



Lake Lure Lake Advisory Board
Regular Meeting
August 7, 2023

Call to Order

Chair Kathy Hatfield called to order the August 7, 2023 meeting of the Lake Advisory Board at 3:30 p.m.

Roll Call

Board Members present

Chairman Kathie Hatfield
Mr. Richard Sayles

Vice Chairman Jim Lemmons
Mr. Dave Lusk

Mr. Gary Hasenfus
Ms. Sonya Ledford

Absent:

Mr. Mark Helms

Town Council Members & Town Representatives present:

Council Liaison - Commissioner David DiOrio
Parks, Recreation & Trails Coordinator Dana Bradley
Lake Lure Police Officer Tyler Dills
Police Chief Sean Humphries
Town Manager Hank Perkins

APPROVAL OF AGENDA

The agenda for the August 7, 2023 Board meeting was reviewed. **Mr. Dave Lusk made a motion to approve the Agenda with the modification. Mr. Jim Lemmons seconded the motion and all members were in favor.**

APPROVAL OF MINUTES

The minutes for the July 10, 2023 Board Meeting were reviewed. **Mr. Gary Hasenfus made a motion to approve the minutes, as presented. Ms. Sonya Ledford seconded the motion and all members were in favor.**

CHAIR/VICE CHAIR COMMUNICATIONS

There were not communications from the Chair or Vice Chair.

LAB REPORTS AND COMMENTS

Report from Council Liaison

Commissioner DiOrio announced that the drawdown schedule had been amended and the drawdown will now begin on January 1, 2024 and the lake will begin refilling on March 31, 2024.

Report from Lake Operations

Parks, Recreation, and Trails Coordinator Dana Bradley reviewed the Parks, Recreation, and Lake Monthly Report. Mr. Lusk thanked staff for their work in cleaning debris in Sunset Cove.

Fishery & Ecosystem

Mr. Hasenfus noted that there was a fishing buoy near Lake Lure Resort that had broken loose and was found near Sunset Cove by staff who relocated it appropriately. Mr. Hasenfus reported that the 2023 fishing study was completed and that he has condensed the study to allow it be uploaded to the Town's website. Mr. Hasenfus added that he would like for The Breeze to publish it as well, but it may exceed their word limit. Mr. Hasenfus provided board members with the condensed study that will be added to the Town's website.

Emergency Preparedness & Response

Mr. Lusk had nothing to report.

Dredging & Watershed Stabilization

Specialist Bradley reported that dredging operations are not occurring at this time.

REGULATIONS & LAW ENFORCEMENT

Lake Lure Police reported that activity remained busy on the lake with 528 permits and 15 citations. Officer Tyler Dills added that law enforcement had noticed a decrease in violations of the Lake Use Regulations. Chair Hatfield asked the police department has access to Molo on the water and Officer Dills answered no, but expressed that he would like to have tablets available on the lake when cell service issues in Lake Lure are improved. Chair Hatfield asked about the status of the cell tower and both Commissioner DiOrio and Town Manager Hank Perkins confirmed that the cell tower project is moving forward. Chair Hatfield and Specialist Bradley discussed increasing access to Molo. Chair Hatfield asked Officer Dills if he thinks that the changes to the Lake Use Regulations had been helpful to law enforcement and Officer Dills answered yes. It was noted that other issues with lake use are being addressed in the new recommended changes to the Lake Use Regulations.

PUBLIC COMMENT

There were no comments from the public.

UNFINISHED BUSINESS

Update on Permitting Program

Specialist Bradley noted that the department is working temporarily with Shopify, which allows people to upload documents needed for obtaining a boat permit. Specialist Bradley expressed that she foresees that there may be issues with online permitting and cited that one issue would be overloading of permitting without a set turnaround time for staff approval. Chair Hatfield noted that there will also people who will not want to purchase their permits online. Mr. Hasenfus recommended the possibility of staggering registration times. Town Manager Hank Perkins recalled a situation in which a county set up staggered appointment times for gun permit registrations and that it was successful, but noted that he is not sure if that would help with relieving online registration issues. Chair Hatfield expressed that once all current permit information is inputted into the system it should be easier, but she cannot identify any major benefits to online registration. Chair Hatfield added that one issue with online registration will be confusion as to those who have a Lake Lure address but do not live in the corporate limits of the Town of Lake Lure. Mr. Hasenfus and Mr. Lusk agreed that this could be an issue. Ms. Ledford noted that she thinks that complications with online registration would result in an influx of refunds that will need to be issued. Chair Hatfield noted that she has witnessed people get very upset about the all of the documents needed this year and expressed that she thinks that online registration will yield even more upset individuals. Specialist Bradley noted that in person, issues can be addressed immediately and that online issues would not be addressed at the same speed. Mr. Hasenfus asked Specialist Bradley if there are any benefits to online registration and Specialist Bradley explained that staff had initially thought that there would be benefits, but various issues began to emerge.

