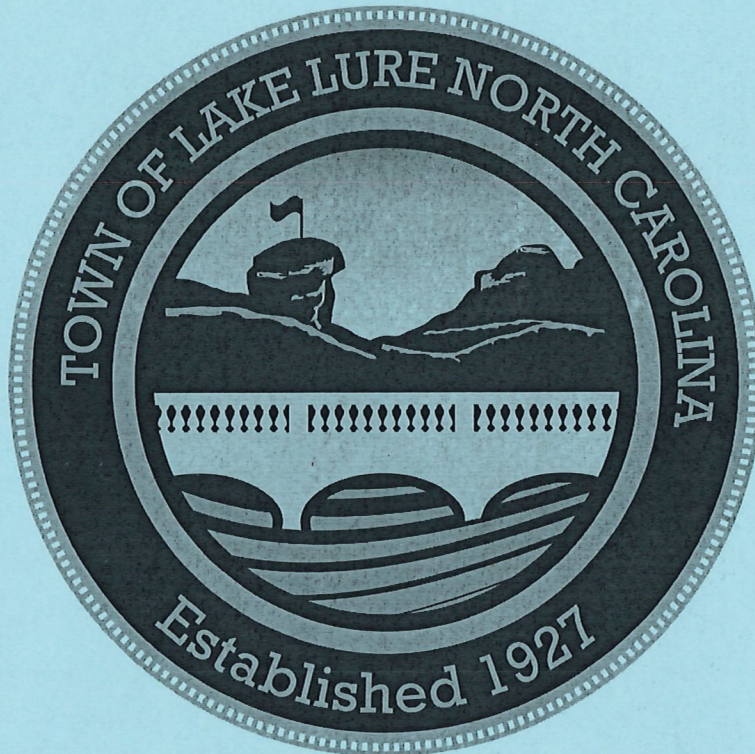


LAKE LURE MARINE COMMISSION REGULAR MEETING PACKET

Tuesday, September 12, 2017



Mayor Bob Keith

Commissioner John Moore

Commissioner Mary Ann Silvey

Commissioner Stephen Webber

Commissioner Bob Cameron



REGULAR MEETING OF THE LAKE LURE MARINE COMMISSION

Tuesday, September 12, 2017

5:00 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. Hearing – Heather Walker to Appeal Civil Citation No. 000986
6. Consent Agenda:
 - a. Approve Minutes – June 13, 2017 (Regular Meeting)
7. Unfinished Business
 - a. Discussion Concerning Fees for Commercial Boat Slips and Moorings
8. Adjournment

On August, 13th 2017, I was on lake patrol in the river area, I noticed a lady on a stand up paddle board (SUP) later identified as Heather Walker, not wearing a life jacket (PFD). I approached Heather and noticed she did not have a permit on her SUP either. Ms. Walker stated she had launched her SUP in the river behind town hall and did not see any signs that would inform her of needing a permit. I informed Ms. Walker that it was required for any vessel to be permitted on the lake and the signs were posted at authorized launch sites. I wrote Ms. Walker a \$50 fine for not having a permit and gave her a warning for not having a PFD with her.

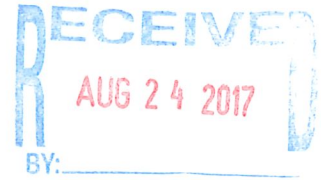
The fine for no permit is \$50 and the fine for no PFD is \$125. I chose to cite Ms. Walker for the lesser fine of \$50, as I do in all citations I issue and warn/educate on the others.

Ms. Walker was very respectful and gave me no problems.

Lake Operations Director

Dean Givens

Heather Walker
99 Ascension Drive Apt F122
Asheville, NC 28806



August 21, 2017

Lake Lure Marine Commission c/o
Lake Lure Town Hall
2948 Memorial Hwy
Lake Lure, NC 28746

Dear Sir or Ma'am,

I am writing to notify the Marine Commission of my intent to contest a citation, #000985, that I received on 15 August 2017. I am including a copy of the citation.

I will pay the fine as instructed, and I will be present at the next Marine Commission meeting to discuss the matter and why my fine should be reimbursed and the citation dismissed.

If you have any questions, please feel free to contact me by phone (808) 741-7442. Thank you.

V/r,

A handwritten signature in black ink, appearing to be "Heather Walker", written in a cursive style.

