



MINUTES OF THE SPECIAL MEETING OF THE LAKE LURE MARINE COMMISSION HELD TUESDAY, OCTOBER 8, 2019, 4:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER

PRESENT: Mayor Carol C. Pritchett
Mayor Pro Tem John W. Moore
Commissioner Bob Cameron
Commissioner John Kilby
Commissioner Stephen M. Webber
Shannon Baldwin, Town Manager

ABSENT: N/A

CALL TO ORDER

Mayor Carol C. Pritchett called the meeting to order at 4:00 p.m.

INVOCATION

Mayor Pro Tem John Moore gave the invocation and Council members led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

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

PUBLIC HEARING AND ADOPTION

A. PROPOSED RESOLUTION NO. 19-10-08 AMENDING THE LAKE USE REGULATIONS

Mayor Carol C. Pritchett opened the public hearing concerning the Proposed Resolution to amend the Lake Use Regulations.

Parks, Recreation and Lake Director Dean Givens noted that a subcommittee of the Lake Advisory Board (LAB) met to study the commercial lake use model and monitor how many hours commercial boats were actually being used on the lake. As a result, the subcommittee requested a new vacation rental commercial boat permit

Page 2 - Minutes of the October 8, 2019 Special Lake Lure Marine Commission Meeting

category for vacation rental homes with boats and vacation rental management companies. Mr. Givens noted that vacation rental boats could only be used by the renter and only during the period of time they have rented the home.

Commissioner Bob Cameron questioned the reasoning behind not allowing livery operations outside of commercially zoned districts. Mr. Givens responded that the Lake Use Regulations prohibits operating off of town property without a concession agreement. He added that several people are conducting business off of town docks, which takes space away from the people who want to tie their boats up in order to visit the restaurants, etc. Commissioner Cameron felt that the Town would purposely be excluding a group of people from renting their boats because they do not own a commercial business and a grandfather clause was not enacted. Commissioner John Kilby explained that the Lake Advisory Board discussed this for many hours and their final recommendation was to not allow this type of business because it was not allowed in the Regulations. Commissioner Stephen Webber asked who would be allowed to rent out a commercial motorized boat under the proposed amendments to the Regulations. Mr. Givens responded any business in a commercially zoned district including vacation rental properties and vacation rental management companies, with the proper permits. Commissioner Webber added that anyone with a concession agreement could as well and questioned if the intent was to prohibit everyone else from the ability to rent their boats. He stated that he felt the intent was to close a loophole in the Regulations and felt that the Regulations could be refined as needed or as problems arise.

Commissioner Cameron questioned what the intent was by limiting rentals to the specific dates the home is rented for. Mr. Givens responded that the Commercial Model gets expanded every year to allow more hours in categories that fill up, particularly livery rental hours, by transferring unused hours from other categories in the Model. He explained that creating a new category for vacation rentals reduces the amount of hours being used in the livery rental category and makes it easier to track how many hours would be used by vacation rentals. Commissioner Webber referred to Section 4.07(P) in the proposed resolution, noting that the wording needs to be refined. He explained that as it is now, a property owner would only be allowed to rent their boat to the renters of their property for the duration of time that they have the property rented for. Their boat could not be rented to the public at large, unless they are renting the property, and the boat must be rented the entire duration of time that the renter would be occupying the vacation rental home. Commissioner Cameron suggested a grandfather clause to allow the current businesses to continue operating. Commissioner Webber recommended tasking the Lake Advisory Board (LAB) to discuss a grandfather clause and provide a recommendation to the Marine Commission at their next meeting in December. He also suggested that the proposed changes to Section 4.07(P) not go in effect until January, 2020.

