## LAKE LURE MARINE COMMISSION REGULAR MEETING PACKET

Tuesday, June 12, 2018



**Mayor Kevin Cooley** 

**Mayor Pro Tem John Moore** 

**Commissioner Bob Cameron** 

Commissioner Stephen Webber

**Commissioner John Kilby** 



## REGULAR MEETING OF THE LAKE LURE MARINE COMMISSION

Tuesday, June 12, 2018 4:00 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. Public Hearing Resolution No. 18-06-12 of the Town of Lake Lure Marine Commission Amending the Lake Use Regulations.
- 6. Consent Agenda:
  - A. Meeting Minutes Adoption
    - Suggested Motion: Adopt the March 13, 2018 Regular Meeting Minutes
- 7. New Business:
  - A. Adoption of Resolution No. 18-06-12 of the Town of Lake Lure Marine Commission Amending the Lake Use Regulations.
    - **Suggested Motion:** To Adopt Resolution No. 18-06-12 amending the Lake Use Regulations.
  - B. Lake Commercial License Request for a Rental Livery Boat
    - Suggested Motion: To approve a 2018 Lake Commercial License for James Robinson for one motorized rental livery boat.
  - C. Lake Commercial License Request for a Rental Livery Boat
    - Suggested Motion: To deny the request from Hunter Alexander for a 2018 Lake Commercial License for one motorized rental livery boat.

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- D. Amend the Commercial Boat Permit Model
  - **Suggested Motion:** To amend the Commercial Boat Permit Model to allow room for one additional boat.
- E. Town Marina Slips Priority Policy
  - Suggested Motion: To continue to give priority to current Town Marina slip renters and to give Lake Lure property owners priority on the waiting list, and to move those called for a slip on the waiting list to the bottom if they do not wish for a slip at that time but want to remain on the waiting list.
- 8. Adjournment

## MINUTES OF THE REGULAR MEETING OF THE LAKE LURE MARINE COMMISSION HELD TUESDAY, MARCH 13, 2018, 5:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER

**PRESENT:** Mayor Kevin Cooley

Mayor Pro Tem John W. Moore Commissioner Bob Cameron Commissioner John Kilby Commissioner Stephen Webber Ron Nalley, Town Manager

ABSENT: 1

N/A

#### CALL TO ORDER

Mayor Kevin Cooley called the meeting to order at 5:00 p.m.

#### **INVOCATION**

Mayor Kevin Cooley gave the invocation.

#### APPROVAL OF THE AGENDA

Commissioner Bob Cameron made a motion to approve the Agenda as presented. Commissioner John Kilby seconded and the motion carried 4-0.

#### **PUBLIC FORUM**

Mayor Kevin Cooley invited the audience to speak during public forum. No one from the public requested to speak at this time.

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#### A. PUBLIC HEARING – RESOLUTION NO. 18-03-13 AMENDING THE LAKE USE REGULATIONS

Mayor Kevin Cooley opened the Public Hearing and invited the audience to speak regarding Resolution 18-03-13. No one from the public requested to speak at this time.

Commissioner Bob Cameron made a motion to close the public hearing. Mayor Pro Tem John Moore seconded and the motion carried 4-0.

#### **CONSENT AGENDA**

Mayor Kevin Cooley 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. Mayor Pro Tem John Moore seconded and the motion carried 4-0. Therefore, the Consent Agenda incorporating the following item was unanimously approved:

A. Adopt the December 12, 2017 Regular Meeting Minutes

#### **NEW BUSINESS**

#### A. ADOPTION OF RESOLUTION NO. 18-03-13 AMENDING THE LAKE USE REGULATIONS

Commissioner Stephen Webber stated that the proposed amendment to Section 4.01(K) of the Lake Structure Regulations requires all applicants who apply for a commercial license to purchase the commercial permit(s) before the Marine Commission approves the license. He questioned Council's authority in requiring applicants to pay for boat permits before approval of their lake commercial license. Lake Operations Director Givens felt that it would be a matter to discuss with the Town Attorney. Mr. Givens explained that in requiring this, it would more accurately reflect the number of permits in the Commercial Model. He further explained that the proposed amendment to Section 4.01(K) was added as a result of applicants requesting more commercial permits than were needed, mentioning that it takes up space in the Commercial Model. Commissioner Stephen Webber did not feel that the Town could legally require applicants to purchase commercial permits for boats that they may not use. Commissioner John Kilby suggested adding a deadline for the purchase of commercial permits, stating that if the deadline is not met, those boats would be removed from the Commercial Model.

