



MINUTES OF THE REGULAR MEETING OF THE LAKE LURE MARINE COMMISSION HELD TUESDAY, SEPTEMBER 12, 2023, 4:00 P.M. AT THE LAKE LURE TOWN HALL

PRESENT: Mayor Carol C. Pritchett
Mayor Pro Tem David DiOrio
Commissioner Patrick Bryant
Commissioner Jim Proctor
Commissioner Scott Doster

William Morgan, Jr., Town Attorney
William Hank Perkins, Jr., Town Manager
Dean Givens, Parks, Recreation, and Lake Director
Dana Bradley, Parks, Recreation, and Trails Coordinator

ABSENT: N/A

I. CALL TO ORDER

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

II. AGENDA ADOPTION

Commissioner Jim Proctor made a motion to approve the agenda with the addition of Item D (“Request to Appeal Civil Citation No. 000060”) to Section V (“Appeal Hearings”). Commissioner DiOrio seconded and the motion carried 4-0.

III. PUBLIC HEARING

A. RESOLUTION NO. 23-09-12 AMENDING THE LAKE USE REGULATIONS

Commissioner Proctor made a motion to open the public hearing. Commissioner DiOrio seconded and all voted in favor.

I. STAFF REPORT

Parks, Recreation, and Trails Coordinator Dana Bradley explained that the Lake Advisory Board had recommended various updates to the Lake Use Regulations, but the major recommended updates are to change “annual” to “seasonal” due to the nature of lake drawdowns, to update definitions and verbiage, to add a seasonal motorized fishing permit that will be valid

from 9:00 p.m. to 9:00 a.m. during peak season and all hours outside of peak season, and to remove non-motorized permits aside from commercial non-motorized permits.

II. PUBLIC HEARING

A member of the audience asked what the hours will be for fishing permits and Coordinator Bradley answered that they will be 9:00 p.m. to 9:00 a.m. during peak season and any hours outside of peak season.

A member of the audience asked who would need non-motorized permits and Coordinator Bradley answered that only commercial entities in the commercial model would need them. Coordinator Bradley added that vacation rentals would not require a permit for non-motorized boats.

III. COMMISSION DELIBERATION

Commissioner DiOrio explained that there is an option to choose between a fishing permit and seasonal permit. Commissioner DiOrio expanded that the fishing permit is lower in cost, but limits the hours of eligible use during peak season. An audience member asked if non-residents can obtain fishing permits and Commissioner DiOrio answered yes because fishing permits will not impact congestion on the lake. The audience member asked what the cost could be for a fishing permit and Commissioner DiOrio answered that the price is still being determined, but he is anticipating that it will be about half the price of a seasonal permit.

Commissioner Bryant noted that removing non-motorized permits would be beneficial to Parks and Recreation Department staff.

Commissioner Proctor made a motion to close public hearing. Commissioner Doster seconded and all voted in favor.

IV. CONSIDERATION FOR ADOPTION OF RESOLUTION NO. 23-09-12 AMENDING THE LAKE USE REGULATIONS

Commissioner Bryant made a motion to adopt Resolution No. 23-09-12 Amending the Lake Use Regulations. Commissioner DiOrio seconded and all voted in favor.

Commissioner Bryant thanked the Lake Advisory Board and the Parks and Recreation Department for their time and efforts spent on improving the Lake Use Regulations.

IV. PUBLIC COMMENT

Mayor Pritchett invited public comments.

There were no public comments.

V. CONSENT AGENDA

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

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

- A. Approval of the June 13, 2023 Regular Marine Commission Meeting Minutes

VI. UNFINISHED BUSINESS

There was no unfinished business to discuss.

VII. APPEAL HEARINGS

A. REQUEST TO APPEAL CIVIL CITATION NO. 000053

Coordinator Bradley explained that this citation was issued when an operator was behind the old ABC Store kayaking without a permit.

Commissioner Proctor asked if the citation details the amount of the fine. Coordinator Bradley answered no because first, second, and third offenses are different prices and law enforcement cannot determine the number of offenses on scene. Coordinator Bradley noted that staff asks for a few days of turn time between the citation and fine payment and Police Department Administrative Support Specialist Kat Canant sends the offender a letter detailing the fine amount.

Commissioner Proctor noted that the resolution that was adopted previously in the meeting riddled of non-motorized permits and questioned if this impacts the decision in regard to this citation appeal. Commissioner DiOrio noted that the Commission needs to be consistent if non-motorized citations start being excused. Commissioner Doster agreed and noted that the Commission need to stay consistent the rest of the year. Commissioner DiOrio noted that the new changes to the Lake Use Regulations are to be implemented the 1st of January.

Commissioner Doster made a motion to deny the request to appeal Civil Citation No. 000053. Commissioner DiOrio seconded and all voted in favor.