Commissioner Webber noted that "Residential Vacation Renal" should be changed to "Residential Vacation Rental" on the third page of the Resolution. He also proposed amending Section 4.07(C) from "1, 2, 3, 4, 5, & 6" to "1, 2, 3, 4, 5, 6, & 8," to require the new category 8, Vacation Rentals, to have minimum liability coverage of \$1,000,000. On page twelve, he proposed changing "10 VRN" to "5 VRN" and there was

Page 3 - Minutes of the October 8, 2019 Special Lake Lure Marine Commission Meeting

no opposition. Mr. Givens pointed out that the proposed amendment to “Commercial Operators” on page two of the resolution should remain “2-7,” as category 8, Vacation Rentals, are not piloted boats.

Commissioner Moore suggested a sunset provision, as an alternative to a grandfather clause, to provide that operations must cease after a specific date. Commissioner Kilby pointed out that the Regulations would have to be changed to allow operations that are currently not allowed to continue in a non-commercial zone. The Board ensued in discussion. Attorney Morgan stated that there would be a fundamental conflict if the Board were to grandfather something that is being conducted in a partially non-compliant way and suggested removing the zoning violations before adopting a grandfather policy.

Andrew Stephenson of 121 Middle Oaks Trail stated that he lives approximately five miles outside of town limits. Mr. Stephenson explained that he rents out his boat to people renting vacation rental homes in Lake Lure that do not include boats. He noted that he moors his boat at the boat docks at the Dam, owned by Allen Moore, but stated that he does not allow anyone to rent his boat from that property; instead, he delivers his boat to the property that is being rented and has the renter fill out a contract. He pointed out that renters may not always want to rent a boat for the entire duration of their stay and therefore stated he was against that proposed amendment to the Regulations. He noted, however, that he was in favor of a grandfather clause that would allow him to keep his boat rental business. Mr. Stephenson stated that his business is only advertised strictly by word of mouth. He noted that he usually rents his boat for a full week but has some renters that only wish to rent his boat for a few days. He reported that he is very thorough, has never had a ticket or a complaint, and explains the regulations to his renters. Mr. Stephenson noted that he is aware of 130 residential vacation rental homes that do not include boats with their rental. Commissioner Webber questioned if this is the type of business the Board would want to eliminate and brief discussion followed.

Commissioner John Moore made a motion to close the Public Hearing. Commissioner Bob Cameron seconded and the motion carried 4-0.

Commissioner Stephen Webber made a motion to adopt Resolution No. 19-10-08 amending the Lake Use Regulations, as amended during the discussion, with the exception of the sales of permits for the new category 8, Vacation Rentals, to allow the LAB to study further, and to further study Section 4.07(P) and Section 5.01(G). Commissioner John Kilby seconded. Commissioner John Kilby, Commissioner John Moore, and Commissioner Stephen Webber voted in favor. Commissioner Bob Cameron voted no. The motion carried 3-1.

Commissioner Bob Cameron stated that he did not support Section 4.07(H) requiring livery operations to be located within a commercially zoned district.

CONSENT AGENDA

Mayor Carol C. Pritchett presented the Consent Agenda.

Commissioner John Kilby made a motion to approve the Consent Agenda. Commissioner Stephen Webber seconded and the motion with discussion.

Commissioner Webber noted corrections to dates listed in the June 11, 2019 Minutes and the August 13, 2019 Minutes. All members voted in favor of the motion to approve the Consent Agenda and the motion carried 4-0. Therefore, the Consent Agenda incorporating the following item was unanimously approved:

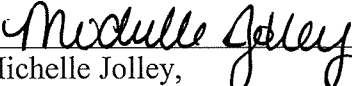
- A. Adopt the June 11, 2019 Regular Meeting Minutes, the July 9, 2019 Special Meeting Minutes, and the August 13, 2019 Special Recessed Meeting Minutes.

NEW BUSINESS

There was no new business to discuss.

ADJOURNMENT

With no further business, Commissioner Bob Cameron made a motion to adjourn the meeting at 5:00 p.m. Commissioner Stephen Webber seconded and the motion carried 4-0.


Michelle Jolley,
Lake Lure Marine Commission Clerk

