Mr. Calhoun also reiterated that blowing leaves in the lake is not allowed per the lake structure regulations and encourage board members to help educated anyone who is not aware of the regulation. Mr. Calhoun explained how harmful the leaves that are blown into the lake can be to the lake's ecology.

### **Regulations & Law Enforcement – Derek Papesh reported:**

- Mr. Papesh presented a propoesd SOP for measuring boats prepared by the lake operations department. Mr. Papesh pointed out that when he started researching the topic he was unable to find other lakes that measure boats. Mr. Papesh stated that it is very hard to get an accurate measurement of a boat and that is seems that generally most lakes only use the registered length of boats and leave it to the boat owners responsibility to get it the state registration changed if there is an error in the length listed.

Because boat measuring is so subjective, Mr. Papesh suggested that the town stop measuring boats and allow NC Wildlife to take care of any discrepancy in length that are on the state registration.

Lake Operations Director Dean Givens agreed that the measuring process is difficult and sometime inaccurate. Mr. Givens suggested that boats with a registered length up to 21 feet be allowed for permitting.

After further discussion, Derek Papesh made a motion to change the current regulation to state that only boats with a registered length no longer than 21 feet be permitted unless it is a pontoon (pontoons should still be permitted up to 28 feet registered length). Gary Johnson seconded the motion and the vote of approval was unanimous.

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### Other Business

#### Consider Approval of the 2016 Meeting Schedule –

After discussion the board voted to approve the 2016 meeting schedule as amended changing the January meeting date to the seconded Monday instead of the first.

#### **LAKE LURE LAKE ADVISORY BOARD MEETING SCHEDULE FOR 2016**

<u>DATE</u>	<u>LOCATION</u>	<u>TIME</u>	<u>TYPE</u>
January 11, 2016	Lake Lure Municipal Center	3:30 p.m.	Regular
February 1, 2016	Lake Lure Municipal Center	3:30 p.m.	Regular
March 7, 2016	Lake Lure Municipal Center	3:30 p.m.	Regular
April 4, 2016	Lake Lure Municipal Center	3:30 p.m.	Regular
May 2, 2016	Lake Lure Municipal Center	1:00 p.m.	Lake Tour
June 6, 2016	Lake Lure Municipal Center	3:30 p.m.	Regular
July 11, 2016	Lake Lure Municipal Center	3:30 p.m.	Regular
August 1, 2016	Lake Lure Municipal Center	3:30 p.m.	Regular
September 12, 2016	Lake Lure Municipal Center	3:30 p.m.	Regular
October 3, 2016	Lake Lure Municipal Center	3:30 p.m.	Regular
November 7, 2016	Lake Lure Municipal Center	3:30 p.m.	Regular
December 5, 2016	Lake Lure Municipal Center	3:30 p.m.	Regular

\* Regular Lake Advisory Board meetings are held on the 1<sup>st</sup> Monday of each month.

#### Consider VROP-2015016–

Environmental Management Officer Clint Calhoun presented the application for VROP-2015016 and gave an overview of the application. Mr. Calhoun stated that under normal circumstances, VROP applications are presented to the Board of Adjustment, who can issue or deny the permit. However, since the BOA's authority only extends to rental requests on land, decisions concerning commercial use of structures are to be reviewed by the Lake Advisory Board (per the Lake Structure Regulations). Mr. Calhoun stated that the application appears to be complete.

The applicant, Ms. Gergen was present to answer questions relating to the application and gave a brief description of her request.

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Blaine Cox pointed out that if the property is changed from a residential use to a commercial use (vacation rental) that the change of use goes with the property, not the owner, so if the property were to be sold the uses allowed would remain the same.

Commissioner Mary Ann Silvey pointed out that the structure is grandfathered in as residential.

After discussion, Derek Papesh made a motion to recommend approval of the application as presented. Bill Ashman seconded the motion. Derek Papesh and Bill Ashman voted in favor of the motion.

Gary Hasenfus, Gary Johnson, and Dan Breneman opposed. (Joe Pritchett left the meeting prior to the vote and thus did not vote)

Chairman Mark Helms explained that the LAB just makes a recommendation and that town council will also consider the application.

**Discussion of possible Max Weight for Boats on the Lake –** Chairman Mark Helms expressed concerns about new heavy weigh boats that are being designed to create large wake. Mr. Helms mentioned specifically the 2016 Mastercraft X-20 that will have a weight of 4800 pounds plus possible 2000 pound ballast and is still within the town’s current length restriction. Mr. Helms suggested that the board consider recommending a 4000 pound dry weight limit for all boats other than pontoons to limit risk of heavy weight boats designed to create large wake.

After discussion, Gary Hasenfus made a motion to recommend that no boat, other than pontoon boats, exceeding 4000 pounds dry weight, per manufacturer’s specs, be permitted on Lake Lure. Dan Breneman seconded the motion and the vote of approval was unanimous.

**Lake structure regulations-** Environmental Management Officer Clint Calhoun gave an overview of his memo concerning potential text amendments to section 94.12 of the Lake Structure Regulations drafted by town staff (Clint’s memo)

After discussion, Bill Ashman made a motion to recommend the proposed amendment as presented. Dan Breneman seconded the motion. Bill Ashman, Dan Breneman, Derek Papesh, and Gary Hasenfus voted in favor of the motion. Gary Johnson opposed. The motion carried.

Proposed Amendment:

### **§ 94.12 COMMERCIAL AND MULTI-DWELLING USE LAKE STRUCTURES**

The Lake Structure Administrator and the Lake Advisory ~~Committee~~ Board shall review each lake structure permit application for any new or existing structure that is to be built or converted for commercial or multi-dwelling use. The application review will confirm that the proposed facility conforms to these regulations, evaluate its impact on the lake’s carrying capacity, and determine that the location will not be adverse to navigation and boating safety or to any nearby

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residential area with single family dwellings. A recommendation based on this review will then be submitted to Town Council. The Town Council shall approve or deny the request after examining the report. Specific design standards, restrictions, and/or prohibitions may be varied by Town Council if specifically requested by the petitioner as part of a commercial lake structure application. Town Council may also apply specific conditions upon commercial lake structures as Council sees fit.

**Adjournment:** Derek Papesh made a motion to adjourn the meeting. Gary Hasenfus seconded the motion and the vote of approval was unanimous.

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Andrea H. Calvert, Town Clerk