



MINUTES OF THE SPECIAL MEETING OF THE LAKE LURE MARINE COMMISSION HELD TUESDAY, SEPTEMBER 14, 2021, 4:00 P.M. VIRTUALLY VIA ZOOM

PRESENT: Mayor Carol C. Pritchett
Mayor Pro Tem John W. Moore
Commissioner Patrick Bryant
Commissioner John Kilby
Commissioner David DiOrio

Shannon Baldwin, Town Manager
William Morgan, Jr., Town Attorney

ABSENT: N/A

I. CALL TO ORDER

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

II. APPROVAL OF THE AGENDA

Commissioner Patrick Bryant made a motion to add a new business item concession agreement for Lake Lure Tours opening of the beach in the winter season approve the Agenda as presented. Commissioner John Moore motioned to approve the agenda as amended and David DiOrio seconded and the motion carried 4-0.

III. PUBLIC COMMENT

Mayor Pritchett invited members of the public to speak and no one requested to speak at this time.

IV. CONSENT AGENDA

Mayor Pritchett presented the Consent Agenda and asked if there were any proposed changes before calling for action.

Commissioner Patrick Bryant made a motion to approve the Consent Agenda, as presented. Commissioner David DiOrio seconded and the motion carried 4-0. Therefore, the Consent Agenda incorporating the following item was unanimously approved:

- A. Approval of the June 8, 2021 Regular Meeting Minutes, the June 17, 2021 Special Meeting Minutes and the July 13, 2021 Special Meeting Minutes
- B. Amendment to the Lake Lure Marine Commission Meeting Schedule for Year 2021 – Addition of a Virtual Location Option

V. OLD BUSINESS

There were no old business items to discuss.

VI. NEW BUSINESS

A. REQUEST FROM FRED STEPP TO APPEAL A CIVIL CITATION

Parks, Recreation, and Lake Director Dean Givens spoke with council about his experience with Mr. Stepp and his citation for fishing boat business without permit. The fine has not been paid.

Mr. Stepp stated that he did not give the business permission to use his photos on their website. Mayor Pritchett asked how long the website was up and Mr. Stepp claimed that he did not know it was up until Mr. Givens contacted him. Mr. Givens did not know the time in which the website was launched, but knew it was taken down when he addressed the issue.

Mr. Michael McCraw confirmed that Mr. Stepp had no affiliation with the website. McCraw also claimed that the person who made the website did so without Mr. McCraw knowing.

Commissioner Moore mentioned the assumed business name certificated dated December 2019 named Lake Lure Fishing. Commissioner Moore asked what this was for and where it took place. Mr. McCraw said he was not sure but has never been paid for fishing on Lake Lure. Mr. Givens stated this is where he licensed his business with Rutherford County. Commissioner DiOrio explained Rutherford County issued document and that when this is submitted there is an assumed business. Mr. McCraw reiterated that Mr. Stepp was never affiliated with the website.

Commissioner DiOrio asked how many boats are involved. Mr. McCraw said zero. Commissioner DiOrio asked about the boat with the company name. Mr. Givens told him he had to get the boat and advertisement off of the lake. Mr. McCraw claimed that he followed this rule. Commissioner DiOrio noted that he had done external research through trip advisor and found the business.

Minutes of the September 14, 2021 Marine Commission Special Meeting

Mayor Pritchett asked if a commercial license indicates a commercial business or if you must receive money to obtain a commercial license. McCraw asked how to rectify. Mr. Givens confirmed that Mayor Pritchett's assumptions were correct. Mr. Stepp asked his remission.

Commissioner Kilby asked to clarify the intent of Mr. Stepp and Mr. McCraw. Mr. McCraw said he was considering becoming a fishing guide in the future with or without payment.

Mayor Pritchett asked Attorney William Morgan. Morgan stated he learned about this months ago with Mr. McCraw's and Mr. Stepp's attorneys. Attorney Morgan asked if either had paid their fines. Director Givens said that he had not received any notice of payment from McCraw or Stepp. They both clarified that they did not pay the fine.

Commissioner Kilby asked Stepp if he still fishes on Lake Lure. Mr. Stepp said yes and that he has a 2021 permit on his boat, but stated that he has not been since he was fined and has not paid.

Attorney Morgan stated that the rules indicated that fines do not have to be paid before an appeal.

Commissioner Kilby asked McCraw how the person who made the website got involved. McCraw said that he told this person that he was interested in future business endeavors. Attorney Morgan asked how the person got his card number to build the website. McCraw claimed that the person was supposed to start the website but not publish it. Commissioner Kilby asked Mr. McCraw his intent to send pictures of Mr. Stepp. McCraw claimed it was because of the large fish in the pictures with Stepp.

Mayor Pritchett asked at what point McCraw thought he had a business. McCraw said that he assumed you had to have a business account to have a business. Commissioner Moore asked Givens if the citation goes with the boat and owner or anyone who uses the boat. Director Givens will have to research the answer to this question.

Commissioner Kilby said Mr. Stepp never registered for a county business certificate. Director Givens explains that he gave Stepp a citation because of his past as a fishing guide and his alleged affiliation stated on the business website. Commissioner DiOrio asked if Mr. Stepp has a separate boat and asked if he is a registered guide with a NC Fish and Wildlife. Mr. Stepp indicated that he had never registered with Rutherford County to have a business.

Mayor Pritchett asked the Commission if they were prepared to make a decision.

Commissioner DiOrio made a motion to deny the request of Fred Stepp to appeal civil citation No. 001051. Commissioner Moore seconded and the motion passed 4-0.

VI. NEW BUSINESS

B. REQUEST FROM MICHAEL CLAY MCCRAW TO APPEAL A CIVIL CITATION

The Commissioners came to a consensus that all details were discussed under New Business item A.

Commissioner DiOrio made a motion to deny the request of Michael Clay McCraw to appeal civil Citation No. 001051. Commissioner Moore seconded and the motion passed 4-0.

VI. NEW BUSINESS

B. BEACH LAKE LURE TOURS CONCESSION

Commissioner Bryant explained the past situation of the beach being accessible during the “off season” and found a public safety compromise due to individuals getting in the water without any lifeguards because the water should be closed. Commissioner Bryant cited multiple incidences and noted that he would like to have a conversation with the commission about having sand part of the beach open but not allowing guests in the water and to adjust the draw down accordingly. Commissioner Bryant explained that this would need to be reflected in policy and in the concession agreement with Lake Lure Tours.

Commissioner Kilby asked if input was needed from the Police Chief Humphries and Director Dean Givens. Director Givens mentioned he has had conversations about this with Chief Humphries. Givens stated he has no issues but there needs to be signage stating the rules. Commissioner DiOrio recommended a no swimming policy. Commissioner Kilby agreed. Commissioner Bryant mentioned that there is existing signage but new signage may need to be added at the entrance near the ABC Store.

Town Manager Baldwin stated that any concession agreement is between two parties and that Lake Lure Tours would need to be allowed input.


It was indicated that the step is renegotiating agreement with Lake Lure Tours. Commissioner DiOrio suggested that the commission authorize this renegotiation. Attorney Morgan provided legal input. Manager Baldwin suggested that concessionaire draft new language to the existing agreement and send to the Town for review.

Commissioner Kilby recommended that the Town proceed with the next steps discussed. Commissioner Moore seconded and recommendation carried 4-0.

VII. ADJOURNMENT

With no further business, Commissioner Bryant made a motion to adjourn the meeting at 5:05 p.m. Commissioner Moore seconded and the motion carried 4-0.

ATTEST:


Olivia Stewman,
Town Clerk


Mayor Carol C. Pritchett