It was noted that insurance and registration will still need to be uploaded annually. Commissioner DiOrio questioned why insurance would need to be uploaded annually and it was answered that it would need to be uploaded to check that the insurance is up-to-date. Board members discussed boater licenses requirements and it was noted that Parks, Recreation, and Lake Administrative Support Specialist Corbie Bradley is able to look up licenses.

Officer Dills agreed with Manager Perkin's previous recommendation regarding the possibility of designating scheduled increments of time for people to come in to register for their permits. Chair Hatfield recommended having a hybrid solution that also allows for walk-ins when available. Commissioner DiOrio expressed that it is a good idea and others agreed.

Specialist Bradley noted that there had been an issues with people claiming to have lost their permit when in actuality they sold their boat with the permit and wanted a \$10 replacement sticker for another boat. Specialist Bradley proposed prohibiting the \$10 replacement permits unless the owner brings in evidence of the previous permit. Specialist Bradley also proposed increasing replacement sticker fee or implementing a zero replacement policy. Mr. Lusk noted that people who had done this could be cited for manipulating the permitting system. Board members and staff discussed the permit replacements. There was consensus to implements a no-replacement policy to avoid abuse of the system. Board members agreed that it is appropriate to add subsection Q to section 4.01 of the Lake Use Regulations to address that boat permits are not transferrable or replaceable. Specialist Bradley noted that this should also be reflected in the lake use fee schedule.

Chair Hatfield expressed concern that the Molo program does not allow for the permit number to be searched and asked if this issue had been resolved. Specialist Bradley answered no and invited Chair Hatfield to speak with Molo representatives. Chair Hatfield agreed to speak with them about fixing the issue. It was noted that working with Molo could be improved.

Finalization of 2023 Lake Use Regulation Recommended Updates

Chair Hatfield explained that she had reviewed the Lake Use Regulations in its entirety and suggested that Board members review each page, but noted that most recommended amendments had already been voted on. Chair Hatfield mentioned that in last month's meeting, Corbie Bradley indicated that 130 annual motorized permits were remaining, but that the Town had ordered 200 over the limit which resulted in about 70 permits being sold after exceeding the limit. It was mentioned that replacement permits are included in the exceeded number. Chair Hatfield noted that she had separated resident and non-resident annual. Chair Hatfield stated that the limit could be re-evaluated and Board members discussed limiting residents to 3 motorized permits. Commissioner DiOrio expressed that he does not believe that the members of the Marine Commission are interested in limiting resident permits and noted that adding the fishing permit will relieve the number of annual permits. Commissioner DiOrio noted that 2006 lake study allows for a limit of 1000 resident, 200 non-resident, and commercial model permits. Commissioner DiOrio expressed that he does not want to limit residents and that his perspective is that the recent changes to the Lake Use Regulations had resolved issues with overcrowding. Commissioner DiOrio suggested implementing the 3 permit limit for residents, continuing to limit non-residents, and monitoring outcomes.

Board members discussed fishing permits. Chair Hatfield expressed concern that an issue could arise with individuals purchasing a fishing permit and using it as an annual permit. Specialist Bradley suggested that fishing stickers and annual stickers can be different colors and can be enforced. Officer Dills agreed.

Chair Hatfield noted that she had removed "annual" and replaced it with "seasonal" in her proposed changes.

Chair Hatfield asked if the Lodge on Lake Lure had a concession agreement with the Town and Commissioner DiOrio noted that they will be required to in order to operate tour boats. It was noted that the Lodge should have commercial permits and a concession agreement. Chair Hatfield note that they will still be required to obtain a commercial permit for non-motorized.

Board members reviewed the proposed definition for "motorized boat" and all Board members expressed support. Specialist Bradley questioned if a definition was needed for ballast boat and Board members determined that it was not necessary.

Board members reviewed the recommended definition for "pontoon boat" and Mr. Hasenfus noted that it should specify that it is a flat deck, not a flat bottom.

Chair Hatfield asked for details regarding Carolina Properties and Specialist Bradley explained that Carolina Properties is accounted for in the commercial model.

Chair Hatfield recalled the Board's past discussion with Community Development Director Michael Williams in regard to floating platforms and questioned if language regarding such platforms should be changed in the Lake Use Regulations or if it will suffice being addressed by zoning. There was consensus to leave language regarding floating platforms as is. Chair Hatfield questioned if law enforcement needed a citation to enforce floating platform regulations. Officer Dills expressed that it had not been a big issue, but if it becomes one the police department can create a fine for it. It was discussed that the reflector rules associated with floating platforms are being addressed by the Zoning and Planning.

Chair Hatfield noted that she had changed "calendar year" to "upcoming season" in Section 4.01 (A) (1) and reiterated that she had replaced the word annual with seasonal. Board members expressed support for the recommended change. .

Commissioner DiOrio recommended that language be added to Section 4.01 (L) to detail that a specification sheet should be required unless one had previously been submitted.