Commissioner Stephen Webber made a motion to defer this item to the next quarterly meeting for further research.

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Following discussion, Commissioner Stephen Webber amended the original motion and moved to approve Resolution No. 18-03-13 as presented, with the exception of Section 4.01(K). Commissioner Bob Cameron seconded and the motion carried 4-0.

Commissioner Bob Cameron suggested adding a deadline of April 15<sup>th</sup> for the purchase of commercial boat permits. Council asked that the Lake Advisory Board study this matter further at their next meeting and bring a recommendation back to the Marine Commission.

#### **NEW BUSINESS**

#### B. REVISION TO THE BOAT PERMIT MODEL

Lake Operations Director Dean Givens provided an update on the boat permit model stating that the Commercial Model only allows for 0.7 hours in the "Livery Greater than 10hp" category. He explained that moving two percent of the unused hours from "Livery Less than 10hp" to "Livery Greater than 10hp" would allow room for two additional boats in the Commercial Model. He stated that this should not have an impact on the "Livery Less than 10hp" category, noting that there has not been a demand for those types of permits in the past.

Following review and discussion, Commissioner Bob Cameron made a motion to amend the 2018 Commercial Boat Permit Model, moving two percent unused hours from "Livery Less than 10hp" to "Livery Greater than 10hp," to allow for two additional boats in the "Livery Greater than 10hp" category. Mayor Pro Tem John Moore seconded and the motion carried 4-0.

#### **NEW BUSINESS**

#### C. REQUEST FOR A LAKE COMMERCIAL LICENSE

Following a brief discussion, Commissioner Stephen Webber made a motion to approve a 2018 Lake Commercial License for Dan Breneman for one motorized rental livery boat. Commissioner John Kilby seconded and the motion carried 4-0.

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#### **NEW BUSINESS**

#### D. REQUEST FOR A LAKE COMMERCIAL LICENSE

Following a brief discussion, Commissioner Bob Cameron made a motion to approve a 2018 Lake Commercial License for Byron Marsh, with Lake Dog Properties, for one motorized rental livery boat. Commissioner John Kilby seconded and the motion carried 4-0.

Commissioner Stephen Webber noted that the Lake Commercial License Forms were out-of-date and should be updated.

#### **NEW BUSINESS**

#### E. TOWN MARINA SLIPS PRIORITY POLICY

Commissioner John Kilby pointed out that the current policy for marina slip rentals are based on a first-come, first-serve basis and felt that tax paying residents of Lake Lure should have priority over non-residents. He mentioned that there are currently 24 Lake Lure tax paying citizens on the waiting list and 23 non-residents currently renting marina slips.

Commissioner Stephen Webber made a motion to task the Lake Advisory Board to review and discuss the Marina Slip Priority Policy and report back to the Marine Commission at their next meeting. Commissioner Bob Cameron seconded and the motion carried 4-0.

Mayor Pro Tem John Moore suggested the Marine Commission discuss and consider the meeting time change, as noted on the Agenda for Town Council. The Board had no objections to changing the time of the meeting.

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#### **ADJOURNMENT**

With no further business, Commissioner Bob Cameron made a motion to adjourn the meeting at 5:36 p.m. Commissioner Stephen Webber seconded and the motion carried 4-0.

