



MINUTES OF THE REGULAR MEETING OF THE LAKE LURE MARINE COMMISSION HELD TUESDAY, JUNE 12, 2018, 4:00 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 M. Webber
Ron Nalley, Town Manager

ABSENT: N/A

CALL TO ORDER

Mayor Kevin Cooley called the meeting to order at 4:01 p.m.

INVOCATION

Mayor Kevin Cooley gave the invocation and Council members led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Commissioner Stephen Webber asked to remove item "7E" from the Agenda stating that there is an existing policy already in place and asked that the Lake Advisory Board (LAB) review the current policy regarding slip rental priority and bring back to the Marine Commission at their next meeting.

Commissioner Bob Cameron made a motion to approve the Agenda as amended. Commissioner Stephen Webber seconded and the motion carried 4-0.

PUBLIC FORUM

Mayor Kevin Cooley invited the audience to speak during public forum.

Steve Kriete, 128 Bent Creek Blvd. Unit 20, stated that he purchases a commercial boat permit for his fishing guide service and expressed his desire to also purchase a non-commercial boat permit for the same boat in order to allow recreational

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use of his boat for him and his family. Mr. Kriete noted that he has purchased dual permits for the past three years, this being the first year he has not been allowed to do so. He stated that purchasing a second boat to use recreationally would be costly noting that he would also be placed on a very long waiting list for a slip at the Rumbling Bald Resort. Mr. Kriete expressed that he is an experienced boat driver and is very familiar with the lake. He noted that he does not rent his boat and would not allow tubing as part of his business.

Mayor Pro Tem John Moore replied that the policy was not intentionally intended to prevent homeowners from using their boats recreationally. Commissioner Stephen Webber noted that the LAB was tasked to discuss dual permitting last year and their recommendation was to not allow it.

Council discussed fishing guide services, whether or not these permits should allow the ability to tow, and enforcement. Mayor Pro Tem John Moore suggested making a distinction between livery and fishing boats and allow fishing guides the ability to tow family only. Commissioner Stephen Webber and Lake Advisory Board Chairman Mark Helms questioned how that could be enforced.

Commissioner Bob Cameron made a motion to task the Lake Advisory Board to discuss the fishing guide service category with no towing restrictions and to provide a recommendation to the Marine Commission at their next meeting. He also moved to allow Steve Kriete to have a dual permit for his fishing boat for the remainder of this year. Mayor Pro Tem John Moore seconded the motion. Mayor Pro Tem John Moore, Commissioner Bob Cameron, and Commissioner John Kilby voted in favor of the motion. Commissioner Stephen Webber voted no, stating that he did not agree with providing exceptions to the rules for one person but was in favor of Lake Advisory Board review and a uniformed policy that applies to everyone.

Lake Advisory Board Chairman Mark Helms reported that the Lake Advisory Board discussed possible solutions to aid in lake debris cleanup mentioning that Lake Operations Director Dean Givens received a quote a few years back of approximately \$25,000 to \$30,000 for a trash boom. Mr. Helms explained that the trash boom would collect a large percentage of lake debris before it makes its way into the lake, noting that all members of the LAB expressed their approval of utilizing a trash boom. He mentioned that the LAB are still discussing the details.

Commissioner Bob Cameron made a recommendation that staff attempt to collect the smaller debris in the lake by dragging a large net between two boats. Mr. Givens noted that this requires boats with larger engines than the Town owns but stated he would look into it. Mayor Pro Tem John Moore suggested a policy that would allow reimbursement for any damage inflicted to boats that were used voluntarily to help aid the Town in cleaning lake debris after large storms. Mr. Givens explained that the current boom the Town owns is not designed to collect debris and stated that the trash booms he researched are very strong.

PUBLIC HEARING – RESOLUTION NO. 18-06-12 AMENDING THE LAKE USE REGULATIONS

Mayor Kevin Cooley opened the Public Hearing and invited the audience to speak regarding Resolution 18-06-12. No one from the public requested to speak at this time.

Commissioner Stephen Webber made a motion to close the public hearing. Commissioner Bob Cameron 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 John Kilby made a motion to approve the Consent Agenda as presented. Commissioner Stephen Webber seconded and the motion carried 4-0. Therefore, the Consent Agenda incorporating the following item was unanimously approved:

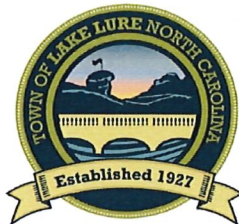
- A. Adopt the March 13, 2018 Regular Meeting Minutes

NEW BUSINESS

**A. ADOPTION OF RESOLUTION NO. 18-06-12
AMENDING THE LAKE USE REGULATIONS**

Commissioner Stephen Webber suggested that “Section One” of the Resolution be modified to state that an applicant who is approved for a lake commercial license and does not purchase their commercial boat permits by the April 15th deadline, their space be reallocated to other applicants. He also pointed out that a typo in “Section Two” should be corrected and noted that the two appendices provided to Council during the meeting should be added to the Table of Contents, with some administrative adjustments made.