Heather Walker
(808) 741-7442

Town of Lake Lure Civil Citation

Permit # _____ St. Reg. Non-motor

☐ Vacation Rental ☐ Non-Vacation Rental

Issued to: HEATHER WALKER

Address: 99 ASSESSMENT DR

ASHVILLE, NC

Telephone # 808 741-7442

Location: BROAD RIVER

Date/Time: 8-13-17 1:12 P

Issued By: H.D. GIVENS

☐ Warning ☒ Citation/fine \$ 50⁰⁰

☒ 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. 000985

**TOWN OF LAKE LURE
CASH RECEIPT**

Printed 11:05:25 - 08/25/17

**Batch:14381
Transaction:3**

Reference Number: NO. 000985

Name: WALKER, HEATHER

Address:

Item(s) Description:

FINANCE RECEIPT	50.00
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Check # 0099	50.00
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Cash Paid

Credit Paid

Less Change Given	()
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TOTAL:	50.00
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Note: This information was given out during the June 13, 2017 Marine Commission Meeting (additional petition signatures were provided at the August 8, 2017 Town Council Meeting). During the June 13, 2017 discussion concerning commercial boat slip fees was tabled until the September 12, 2017 meeting so I have included this information for your reference.

June 10, 2017 Memorandum for Record

SUBJECT: Commercial Slip Fees

RE: My email dated Jun 3, 2017, SAB (attached)

On Jun. 5, 2017, the Lake Advisory Board reviewed the definition of "Commercial Use" in the Lake Structure Regulations to determine if it should be revised or not. After discussion, the vote was unanimous to leave the definition as written.

Also on Jun 5, at the same meeting, the Lake Advisory Board, reviewed their previous recommendation that the Town charge \$200 for all commercial slips. They also considered a percentage approach as outlined in my email. After much discussion the board recommended that "\$200 be charged for all commercial slips except those that house commercial boats". This is essentially the same recommendation made by the board previously. The rationale for the exception is due to the increased Commercial Boat Permit fees established in 2017. All were in favor, except Dan Breneman who opposed.

If implemented by the Marine Commission, the implications of this and possible rules follow:

1. Assumption is made the exception only applies to motorized commercial boats because those are the ones that saw significant permit increases. All fees are annual.

2. \$200 would be charged by the town to any entity that receives direct or indirect revenue for commercial slips, unless those slips house motorized commercial boats. Not 100% sure of the following numbers of slips or moorings but they are close. Numbers vary depending on date of information and source. (see attached undated inventory which definitely needs to be updated). All numbers need to be verified.

Rumbling Bald Resort – 124

Dam Marina – 43

Lake Lure Village Resort – 56

Pierpoint – 10

Haynes Hill Estate – 6

Larkins – 12

Grey Log Cove – 7 (only 4 authorized)

Lake Lure Adventure – 4 (all house Commercial Boats)

Firefly Cove – 13

Lodge on Lake Lure -

The above numbers do not include Chalet Club, Quail Cove, or Town Marina.

3. For land based, lakefront RVR's that offer their own motorized commercial boat with the rental property, and permanently moor the boat at that rental property, there would be no fee. We will have to determine that number.

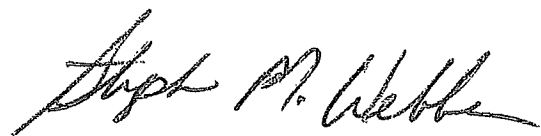
4. For land based, lakefront RVR's that do not offer their own motorized commercial boat with the rental property, there would be a single \$200 commercial lake structure fee annually, for whatever structure the property offers (boathouse regardless of number of slips, pier, or mooring) because this structure indirectly aids in producing rental income. With these properties, the lessee could moor their own boat while renting, or moor a commercial boat rented from a third party, for temporary mooring during the rental period. We will have to determine that number.

5. The only RVR over the water would not incur this fee due to no motorized commercial boats, and they are already assessed a \$500 annual commercial lake structure fee based on the number of bedrooms, which is one.

6. If and when approved and added to the fee schedule, place under Commercial Lake Structure category (already on the fee schedule). Each slip, mooring, pier, RVR boathouse is a separate lake structure. Category headings should be "Lake front RVR without motorized commercial boat - \$200"; "Commercial slip, mooring, pier - \$200".