Michelle Jolley, Lake Lure Marine Commission Clerk

## Agenda Item: 7 A

### LAKE LURE MARINE COMMISSION REQUEST FOR BOARD ACTION

Meeting Date: June 12, 2018

**SUBJECT:** Resolution No. 18-06-12, Proposed Amendments to the Lake Use Regulations

#### **AGENDA INFORMATION:**

Agenda Location: Public Hearings and New Business

Item Number: A and A

**Department:** Lake Operations

Contact: Dean Givens, Lake Operations Director

**Presenter:** Dean Givens, Lake Operations Director

BRIEF SUMMARY: The Marine Commission adopted Resolution No. 18-03-13, amending Section 4.01 of the Lake Use Regulations at their May 8<sup>th</sup> Town Council Meeting, excluding subsection (K) in its entirety pending further review. The Lake Advisory board reviewed Section 4.01 (K) at their May 7<sup>th</sup> meeting and have directed the Marine Commission to review and adopt the proposed changes to the Lake Use Regulations.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:** To adopt the Resolution No. 18-06-12 amending Section 4.01(K) of the Lake Use Regulations.

**FUNDING SOURCE:** None

**ATTACHMENTS:** Resolution No. 18-06-12

**STAFF'S COMMENTS AND RECOMMENDATIONS:** Resolution No. 18-06-12 includes amendments to the Lake Use Regulations concerning commercial boat permit purchase deadline, commercial classification insurance, water sports, and dual permitting.



#### **RESOLUTION NO. 18-06-12**

#### OF THE TOWN OF LAKE LURE MARINE COMMISSION AMENDING THE LAKE USE REGULATIONS CONCERNING COMMERCIAL BOAT PERMIT PURCHASE DEADLINE, COMMERCIAL CLASSIFICATION INSURANCE, WATER SPORTS, AND DUAL PERMITTING

WHEREAS, the Lake Lure Town Council has created the Lake Lure Marine Commission as authorized by special act of the General Assembly of the State of North Carolina for the purposes of regulating all activities on Lake Lure; and

WHEREAS, the Lake Use Regulations were adopted by resolution on March 9, 2004; and

WHEREAS, the Lake Lure Marine Commission, upon the recommendation of the Lake Lure Lake Advisory Board, has determined that said regulations should be amended to further clarify and regulate activities on Lake Lure; and

WHEREAS, it is a goal of the Lake Use Regulations to provide definitions for applicable terms; accountability of commercial boats permitted; and, updated penalties for enforcement.

NOW, THEREFORE, BE IT RESOLVED BY THE LAKE LURE MARINE COMMISSION that the following revisions to the Lake Use Regulations are hereby placed in effect and shall be enforced by the Town of Lake Lure:

[Words stricken through to be deleted, words <u>underlined</u> to be added]

#### SECTION ONE. Amend Section 4.01 (K) as follows:

The Marine Commission will determine the total number of available commercial and/or non-commercial boat permits based on a schedule of permit limits. To insure the health, safety and welfare of those who use the lake, the schedule will be reviewed annually; utilizing standards established by the Marine Commission which may include, but are not limited to formulas utilized by the US Army Corps of Engineers, Department of the Interior, Environmental Protection Agency and data from the Coast Guard and the Town of Lake Lure. To help maintain an accurate account of the number of commercial boats being permitted, all applicants who apply for and are approved for commercial boats to be permitted are required to purchase permits for all boats that were applied for and approved by the Marine Commission prior to April 15<sup>th.</sup> of the permitted year, or the boats will be removed from the Model and be subject for other businesses.

Resolution No. 18-06-12 Lake Use Regulations Amendments June 12, 2018 Page 2

#### SECTION TWO. Amend Section 4.07 (C) as follows:

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.

#### SECTION THREE. Amend Section 4.07 (K)

Water sports are expressly prohibited behind boats with a <u>Resort</u>, livery, service, tour boat and fishing commercial classification (including boats associated with rental homes).

#### **SECTION FOUR. Amend Section 4.07 (M)**

Michelle Jolley, Interim Town Clerk

Marine Commission

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. <u>Dual permitting of boats is prohibited</u>.

This Resolution shall be in full force and effect from and after the date of adoption.

Adopted this 12<sup>th</sup> day of June, 2018.