VII. APPEAL HEARING

B. REQUEST TO APPEAL CIVIL CITATION NO. 000058

Coordinator Bradley explained that this citation is similar to the one that was discussed previously and that the citation is for operating a non-motorized boat without a permit. It was

detailed that paddle boards were being used and that the operators stated that they had never been to Lake Lure and did not see the signs stating that permits are required.

Commissioner Doster explained that this is another case that did not include a fine amount on the citation and suggested that this information needs to be available. Commissioner Doster asked if there was a way to add penalty fees to the Lake Use Regulations. Parks, Recreation, and Lake Director Dean Givens noted that it could be done, but a public hearing would be required each time a fine amount changed. Coordinator Bradley noted that the fine amounts are included in the Lake Use Fee Schedule. Commissioner DiOrio suggested that it might be useful to give offenders verbal indications of the base price for a first offense citation.

Commissioner DiOrio made a motion to deny the request to appeal Civil Citation No. 000058. Commissioner Bryant seconded and all voted in favor.

VII. APPEAL HEARING

C. REQUEST TO APPEAL CIVIL CITATION NO. 000153

Coordinator Bradley explained that an officer was called to the scene by a report from the Assistant Fire Chief who witnessed the offender jump off of a bridge. Commissioner Doster noted that the request letter submitted by the offender is proven to be inaccurate with the witness present. Coordinator Bradley noted that the others were present, but were not seen jumping which is why they were not issued a citation. Commissioner Doster expressed that he is happy that no one was hurt.

Commissioner Doster made a motion to deny the request to appeal Civil Citation No. 000153. Commissioner Bryant seconded and all voted in favor.

VII. APPEAL HEARING

D. REQUEST TO APPEAL CIVIL CITATION NO. 000060

Mayor Pritchett noted that the appellant was present and asked if they had any comments. The appellant answered no.

Commissioner DiOrio noted that he needed to recuse himself from this appeal request.

Coordinator Bradley explained that an officer saw a boat with a fictitious permit and a citation was issued for manipulation of the system, operating a boat without a permit, and operating a boat without a license.

Commissioner Proctor noted that this reminds him of an incident that happened to him a while back when he had a temporary hand written license plate and explained that it is his understanding was that the person had purchased a permit and license, but had not yet placed it on their boat. Coordinator Bradley confirmed that a permit was purchased by the individual in June, but warned that it is unlawful to use a fake permit. Commissioner Doster asked why the individual

did not have ample time to place their permit on the boat if the permit was purchased in June and the appellant explained that the permit was located at his home and that he was at his work office and that he was going to get it, but used the fake permit in the interim. Sergeant Carl Umphlett explained that driving with a car with no tag is an infraction, but driving with a fictitious tag is an arrestable offense because of the intent to deceive and expressed that this is a similar situation. Commissioner Proctor asked if the fake permit had the same permit numbers as the actual permit that was purchased and Coordinator Bradley answered no. Commissioner Doster asked how the offender had time to make a fake permit rather than using that time to go get the actual permit and the appellant reiterated that he was at his office when he realized that he forgot to place his permit on the boat, so he made a fake one to improvise. The appellant expressed that the intent was not to deceive. Commissioner Doster expressed that it was deceiving and permit manipulation by definition.

The appellant added that the Regulations do not specify that the operator must have proof of the boater's license and that it only specifies that the operator must have taken the boater licensing test. Director Givens confirmed that this is accurate. Commissioner Doster recommended that this specification be added to the Regulations. Commissioner Bryant recommended that the offense for driving without a license should be removed from the citation.

Commissioner Doster noted that a fictitious permit had been discussed in the past and that this offense could result in removal of permit privileges, but recommended that only the fine should be imposed for this case.

Commissioner Doster made a motion deny the request to appeal Civil Citation No. 000060, with the caveat of removing the fine for operating a boat without a license which would reduce the overall fine amount to \$1,750. The motion carried 2-1 with Commissioner Proctor voting not in favor.

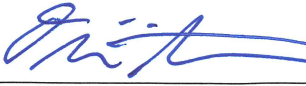
VIII. NEW BUSINESS

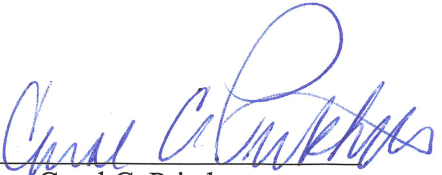
There was no new business to discuss.

IX. ADJOURNMENT

With no further business, Commissioner DiOrio made a motion to adjourn the meeting 4:33 p.m. Commissioner Proctor seconded and the motion carried 4-0.

ATTEST:


Olivia Stewman,
Town Clerk


Mayor Carol C. Pritchett