7. Some method would need to be devised to identify and designate those slips that permanently house commercial boats.

8. Method of billing and collection deadlines are yet to be determined by the Town Manager.




STEPHEN M. WEBBER
Commissioner

attachments: Webber email dated Jun 3, 2017, subject as above
Undated Marinas and Cluster Moorings Inventoried

Marinas & Cluster Moorings Inventoried

General Use										Feet of Lake Frontage (approx.)		Zoning Classification of Upland Lot
Location		Marina	Cluster Mooring	Launch Ramp	Permanent (overnight) Moorings	Day-Use Moorings	Total Moorings	Maximum # of Moorings Allowed	Parcel Owner	Lakefront Parcel(s)		
1	Lake Lure Town Marina	Yes	No	Yes	12 open 20 covered	6	38	38	Town of Lake Lure	1627659 1604697	1000+	GU
2	Dam Marina 119 Buffalo Shoals Rd.	Yes	No	Yes	44	?	44	50	Melissa D. Cornett, trustee for Chloe Cornett Moore	230389	1000	CG
3	Rumbling Bald Resort Marina 109 Mountains Blvd	Yes	No	Yes 2 ramps	131	22	153	121	Fairfield Mountains Property Owners Association	1618053 1618031 1618042 1621124 1618029 Total	120 1100 375 325 500 2420	R3
4	Quail Cove Condominiums Mountains Blvd	No	Yes	No	20	0	20	27	Fairfield Communities, Inc.	1618007	900	R3
5	Lake Lure Village Resort 290 Village Blvd	No	Yes	Yes	60	3	60	54	Lake Lure Village Resort POA	1627579	1800	R3
6	Pierpoint 152 Neighborly Drive	No	Yes	No	8	4	8	9	Pierpoint, Inc.	1618227 1630436 Total	225 110 335	R1
7	Haynes Hill Estates Mark Twain Drive	No	Yes	No	6	0	6	5 (2 + 3)	George & Hope Wiltmer Bennett Strahan	1631221 1641537	85 160	R1
8	Larkins On The Lake / Bayfront Grill 1020 Memorial Hwy	No	No	No	0	10-12	10-12	18	Josephine Ward Trustee	1622119	625	CG
TOTAL		3	5	4	301	45	339	322				



Lake Lure Village Resort
290 Village Blvd.
Lake Lure, NC 28746
poa@lakelurevillageresort.org

www.lakelurevillageresort.org

June 13, 2017

Town of Lake Lure
Marine Commission

Mayor Bob Keith
Commissioner John Moore
Commissioner Mary Ann Silvey
Commissioner Stephen Webber
Commissioner Bob Cameron

Re: Lake Lure Village Resort POA
Town Fees for Commercial Boat Slips

On March 14, 2017, I and several members of our Community attended a meeting of the Lake Lure Marine Commission for a discussion concerning fees for Commercial Boat Slips and Moorings. These fees would be in addition to the permit fees that the individual boat owner pays each year. I was surprised to learn that that the Lake Advisory Board had voted to charge fees of \$200 for each boat slip in a commercial marina or cluster mooring and that Lake Lure Village Resort POA, having a cluster mooring, would be included. The Town Regulations define commercial operations as "any use of the lake in a manner that will generate direct or indirect revenue by an entity that operates for profit or not for profit, including property owners associations".

I have reviewed both the Lake Use Regulations and the Lake Structures Regulations. I found a discrepancy regarding commercial use fees in the Lake Structures Regulations, 94.13 (Cluster Moorings, our designation) and 94.14 (Marinas). Marinas - 94.14 (C), "The town may assess the marina owner an annual commercial use fee for each permanent mooring leased or rented". This language is not in 94.13, Cluster Moorings. It would seem the authors of this document agreed that only marinas should be charged a commercial use fee.

Lake Lure Village Resort Property Owners Association is zoned R3, Resort Residential. We are a non-profit property owners association, exempt from Federal taxes, and funded 100% by assessments and fees allocated for the management, maintenance and care of Association property, including our "cluster moorings" available for the private benefit of our members only. Our Declaration specifically excludes co-owned boats unless all Owners are Members and boats owned by renters or lessees. We generate NO non-member income from the moorings. We therefore do not agree or at least question that our cluster moorings fall under your definition of a "commercial operation".

I got the impresssion from the last meeting that we are being considered "commercial" because in 2016 we commenced leasing our moorings to our members rather than including the maintenance costs in the annual assessments? Prior to 2016, all members shared in the maintenance costs of the moorings thru assessments. With the lowering of the lake in 2015 and \$10,000 in damages to our moorings, plus dredging costs of \$10,000, the membership voted to lease the moorings for a fee of \$100 to each member using an Association mooring slip on the basis that this was a common expense benefitting fewer than all Owners and therefore should be borne by those members using the moorings. At the same time, we set up another reserve account, and all monies not spent in the current year are transferred to the reserve account for future repairs and/or replacement. We would be happy to revert back to including the maintenance costs for the cluster moorings in the annual assessments if necessary to satisfy your regulations.

