



Lake Lure Lake Advisory Board
Regular Meeting
November 4, 2019

Call to Order

Chairman Mark Helms called to order the November 4, 2019 Regular Meeting of the Lake Advisory Board at 3:30 a.m. at the Lake Lure Town Hall.

Roll Call

Board Members present:

Mark Helms, Chairman

Michael Yelton

Bill Ashman

Gary Johnson (present via Phone)

Sonya Ledford

Town Council Members present:

Councilman John Kilby

Other Members Present:

Dean Givens, Director of Lake Operations

Absent:

Gary Hasenfus

APPROVAL OF AGENDA

The Agenda for the November 4, 2019 meeting was reviewed. Mr. Helms wished to add under Special Topic (3.5) Discussion of Email Regarding LLBR LLC to Commissioner Kilby. **Mr. Johnson made a motion to approve the Agenda as revised. Mr. Yelton seconded the motion and all members were in favor.**

APPROVAL OF MINUTES

The Minutes for the September 9, 2019 Regular Meeting were reviewed as well as the September 26th Special Meeting and the October 1, 2019 Special Meeting. **Mr. Johnson made a motion to approve all three sets of minutes. Mr. Yelton seconded the motion and all members were in favor.**

Special Topic Discussions

APPROVAL OF 2020 BOARD MEETING CALENDAR

The 2020 Board Meeting Calendar was reviewed. The Board wished to not have a “meeting” on May 4th but in turn tour the dredging operations at 12 noon. The Board discussed that the May 4th operations would not be a meeting and business would not be discussed. **Mr. Ashman made a motion to approve the 2020 Board Meeting Calendar with revisions. Mr. Yelton seconded the motion and all members were in favor.**

DISCUSSION OF EMAIL REGARDING LLBR LLC TO COMMISSIONER KILBY

Commissioner Kilby introduced an email that was sent to him by Lake Lure Boat Rental LLC owners, Mr. Brian Lail and Mrs. Jenny Lail, regarding granting their LLC favor, by permitting them a Concession Agreement. Mr. Helms read the letter to the Board. The Lail’s asked for the Lake Use Regulations to include a “grandfather-like clause” to continue to their business operations.

The Board discussed the purpose of the Commercial Model. Mr. Ashman asked why the Lail’s could not be grandfathered in. Mr. Givens discussed what had been stated from Attorney Morgan (Town’s Attorney) at the last Marine Commission meeting and that was it would be a fundamental conflict for the Town to grandfather something that is being conducted in a partially non-compliant way. The Board ensued in discussion. Mr. Helms mentioned the vote that had taken place at the last Marine Council meeting and the Board discussed this further. Mr. Helms stated that the Board was not in an easy spot. There was discussion that there would need to be a refund if applications do not go through when applying for a permit. Mr. Givens stated that the Town has always refunded applicants if their application for a CM permit did not go through. Mr. Helms reminded the Board that the Model is there for a purpose and that it had been carefully constructed for the purpose of safe operations and to limit overcrowding on the lake. Mr. Helms stated that he felt it was the Board’s job to keep this all in check. Mr. Johnson stated that it was important for the Board to keep the lake safe for the rights of all property owners, not just rentals. Commissioner Kilby stated that he wanted to make sure the Board was being fair to the Lail’s which is why he brought it up to discuss. Mr. Helms stated that there would be no other decisions made and he thanked Commissioner Kilby for presenting the correspondence.

Discuss 2019-2020 Penalty Fee Schedule Recommendation to Town Council

Mr. Givens discussed that Town Council had approved the 2020 Fee Schedule and there was no further discussion.

Mr. Helms took a moment to let the Board know that Mr. Breneman had resigned and that the Board had been sent the three applications of those wishing to be appointed to the Board. There was a discussion of each applicant. The Board discussed the application of Mr. David Lusk and the Board favored having Mr. Lusk appointed. Mr. Givens recommended Mr. Lusk and discussed the many volunteer hours Mr. Lusk has put in with the Town. Commissioner Kilby said that as the Board’s Town Council Liaison, he would favorably recommend Mr. Lusk for the Board position. Mr. Kilby stated that applications will be received up to the next Council meeting for the Council’s review.

Discuss Tour Boat Rules and Regulations

Mr. Helms opened the discussion explaining he wanted to respond to the group that brought up their suggested rules for tour boats at a previous meeting. Mr. Helms reviewed his notes from this meeting. Mr. Helms asked the Board to keep the term 'Measurable and Enforceable' in mind when they reviewed the tour boat section of the Lake Use Regulations.

Mr. Helms read Lake Use Regulations §4.07 (N) 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**

Mr. Givens discussed that in 14 year years he had received no complaints. Commissioner Kilby stated before those 14 years there used to be complaints but that it had calmed down. There was discussion regarding how noise is carried across the lake and is echoed. The Board ensued in discussion and felt there would be no changes to this section.

(2) Operations will be carried out at low wake in all parts of the lake except the center.

