

MINUTES OF THE REGULAR MEETING OF THE LAKE LURE MARINE COMMISSION HELD TUESDAY, MARCH 14, 2017, 5:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER

PRESENT: Mayor Bob Keith
Commissioner John W. Moore
Commissioner Mary Ann Silvey
Commissioner Bob Cameron
Commissioner Stephen Webber
Ron Nalley, Town Manager

ABSENT: Attorney William Morgan, Jr.

CALL TO ORDER

Mayor Bob Keith called the meeting to order at 5:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Bob Keith gave the invocation and Council led the pledge of allegiance.

APPROVAL OF THE AGENDA

Commissioner Stephen Webber suggested that discussion of the Lake Advisory Board's recommendation concerning Logan Hartzog's commercial boat taxi operation be added to the agenda and that discussion of the Lake Use Regulations also be added to the agenda. Commissioner Bob Cameron made a motion to approve the agenda as amended. Commissioner Mary Ann Silvey seconded and the motion carried 4-0.

PUBLIC FORUM

Mayor Bob Keith invited the audience to speak during public forum.

Dan Breneman of 171 East Wilderness Road, member of the Lake Advisory Board, thanked Council for their work in addressing the need to fund dredging in the Lake. Mr. Breneman explained that the Lake Advisory Board has discussed ways to generate revenue for dredging and explained that he was the only member of the Lake Advisory Board that voted against the proposed fees for commercial slips. He explained that, as a business owner, it is becoming increasingly difficult for a business to operate in Lake Lure. Mr. Breneman stated that he believes funds to support the Lake should be collected from all Town residents, not just those who use the Lake commercially. Mr. Breneman further explained that the proposed charge for commercial slips would generate approximately \$68,000 and that a one cent tax increase would generate \$83,000

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per year. Mr. Breneman stated that the County tax department informed him of thirteen other tax opportunities that the Town could implement to help generate funds for the Lake. Mr. Breneman provided a copy of the list of tax opportunities to the Town Manager. Mayor Bob Keith stated that some of the amounts Mr. Breneman mentioned may not be accurate, but that the Board understands his view.

Commissioner John Moore stated that he is not convinced that all the slips that would potentially be charged the commercial slip fee are used commercially, but used by residents of Lake Lure who do not have Lakefront access.

Valerie Hoffman of 335 Village Boulevard stated that she was not aware of the proposed slip fee until the day prior to the Marine Commission meeting and asked that public be allowed to provide input before a decision is made concerning the recommendation.

Commissioner Bob Cameron urged citizens to attend the Lake Advisory Board meetings to present their ideas concerning potential funding options for the lake.

a. PUBLIC HEARING AND ADOPTION OF RESOLUTION NO. 17-03-14 OF THE TOWN OF LAKE LURE MARINE COMMISSION AMENDING THE LAKE USE REGULATIONS CONCERNING COMMERCIAL CLASSIFICATION 5 (TOUR BOATS) CONDITIONS

Mayor Bob Keith opened a public hearing concerning adoption of Resolution No. 17-03-14. Commissioner Stephen Webber discussed concerns about the proposed Resolution.

Following discussion, Commissioner Bob Cameron made a motion to table consideration of Resolution No. 17-03-14 until the June 13, 2017 Regular Marine Commissioner Meeting. Commissioner Mary Ann Silvey seconded and the motion carried 4-0.

CONSENT AGENDA

Mayor Bob Keith presented the Consent Agenda and asked if any items should be removed before calling for action.

Commissioner Bob Cameron made a motion to approve the Consent Agenda as presented. Commissioner Mary Ann Silvey seconded and the motion carried 4-0. Therefore, the Consent Agenda incorporating the following item was unanimously approved:

- a. Minutes – December 13, 2016 (Regular Meeting)

b. DISCUSSION CONCERNING FEES FOR COMMERCIAL BOAT SLIPS AND MOORINGS

Mayor Bob Keith stated that the Lake Advisory Board recommended that the Town assess a fee of \$200 for all boat slips that generate revenue directly or indirectly except those that house commercially permitted boats. Funds paid to the Town for the proposed slip fees should be applied to the Lake Operations Fund, primarily for dredging.

Commission Members discussed the Lake Advisory Board Chairman's not voting on Lake Advisory Board motions and suggested that the Lake Advisory Board Rules of Procedure be amended to clarify that the Chairman of the Lake Advisory Board does not vote on Lake Advisory Board motions.