As you are aware, Lake Lure Village Resort POA is a diverse community. We have members who can afford the additional \$200 fee, but we also have many retired members on fixed incomes who may only visit the Village a couple of times a year and take their boat out to fish and enjoy the lake. This would be a hardship for a good number of our members. Also, our Budget for 2017 is set and does not include any money for such an expense, and the the 2018 Budget is out to the membership now for ratification and does not include this additional expense.

It was also mentioned that private boat houses on the lake would not be charged any fees despite the fact that they, too, are "renting" the lake for their boat houses, and many of these properties are rented or leased. It is difficult to explain to my Members why some but not all marinas, moorings, boat houses, boat slips etc. would not be charged a fee. It seems to me that a private dock mooring one, two or sometimes three private boats is no different than our "private, members only" cluster moorings.

We understand the need and the cost of dredging the Town faces, but we feel it is an unfair burden to private, motorized boat owners because keeping the lake healthy by dredging is something everyone benefits from whether you own a boat or not.

Are there not better ways to raise money other than the "nickel and dime" approach on marinas and cluster moorings? I understand grants are available and that you were sucessful in obtaining a \$100,000 grant this year? Where are the Duke power payments going? Room tax? Boat and kayak permits income? It would seem there is a significant sum of money available in these payments that should be placed in the lake maintenance budget to cover the costs of dredging. It is more important to keep our lake healthy and our Town alive and thriving than to spend money on buildings, parks and other projects that can wait.

Sincerely,



JOYCE A. BARE

President Lake Lure Village Resort POA

Petition IN REFERENCE TO BOAT SLIP FEES

Cause of Petition: **TO EXPRESS OUR DISSATISFACTION WITH THE PROPOSED IMPLEMENTATION OF A PER SLIP FEE FOR USEAGE OF LAKE LURE, IN THE COUNTY OF RUTHERDORD, NORTH CAROLINA.**

We, the undersigned, want the TOWN COUNCIL of the Town of Lake Lure, County of Rutherford, North Carolina, **to not** implement any individual fees for the use of boat slips, (classified as Commercial) on Lake Lure. We feel that any additional revenues, necessary to fund the maintenance of the Lake should be raised via an assessment on all those who benefit from the Lake.

Petitioners

Sr. No.	Name	Address	Signature
1	Candice Nornie	178 E. WILDERNESS	Candice Nornie
2	Shad Nornie	178 E WILDERNESS RD	STEVEN A. NORNIE
3	Mike Maziarka	126 Pine Tree Ct.	Mike Maziarka
4	LORRAINE BARNARD	115 Pine Tree Ct.	Lorraine Barnard
5	Beverly Brown	188 Village Blvd.	Beverly L. Brown
6	Vivian CLIFTON	145 E. WILDERNESS	Vivian Clifton
7	Wesley Brey	114 E. Wilderness	Wesley Brey
8	WC Brown	188 Village Blvd	W.C. Brown
9	Melanny Morris	202 Village Blvd	Melanny Morris
10	Mark Morris	202 Village Blvd	Mark Morris
11	Joyce Brey	159 Deer Trail, Lake Lure, NC	Joyce Brey
12	John Brey	159 DEER TRAIL, Lake Lure NC	John Brey
13	John Brey	129 Deer Trail	John Brey
14	John Brey	126 Wawona Creek Ct	John Brey
15	Kenneth Nott	156 Hilltop Ct	Kenneth Nott
16	Flora Nott	156 Hilltop Ct.	Flora Nott

Petition IN REFERENCE TO BOAT SLIP FEES

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Petitioners

Sr. No.	Name	Address	Signature
1	Sue Hamann	172 Easy St. Lake Lure	<i>[Signature]</i>
2	Mark Hamann	172 Easy St. Lake Lure	<i>[Signature]</i>
3	Rob Fye	444 Delwind Dr Pine Springs	<i>[Signature]</i>
4	Lisa Fye	" " " "	<i>[Signature]</i>
5	Rebecca Brodar	PO Box 22 Rutherford, NC	<i>[Signature]</i>
6	Jane McKee	5112 Samson Dr. Belmont NC 28012	<i>[Signature]</i>
7	Betsy McKee	5112 Samson Dr. Belmont N.C.	<i>[Signature]</i>
8	DAVID BARTON	336 Hollyhock Lane	<i>[Signature]</i>
9	Michelle Heinen	444 LAUREL LAKES BLVD	<i>[Signature]</i>
10	MARK Heinen	c.c. 1	<i>[Signature]</i>
11	Henry Buser	153 LAURELIANE LAKE LURE, NC	<i>[Signature]</i>
12	Nancy Kubacki	722 FLYNN RD Rutherford	<i>[Signature]</i>
13	Russell Wicker	722 FLYNN RD.	<i>[Signature]</i>
14	Reggie Hall	112 High Rd Ct.	<i>[Signature]</i>
	Karen Hall	same 7 Lake Lure	<i>[Signature]</i>