Chair Hatfield recalled that the Board had discussed the boater license requirements and that there had been question as to whether or not the individual purchasing the permit needs one even if they are not operating the boat. Board members discussed that the individual operating the boat would need a boater license and that it would be law enforcement's responsibility to check that operators have licenses. There was consensus to remove language regarding boater license requirements. Ms. Ledford suggested that the boater license test should have a fail limit and should have a Spanish version. Specialist Bradley agreed that there should be a Spanish version.

Chair Hatfield noted that she added language proposed clarifying that 90-day permits are for residents only.

Board members reviewed the recommended changes to the Lake Use Regulations that were discussed in previous meetings.

Chair Hatfield asked the Board's opinion on removing non-motorized permits. Board members expressed support for removing non-motorized permits aside from commercial non-motorized permits. It was noted that a concession agreement would be required for commercial businesses have more than 10 non-motorized boats. Ms. Ledford expressed concern that there will be non-motorized congestion if non-motorized permits are removed. Commissioner DiOrio disagreed. Mr. Lemmons noted that one issue will be an increase of people who are not aware of rules who go into the middle of the lake with their non-motorized boats. Officer Dills explained that this issue already occurs and that it the rule is enforced by law enforcement accordingly. Ms. Ledford mentioned that there had been an increase in law enforcement patrol. Officer Dills agreed and noted officers are checking boats at the ramp as well. Chair Hatfield asked how law enforcement feels about ridding of non-motorized permits and Officer Dills answered that he believes that it would be an advantage. Commissioner DiOrio noted that it would be helpful if the Town could eventually have a designated ramp for non-motorized boats. Commissioner DiOrio expressed that he does not think that everyone is happy with

the existing non-motorized policy. There was consensus from Board members to remove non-motorized permits and monitor the results. Board discussed revenue loss associated with ridding of the non-motorized permits. Commissioner DiOrio explained that some of the revenue loss should be mitigated by revenues from commercial non-motorized permits and fishing permits. Commissioner DiOrio noted that vacation rentals are not considered commercial. Chair Hatfield pointed out that one section stated commercial operators when it should state commercial operations and noted that she would make this change. Commissioner DiOrio stated that VRN needs to be removed because it no longer exists and Chair Hatfield agreed to make this change.

Board members discussed boat permit types. Chair Hatfield expressed that she thinks there should be separate permits for resident annual motorized and non-resident annual motorized. There was consensus to recommend separating resident annual motorized and non-resident annual motorized permits. Chair Hatfield recalled past discussions regarding the possibility of having residents pay for permits each year but keep their sticker from the previous year and Board members concluded that this would be too difficult to enforce. It was noted that annual was changed to seasonal in this section of the Regulations, as well. It was also noted that non-motorized permits were removed, fishing permits were added, and the 90-day permit now specifies that it is for residents only. Commissioner DiOrio asked what the Board would recommend for the cost of a fishing permit. Commissioner DiOrio recommended that fishing permits be half the price of an annual motorized permit and Board members agreed. Commissioner DiOrio noted that the safety training is not required annually and that such language needs to be removed from Section 4.08 (B) and the commercial classifications chart.

Board members reviewed the remaining recommendations that had already been voted on. Chair Hatfield asked if law enforcement is in support of the recommended changes for citation and Officer Dills answered yes. Specialist Bradley asked if a classification had been added for citations issued for operation of a motorized water vessel with a child under 13 aboard and not wearing a personal floatation device and it was answered that 13 and under has been added it is classified as violation category C. Officer Dills noted that the personal floatation device requirement is not applicable for enclosed cab areas. Chair Hatfield agreed to add that operation of a motorized water vessel with a child under 13 wearing PFD is regulated in Section 4.05 (D) and is a class C violation.

Chair Hatfield volunteered to relay all recommended amendments to the Town Clerk. It was noted that Town Council will review the recommended changes at the upcoming work session meeting and there will be a public hearing on the recommended changes at the September Marine Commission meeting.

There was no further comments.

Mr. Lemmons made a motion to recommend adoption of the proposed amendments to the Lake Use Regulations to Marine Commission. Mr. Lusk seconded and all voted in favor.

NEW BUSINESS

There was no new business to discuss.


ADJOURNMENT

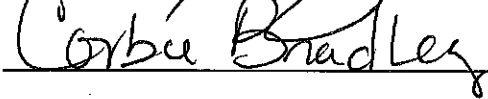
Mr. Sayles made a motion to adjourn the meeting of the Lake Advisory Board at 5:32 p.m. Mr. Lemmons seconded the motion and all members were in favor.

Minutes were transcribed by Olivia Stewman, Town Clerk.

The next regular meeting of the Lake Advisory Board will be September 11, 2023 at 3:30 p.m. at the Parks, Recreation & Lake Office.

ATTEST:

 Kathie Hatfield, Chair

 Corbie Bradley, Board Clerk