The Board discussed wake from tour boats and that it's not necessarily only the speed of a boat but the weight with passengers that can cause a larger wake. Mr. Givens attest that he had videoed the tour boats on many occasions and stated that the tour boats operated exactly how they are supposed to. Mr. Givens did mention that operating in the exact middle of the lake cannot always be done due to other boat traffic. The Board discussed the 1800rpm suggestion and felt this cannot be measured. Mr. Givens stated that there comes a time that you have to trust companies you have concession agreements with to operate properly. Both Lake Lure Tour's owner and their manager spoke to their diligence in traveling safe speeds and to keep wake to a minimum. The Board discussed that speed cannot be measured easily. Mr. Helms asked the Board to further think on (2) and discuss at January's meeting.

(3) Each boat shall show the name of the commercial operator and have large numerals to facilitate identification for comments. **Amended 4-10-12**

The Board felt this needed no further attention.

(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**

The Board felt this needed no further attention.

(5) Tour boats shall not navigate in "no wake zones". **Adopted 6-13-17**

The Board discussed and agreed that 'except when picking up and dropping off passengers' should be added to this section. Mr. Givens stated he will look at the correct wording.

(6) Boarding and departing passengers will be allowed access only from commercial landings with the exceptions of special events approved by the Town Manager. **Adopted 6-13-17**

Mr. Givens discussed adding Parks and Recs Director after Town Manager. The Board agreed with this addition.

(7) Tour Boats shall not travel in clusters and must be separated at a minimum distance of 100 yards.

Adopted 6-13-17

Mr. Givens stated that he has reviewed this with Tour Boat Operators. There was discussion regarding the measurement of distance from one tour boat to another. Ms. Ledford mentioned that the only time boats may meet up together is if one boat is talking about a particular location and guests may ask questions and as the Tour Guide is continuing to navigate in this area answering questions, another tour boat may approach the same area, but that they stay a distance away from each other. There was continued discussion on the measurable distance and Mr. Helms asked the Board to think on this wording and re-discuss it at January's meeting.

(8) Tour boats require a concession agreement with the Town regardless of the number permitted.

Adopted 6-13-17

The Board felt this needed no further attention.

The Board ensued in discussion regarding the complaints voiced at the previous meeting concerning tour boats. Mr. Givens discussed buoy placement and added that this may be a deterrent but he has seen speed boats causing large wakes right next to the buoy on the wake side.

There was mention of publishing something similar to rules of the road for boaters when boating on Lake Lure, mentioning traveling on the right side and when to cross.

LAB Presentation and Discussion

Report from Lake Operations – Dean Givens

Mr. Givens presented the monthly report from October. The Board had no questions. Mr. Givens then reviewed with the Board the Permitting procedure that Town Hall uses. Mr. Givens explained that the current high cost program has not measured up to what they originally thought. Mr. Givens explained the previous record keeping was more accurate and friendlier to operate. After an in depth discussion the Board agreed with Mr. Givens to look into using the previous system. Mr. Helms stressed to make sure that Linda and Sha'Linda were both good with the decision.

Report from Council Liaison – Commissioner John Kilby

Commissioner Kilby mentioned that lawsuit between the Lodge on Lake Lure and the Town had gone to the State Supreme Court and that the courts had upheld the Town's decisions.

Fishery & Ecosystem – Gary Hasenfus

Mr. Hasenfus was not present.

Emergency Preparedness & Response –

There was no discussion regarding this topic.

Dredging & Watershed Stabilization – Michael Yelton

Mr. Yelton asked Mr. Givens to review updates on the dredging. Mr. Givens stated that when the lake is lowered there will be dredging using the excavator on mud mats. When the lake returns to full pond the main channel dredging will begin. Mr. Givens discussed the spoils pits and the work going on there and explained the building of the floorplan for the amphitheater.

Water Quality – Bill Ashman

Mr. Ashman asked Commissioner Kilby to please update them on the dam maintenance. Mr. Kilby stated there are currently engineers studying what needs to take place.

Public Forum

Mr. David Lusk, a resident of Lake Lure, asked Mr. Givens if contractors that currently had equipment on the Lake were aware of the schedule for the lake to be lowered. Mr. Givens said that they were. Mr. Lusk commented that his home is lakeside and neither at home or when he's been out boating has he ever had problems with the way the tour boats operated. The Board appreciated his comment.

Adjournment

Mr. Gary Johnson made a motion to adjourn the Regular Meeting of the Lake Advisory Board at 5:10 p.m. Mr. Ashman seconded the motion and all were in favor.

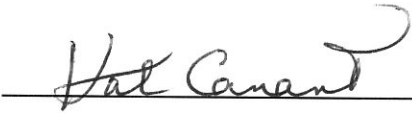
Minutes were transcribed by Kat Canant, Administrative Assistant to LLPD.

The next regular meeting of the Lake Advisory Board will be January 6, 2019 at 3:30 p.m.

ATTEST:



Mark Helms, Chairman



Kat Canant, Board Clerk