Petition: IN REFERENCE TP BOAT SLIP FEE

Page **of**

Sr. No.	Name	Address	Signature
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12	JERRY HUMANO	4995 FAWN RIDGE PL	
13		SANFORD, FL 32771	
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Petition: IN REFERENCE TP BOAT SLIP FEE

Page **of**

Sr. No.	Name	Address	Signature
1	Julie Maziarke	1210 Pine Tree Ct	Julie Maziarke
2	Valerie Hoffmann	335 Village Blvd	Valerie Hoffmann
3	Charlotte Gardner	202 Winding Creek	Charlotte Gardner
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From: **Janet Schlaufman** jschlaufman@gmail.com
Subject: Re: Town Meeting tomorrow 5:00 p.m.
Date: June 13, 2017 at 8:45 AM
To: poa@lakelurevillageresort.org

I am afraid I am recovering from a surgery and will be unable to make it. I plan to phone or email the commissioners today with my views. Here is my thought: It is an unfair burden to private motorized boat owners because keeping the lake healthy by dredging is something everyone benefits from - whether you own a motorized boat or not. Am I missing a key argument?

Thanks in advance. Truly wish I could be there tonight.

My best,
Janet



3 Emerald Drive
Fairview-Asheville, NC 28730

TEL: 919-622-1083
FAX: 888-828-2384

From: **John Chapman** jechap@verizon.net
Subject: Re: Town Meeting tomorrow 5:00 p.m.
Date: June 12, 2017 at 7:25 PM
To: poa@lakelurevillageresort.org

I am in Florida for two weeks. The better way to raise money is a small assessment on all developed land, and through grants. According to sources they have a 100k grant already for this year.

The Town granted the marina locations without conditions beyond the zoning.

Where is the room tax going? Can they afford the police department? Special events can use off duty officers. Where is the Duke power payments going? Why did they buy a building they can't afford to restore and rent? They are losing money. Why do they need money for the beach buildings? If the lease can't manage the real estate costs, would developing a park be cost effective? Is the marina assessment money going into the general fund and disappearing to other projects?

The cluster marina assessment for Association members is no different than a private dock mooring one, two, or sometimes three private boats.

Petition IN REFERENCE TO BOAT SLIP FEES

Cause of Petition: TO EXPRESS OUR DISSATISFACTION WITH THE PROPOSED IMPLEMENTATION OF A PER SLIP FEE FOR USAGE OF LAKE LURE, IN THE COUNTY OF RUTHERFORD, NORTH CAROLINA.

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Petitioners

Sr. No.	Name	Address	Signature
1	Vonda Duobar	236 Blackberry Trl	Vonda Duobar
2	Shirley Baker	131 View Trail	Shirley Baker
3	Bob Gardner	202 Winding Crk	Bob Gardner
4	Ishvara Bliss	168 Village Blvd	i.m. bliss
5	Lisa Horton	171 View Trail	Lisa Horton
6	Dawn Horton	171 View Trail	Dawn B. Horton
7	Mike & Julie Jackyna	169 Deer Trail	Michael Jackyna
8	Joyce & Kate Bone	159 Deer Trl	Joyce Bone
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Petition IN REFERENCE TO BOAT SLIP FEES

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Petitioners

Sr. No.	Name	Address	Signature
1	Steve Bead	195 W. Wilderness	[Signature]
2	ONE GROUNDSON	"	[Signature]
3	Fred Conley	104 Winding Creek Ct	[Signature]
4	John Chapman	274 Firefly CV	[Signature]
5	Carol Bergholtz	131 Falls View Trail	[Signature]
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Petitioners

Sr. No.	Name	Address	Signature
1	T'm McFall	128 Winding Creek Ct.	[Signature]
2	Darlene Pavlas	114 Winding Creek Ct	Darlene Pavlas
3	Megan McFalls	128 Winding Creek Ct	Megan McFalls
4	Damon Pavlas	114 Winding Creek Ct	Damon Pavlas
5	Carol Warner	115 View trail	Carol Warner
6	Wendy Appleby	103 Bald Hill Ct.	Wendy Appleby
7	Elisa M. Dennis	106 Winding Ck. Ct.	Elisa M. Dennis
8	Bill Bay Bill Bay	193 Deer Tr	Bill Bay
9	Bill Bay	193 Deer Tr	Bill Bay
10	Susan Mobly	143 W. Wilderness Rd	S Mobly
11			
12			
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