ATTEST:

Kevin Cooley, Mayor

## Agenda Item: 7 B

## LAKE LURE MARINE COMMISSION REQUEST FOR BOARD ACTION

Meeting Date: June 12, 2018

**SUBJECT:** Lake Commercial License for a Rental Livery Boat

#### **AGENDA INFORMATION:**

**Agenda Location:** New Business

Item Number:

В

Department:

Lake Operations

Contact:

Dean Givens, Lake Operations Director

Presenter:

Dean Givens, Lake Operations Director

**BRIEF SUMMARY:** On May 7, 2018 James Robinson requested approval of a 2018 Lake Commercial License for one rental livery motorized boat. Because the model is full, the Lake Advisory Board recommended approval to the Marine Commission for a 2018 Lake Commercial License for one rental livery motorized boat for James Robinson.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:** To approve a 2018 Lake Commercial License for James Robinson for one motorized rental livery boat.

**FUNDING SOURCE:** N/A

**ATTACHMENTS:** N/A

**STAFF'S COMMENTS AND RECOMMENDATIONS:** The Lake Advisory Board has a commercial boat license model that was adopted for 2018. Currently this model is full for motorized boats and any additional requests must be approved by the Marine Commission.

## Agenda Item: 7 C

#### LAKE LURE MARINE COMMISSION REQUEST FOR BOARD ACTION

Meeting Date: June 12, 2018

**SUBJECT:** Lake Commercial License for a Rental Livery Boat

#### **AGENDA INFORMATION:**

**New Business Agenda Location:** 

Item Number:

Department:

Lake Operations

Contact:

Dean Givens, Lake Operations Director

**Presenter:** 

Dean Givens, Lake Operations Director

BRIEF SUMMARY: On May 7, 2018 Hunter Alexander requested approval of a 2018 Lake Commercial License for one rental livery motorized boat. Because Hunter Alexander is a nonresident and the Model is full, the Lake Advisory Board recommended the Marine Commission deny the request for a 2018 Lake Commercial License for one rental livery motorized boat for Hunter Alexander.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To deny the request for a 2018 Lake Commercial License for Hunter Alexander for one motorized rental livery boat.

**FUNDING SOURCE:** N/A

ATTACHMENTS: N/A

STAFF'S COMMENTS AND RECOMMENDATIONS: The Lake Advisory Board has a commercial boat license model that was adopted for 2018. Currently this Model is full for motorized boats and any additional requests must be approved by the Marine Commission.

## Lake Lure Marine Commission - Lake Lure, North Carolina Application for Lake Commercial License



By the Authority of the Lake Lure Marine Commission this Application was Reviewed and: Approved: For LLMC Date: Use: LLMC Signature: HUNTER ALEXANDER - dba- BLUE RIDGE BOAT RENTAL Company Name: 561 N. MAIN ST. RUTHERFURDTON, N.C. 28139 Mailing Address: 1865 GREEN ST. #4 S.F., CA. 94123 **Physical Address:** Business Type (circle one): HUNTER ALEXANDER Contact Name/Title: Corporation Partnership Sole Owner (415) 516-4078 cell Phone: Other (specify): hunteralexander@gmail.com **Email Address: Nature of Primary Business:** Website: RUTHERFURDION, NORTH CAROLINA BOAT RENTAL **Business Established** (date & city/state): Company Insurance (not boat-specific) **Workmans Comp Carrier:** Umbrella Policy Carrier & #: **Umbrella Policy Limit:** (not required for Boat Livery Rentals) Operator Information Copy of Training Date of Birth Address Ceritificate Provided? Name (if Resort, Camp or House Rental) Overnight Lodging Information **Property Manager & Phone Number** Property Address & Phone Number To retain the accuracy of all information provided, I will submit updated information in a timely manner (no later than two weeks (14 days) from the time of a change) and: Agree to make logs and rental forms available Keep livery rental forms on file for one year Maintain activity logs with hours on all to the LLMC check motorized boats Check I certify the information provided on this form is true and accurate to the best of my knowledge. Signature:

HUNTER ALEXANDER

## Lake Lure Marine Commission - Lake Lure, North Carolina Application for Lake Commercial License

Copy this page and complete for all motorized and non-motorized boats

Company Name:	HUNTER ALEXANDER - d	ba-Blue RIDGE BUAT	RENTAL
Boat Information			
Boat Type (circle one):	Pontoon Pleasure Canoe Kayak	Pedal Sailboat Rowboat	Other (specify):
Boat Year:	2001		
BoatMake:	FOREST RIVER		
Boat Model:	ODYSSEY 2505		
Length:	25		
Motor Year:	2001		
Motor HP:	90 HP		
Motor Make:	MERCURY		
Mooring Location:	DAM MARINA - 191 E	BUCEALD SHOALS RD.	LAKELURE, NC 2
Boat Owner:	HUNTER ALEXANDER		-
State Registration #:		eg. Expiration Date:	30/2019
Liability Insurance Carrier:	FIRST FLIGHT INSU		•
Liability Insurance Policy#	CSRYP/167630	, John Jan	- <del> </del>
Liability Insurance Limit (per incident)	\$ 1,000,000.00	#1 Hillson-	
Complete this section for	motorized boats only:		
Boat Usage:		Commecial Classification (check one)	Primary Activity (check one)
	Summer Spring/Fall Winter	1 - Rental Livery	1 - Rental Over 10h
# of Days per Week (avgerage)	3 2 \$	3 - Camp  4 - Ski School	2 - Rental Under 10
Paranti plane a como a como esta esta esta esta esta esta esta esta	· · · · · · · · · · · · · · · · · · ·	5 - Tours	4 - Towed Water A 5 - Fishing
		<ul><li>6 - Fishing Guide</li><li>7 - Service</li></ul>	6 - Real Estate
		8 - Real Estate	7 - Service

## Agenda Item: 7 D

#### LAKE LURE MARINE COMMISSION REQUEST FOR BOARD ACTION

Meeting Date: June 12, 2018

**SUBJECT:** Revision to the 2018 Lake Commercial Boat Permit Model

#### **AGENDA INFORMATION:**

**New Business** Agenda Location:

Item Number:

D

Department:

Lake Operations

Contact:

Dean Givens, Lake Operations Director

Presenter:

Dean Givens, Lake Operations Director

BRIEF SUMMARY: The Lake Advisory Board has recommended approval for a commercial license for James Robinson. If the Marine Commission approves this request, the Model must be amended to allow for this additional boat.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:** Amend the 2018 Commercial Boat Permit Model to allow room for one additional rental livery boat over 10hp.

**FUNDING SOURCE:** N/A

**ATTACHMENTS:** N/A

STAFF'S COMMENTS AND RECOMMENDATIONS: Currently the Commercial Boat Permit Model is full. To add an additional commercial boat to the Model, the Marine Commission must approve an amendment to allow room for one additional rental livery boat.



2018 Season

ike Lure - Lake Impact Calculator

PORTANT Use Note: Only enter data into blue colored cells

The purpose of this Excel spreadsheet is to calculate the lake impact associated to each commercial application using information from EPA, Corps of Engineer, and 2001 Lake Use Study