Commissioner Stephen Webber stated that the Town hasn't done much to regulate businesses that operate on Town property (the Lake). Commissioner Webber further stated that Lake Lure Tours has been paying concession fees and other businesses that use the Lake do not pay concession fees. Commissioner Webber described cluster moorings and marinas that are being rented as commercial and further stated that, per the definition in the Lake Use Regulations, slips that indirectly benefit businesses are also commercial.

Commissioner Bob Cameron stated that he would like to challenge the community to help come up with ideas that might help generate funds for dredging and explained that the Town has committed to at least \$300,000 per year for dredging plus \$200,000 for Lake Operations and Management. Commissioner Cameron then explained the breakdown of Town taxes. Commissioner John Moore encouraged those interested to attend the budget meetings.

Following discussion, Commissioner Stephen Webber made a motion to table discussion of commercial slip fees until the next Regular Marine Commission meeting to be held June 13, 2017. Commissioner John Moore seconded and the motion carried 4-0.

b. DISCUSSION CONCERNING SCUBER'S COMMERCIALY PERMITTED BOAT OPERATION

Mayor Bob Keith stated that there was a recommendation from the Lake Advisory Board to extend a trial period for Scuber's commercial boat operation at a special rate based on his request to reclassify his commercial boat operation. Logan Hartzog of 323 Matho Trace, owner of Scuber, stated that he went to the Lake Advisory Board and explained that, based on data collected during his partial year of operation in 2016, the

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increase in commercial boat permits fees would eliminate his projected profit. Mr. Hartzog understands that there is not a classification in the commercial model specifically for water taxi service.

Commissioner Stephen Webber stated that Scuber is classified as a Tour Boat and the LAB did not suggest creating a new category for the water taxi service at this time. Commissioner Webber further stated that as long as Scuber is classified as a Tour Boat he believes they should be charged the same fee that is charged for all tour boats.

Lake Operations Director Dean Givens explained that the model was created by professionals following a lake study to determine lake impacts based on several aspects of commercial operation. Commissioner John Moore described the model as a tool and stated that in studies conducted by the Town residents expressed a desire to have a water taxi service on the Lake and that he is in favor of supporting new businesses in Town, especially one that is a service that citizens are looking for.

Commission Mary Ann Silvey explained that she feels the taxi service is unique and due to the fact that it was initiated late during the season last year it would not be possible to study his acre hours at this stage, since he has not operated for a full season and suggested that extending his service for another season would allow for further research.

Following discussion, Commissioner John Moore made a motion to allow Scuber to continue operation in 2017 at a rate of \$500 based on the Lake Advisory Board's recommendation. Commissioner Mary Ann Silvey seconded the motion. Commissioner Stephen Webber stated that he believes that another classification could be created if the Town wishes to do so, but he does not feel it is appropriate to give one business a special rate. Commissioner John Moore explained the water taxi service isn't really in a category currently and Commissioner Mary Ann Silvey stated that this year is continued trail period for Scuber as a new business on the Lake. Commissioner John Moore amended his motion to include directing the Lake Advisory Board to consider creating a new category in the commercial boat model for water taxi services. Commissioner Mary Ann Silvey seconded the motion to amend. Commissioners John Moore, Mary Ann Silvey and Bob Cameron voted in favor of the amended motion to allow Scuber to continue to operate in 2017 as a trial period and pay \$500 for the year and directing the Lake Advisory Board to consider creating a new category in the commercial boat model for water taxi services. Commissioner Stephen Webber opposed. The motion carried 3 to 1.

c. DISCUSSION OF THE LAKE USE REGULATIONS

Commissioner Stephen Webber presented a copy of the Lake Use Regulations with notes outlining potential revisions to the Regulations and made a motion to direct the Lake Advisory Board to review the Lake Use Regulations and consider drafting

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potential amendments to recommend to the Marine Commission. Commissioner Bob Cameron seconded and the motion carried 4-0.

Lake Advisory Board Chairman Mark Helms explained that the Lake Advisory Board has discussed many ideas for generating funds for funding the Lake. However, the Lake Advisory Board would like to be given clear direction, specifically, an amount that needs to be generated so the Lake Advisory Board can make a recommendation including several ideas to generate the specific amount needed to cover all costs associated with the Lake.

ADJOURNMENT

With no further business, Commissioner Bob Cameron made a motion to adjourn the meeting at 6:05 p.m. Commissioner Mary Ann seconded and the motion carried 4-0.

Andrea H. Calvert,
Lake Lure Marine Commission Clerk