Commissioner Stephen Webber made a motion to adopt Resolution No. 18-06-12 amending Section 4.01(K) of the Lake Use Regulations, with the modified changes. Commissioner Bob Cameron seconded and the motion carried 4-0.



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 underlined 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 15th of the permitted year, or their space will be reallocated to other applicants.

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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 classification 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 resort, livery, service, tour boat and fishing commercial classification (including boats associated with rental homes).

SECTION FOUR. Amend Section 4.07 (M)

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. Dual permitting of boats is prohibited.

SECTION FIVE. Add Appendix A and B after Section 5: Enforcement; Penalties

Appendix A: Tour Boat Manner of Operation

Appendix B: Lake Lure Commercial Boaters Safety Class

Appendix A

Lake Lure Manner of Operation

To help reduce the wake issues that are occurring within the main channel of Lake Lure, Lake Lure Tours proposes the following for operation:

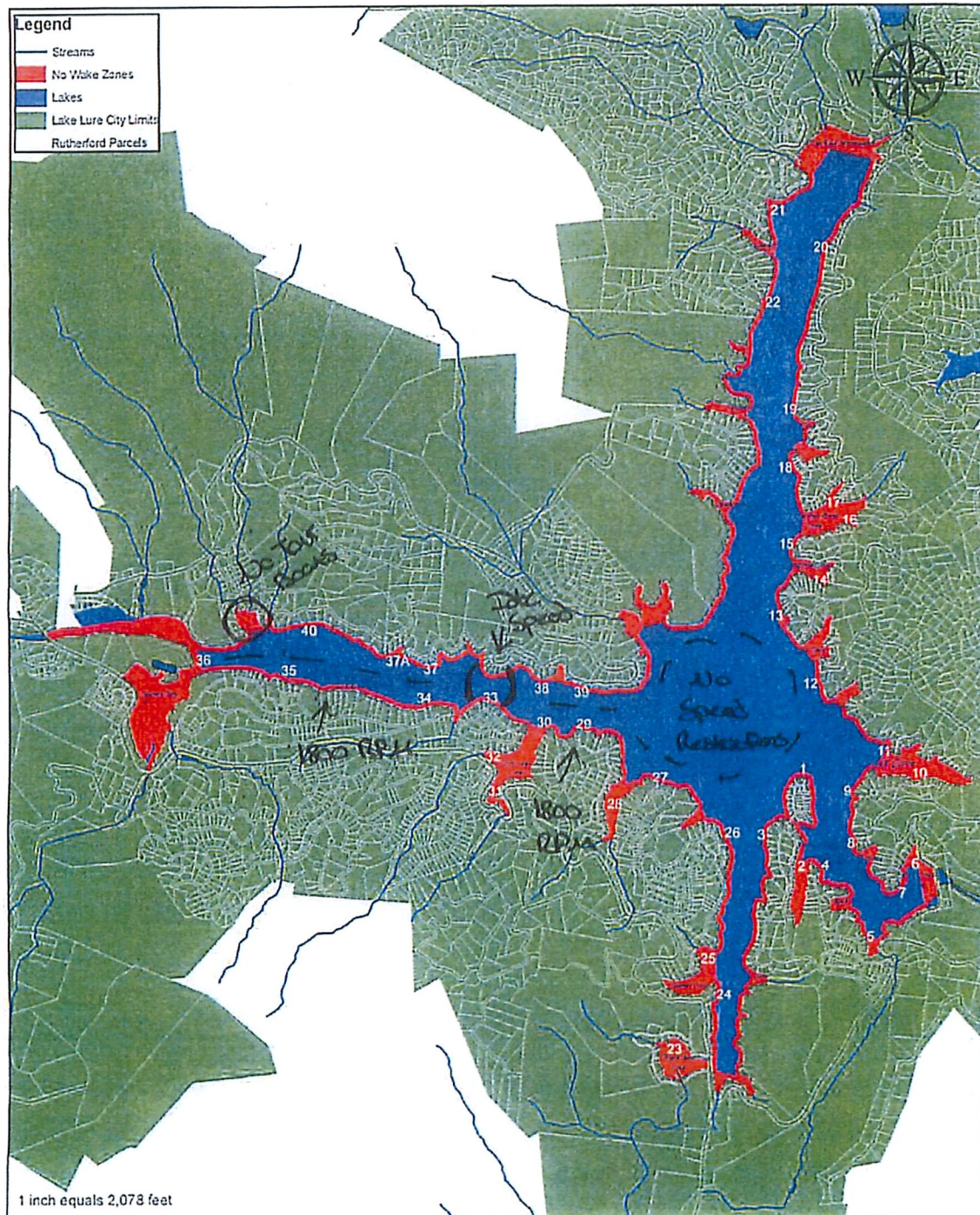
- Stage tour boat departure times at least five minutes apart.
 - a. For example, Tour boat one departing at 10:55 am, tour boat two departing at 11 am, and tour boat three departing at 11:05 am on busy days.
- For the safety of residents swimming in Firefly Cove, Lake Lure Tours will no longer proceed into the cove.
- Lake Lure Tours proposes to operate tour boats at 1800 RPM (existing policy) through the main channel, except at the portion of the channel which is referred to as the "Bottle Neck" located within Lake View Road and Cutaway Road area. All tour boats will drop to idle speed thirty yards before and thirty yards after the "Bottle Neck."
- All tour boats should stay to the center of the main channel unless one of the following occurs:

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- a. The skipper is pointing out features along the lake and then returns to the center of the main channel.
 - b. An unsafe event occurs (skiing, swimming, or yielding right-of-way to another boat).
- In the event that the tour boat is stopped, the driver will turn the boat ninety degrees before powering the boat back up to 1800 RPM to disperse wake away from the shorelines.

In addition to the above changes for LLT boat operations, all boat drivers will complete a new training program this spring. Management will be riding with each skipper at least twice a month to ensure that all new directions, operational protocols, and boat operations are being followed.

TOUR BOAT MANNER OF OPERATION MAP



Appendix B

Title:

Lake Lure Commercial Boaters Safety Class

Lesson Purpose:

To provide the commercial operator with the knowledge, skills and materials to complete the Lake Lure Marine Commission mandated commercial boaters' safety class.

Training Objective:

Attending this class, the participant will be able to achieve the following objectives in accordance with the information presented during the instructional period:

1. State/local Laws

- State Regulations
- Lake Lure Regulations

2. Lake Use Regulations

- Commercial Operations

3. Professionalism

- Representing your company
- Courtesy
- Manner of operation

4. Safety

- Operation
- Equipment
- Reporting
- Inclement Weather

5. Privacy

- Respecting residents privacy

6. Communications

- With your office
- Lake Lure Police/Fire
- Lake Operations

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

Adopted this 12th day of June, 2018.

NEW BUSINESS

B. REQUEST FOR A LAKE COMMERCIAL LICENSE

Mayor Pro Tem John Moore made a motion to approve a 2018 Lake Commercial License for James Robinson for one motorized rental livery boat greater than 10 hp. Commissioner John Kilby seconded and the motion carried 4-0.

NEW BUSINESS

C. REQUEST FOR A LAKE COMMERCIAL LICENSE

Lake Operations Dean Givens stated that on May 7, 2018 Hunter Alexander requested approval of a 2018 Lake Commercial License for one rental livery motorized boat greater than 10hp. Mr. Givens stated that because Hunter Alexander is a non-resident and the Commercial Boat Permit Model is full, the Lake Advisory Board recommended denying Mr. Alexander's request for a 2018 Lake Commercial License for one rental livery motorized boat greater than 10hp. Mr. Givens provided an email to the Board from Mr. Alexander.

Mayor Pro Tem John Moore made a motion to deny the request from Alexander Hunter for a 2018 Lake Commercial License for one motorized rental livery boat greater than 10hp. Commissioner Bob Cameron seconded and the motion carried 4-0.

Mr. Givens explained that the LAB recommended denying Mr. Hunter's request because he was an out of town resident and the Model was already full, noting that Mr. Alexander has never had a commercial license before.

NEW BUSINESS

D. AMEND THE COMMERCIAL BOAT MODEL

Commissioner John Kilby made a motion to amend the Commercial Boat Model to allow room for one additional rental livery motorized boat greater than 10hp. Commissioner Bob Cameron seconded and the motion carried 4-0.

During discussion it was noted that an unintended change was made to the presented Model. Commissioner Stephen Webber then made a motion to amend the original motion to approve the presented Commercial Boat Model, without changing the number of non-motorized boats in the original Model. Commissioner Bob Cameron seconded the motion with the amendment. All Town Council members voted in favor of the motion with the amendment.

ADJOURNMENT

With no further business, Commissioner Bob Cameron made a motion to adjourn the meeting at 4:49 p.m. Commissioner Stephen Webber seconded and the motion carried 4-0.


Michelle Jolley,
Lake Lure Marine Commission Clerk