								The state of the s			
Activity										Summer Acre- Hour Impact of	Capacity Remaining
	Winter Season Acre/Hrs Limit	-	Winter Season Winter Season Acre/Hrs Used Acre/Hrs Remain	Spr./Fall Season Acre/Hrs Limit	Spr./Fall Season Acre/Hrs Used	Spr./Fall Season Acre/Hrs Remain	Summer Season Summer Season Acre/Hrs Limit Acre/Hrs Used	Summer Season Acre/Hrs Used	Summer Season Acre/Hrs Remain	Typical Boat (full-time)	(# of Boats) in Summer
Towed Water Activities	59,376	0	59,376	45,239	4,118	41,121	44,532	36,729	7,803	10,511	0.7
Tours	32,657	0	32,657	24,881	20,736	4,145	25,977	23,772	2,205	4,410	0.5
Livery 10 HP or Less	42,971	0	42,971	32,740	0	32,740	25,066	0	25,066	1,985	12.6
Livery Greater than 10 HP	160,316	0	160,316	119,883	88,704	31,179	148,441	146,265	2,176	4,631	0.5
Fishing Guide	8,594	1,008	7,586	9,822	3,840	5,982	10,743	7,560	3,183	2,940	1.1
Service	12,891	1,008	11,883	9,822	2,102	7,720	5,371	4,687	684	588	1.2
	0	0	0	0	0	0	0	0	0	902	0.0
Non Motorized	112,905	168	112,737	85,011	51,968	33,043	97,962	85,830	12,132	210	58
Totals	429,710	2,184	427,526	327,398	171,469	155,930	358,092	304,843	53,249		

## ake Lure - Lake Impact Calculator

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The purpose of this Excel spreadsheet is to calculate the lake impact associated to each commercial application using information from EPA, Corps of Engineer, and 2001 Lake Use Study

Activity										Summer Acre-	re- Capacity
	Winter Season Acre/Hrs Limit		Winter Season Winter Season Acre/Hrs Used Acre/Hrs Remain	Spr./Fall Season Acre/Hrs Limit	Spr./Fall Season Acre/Hrs Used	Spr./Fall Season Acre/Hrs Remain	Summer Season Acre/Hrs Limit	Summer Season Summer Season Acre/Hrs Limit Acre/Hrs Used	Summer Season Acre/Hrs Remain	Typical Boat (full-time)	#
Towed Water Activities	59,376	0	59,376	45,239	4,118	41,121	44,532	36,729	7,803	10,511	511 0.7
Tours	32,657	0	32,657	24,881	20,736	4,145	25,977	23,772	2,205	4,410	110 0.5
Livery 10 HP or Less	42,971	0	42,971	32,740	0	32,740	21,486	0	21,486	1,9	1,985
Livery Greater than 10 HP	160,316	0	160,316	119,883	88,704	31,179	150,915	146,265	4,650	4,631	31 1.0
Fishing Guide	8,594	1,008	7,586	9,822	3,840	5,982	10,743	7,560	3,183	2,940	1.1
Service	12,891	1,008	11,883	9,822	2,102	7,720	5,371	4,687	684	9	588 1.2
	0	0	0	0	0	0	0	0	0	7	706 0.0
Non Motorized	112,905	168	112,737	85,011	51,968	33,043	890'66	85,830	13,238	(4)	210 63
Totals	429,710	2,184	427,526	327,398	171,469	155,930	358,092	304,843	53,249		

# With Revisions

## Agenda Item: 7 E

#### LAKE LURE MARINE COMMISSION REQUEST FOR BOARD ACTION

Meeting Date: June 12, 2018

**SUBJECT:** Town Marina Slips Priority Policy

#### **AGENDA INFORMATION:**

**Agenda Location:** New Business

Item Number: E

I. L

**Department:** Lake Operations

Contact: Dean Givens, Lake Operations Director Presenter: Dean Givens, Lake Operations Director

**BRIEF SUMMARY:** Town Council directed the Lake Advisory Board to discuss a priority policy for the Town Marina slips. The Lake Advisory Board discussed a policy at their May 7<sup>th</sup> meeting and recommended a policy in place to allow priority to property owners on the Town Marina slips waiting list. They also recommended that current slip renters continue to receive first choice on a marina slip each year.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:** To continue to give priority to current Town Marina slip renters and to give Lake Lure property owners priority on the waiting list, and to move those called for a slip on the waiting list to the bottom if they do not wish for a slip at that time but want to remain on the waiting list.

**FUNDING SOURCE:** N/A

**ATTACHMENTS:** N/A

**STAFF'S COMMENTS AND RECOMMENDATIONS:** At this time there is not a policy that gives priority to property owners on the waiting list. There are currently 61 names on the waiting list and 30 of those are Lake Lure property owners.

