



MINUTES OF THE REGULAR MEETING OF THE LAKE LURE MARINE COMMISSION HELD TUESDAY, JUNE 13, 2022, 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
Edneyville Boy Scouts Troop 605

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 David DiOrio requested to add Item IV to the agenda for "Lake Advisory Board Report."

Commissioner Patrick Bryant made a motion to adopt the agenda, as amended. Commissioner Jim Proctor seconded and the motion carried 4-0.

III. PUBLIC COMMENT

Mayor Pritchett invited members of the audience to speak.

Mayor Pritchett read a written comment submitted to the Town Clerk from Rose Lening, as follows:

*Hi,
I'd like to express my concern at today's meeting.*

My concern echo's the March 14th concern of Donald Freeman regarding the 2023 schedule fee for non-residential boaters and fishermen.

Fishermen respect their waterways like no other boaters on the water. These are men that pick up trash from the waterways, respect other boaters by decreasing speed when passing a small vessel, and they know that the excessive wakes that are left by the ballast boats destroy the underwater habitats. They also respect fishing limits and practice catch and release to keep the fish populations healthy.

The non residential fee for boaters is \$650 with a required boat slip fee of \$1,500. This is a total charge of \$2,150.

Now, let's consider that all (non resident and residential) boaters' accessibility for 2023 was cut short from January all the way to the end of March when it was back to "normal limits" (according to the town website "Lake Lure is Back!") Lake lowering will probably reoccur in the fall as it has in the past several years. Assuming this lowering again occurs in October, boaters can responsibly expect to be able to use their pass for 6 months of the year. Meanwhile, the total charge of \$2,150 is really only for 6 months, and not the whole year. Meaning that fishermen are spending \$358 per month to use their bass boats. With 27 miles of shoreline this is a charge of \$79 each mile to fish (not including the fishing license!).

Knowing that the following lakes charge less than \$100 (see below) the fee of \$2,150 for a year is astronomical. Additionally the \$1,500 slip fee doesn't buy security or monitoring against vandalism or theft for the moored boats.

Annual fees for motorized vessels:

Adger: \$0

Lake View Park (Asheville): \$10-100

Moss Lake (Cleveland County): \$80

Lake James: \$0

Lake Norman: \$0

Lake Fontana: \$0

Lake Glenville: \$0- \$25 (public access vs marina)

In looking at these numbers it seems that Lake Lure is favoring vacationing boaters over the local consistent patrons. According to Lake Lure's town website the "in season population" is estimated to be around 12,000 individuals. With Lake Lure's actual population of 1,154 individuals (Vintage 2019 population estimates), I would assume that the town would want to invite their locals to the lake, instead of turning them off due to exorbitant prices to get on the water. Year round locals provide continual patronage to the surrounding business.

Please reconsider the charge to non-residents. Perhaps a compromise would be to include "surrounding" counties to the residential fees.

Thank you for your consideration.

There were no further comments.

IV. LAKE ADVISORY BOARD REPORT

Commissioner DiOrio reported that the Lake Advisory Board continues to monitor the Lake Use Regulations update impacts and increased enforcement of the regulations. Commissioner DiOrio added that the assessment has found that the changes have had a significant impact. It was estimated that about 30% of lake users did not have a permit last year and the increased police presence on the lake has resulted in a lesser amount of lake users without permits. Commissioner DiOrio mentioned that having a permit ensures that appropriate steps were taken to learn the rules of the lake and increases safety. Commissioner DiOrio reported that boating licensing has had a positive impact. It was detailed that there is now an informational video on the Town's website that allows for boating license holders to refresh their memories on the Lake Use Regulations. Commissioner DiOrio expressed that safety on the lake had improved and added that speeding had not been an issue since enforcing a limit. It was reported that congestion had also significantly improved. Commissioner DiOrio expressed that the bottom line is that safety had increased and the Lake Advisory Board will continue to assess the Lake Use Regulations. Commissioner DiOrio cited statistics from the Police Department and thanked officers for their work on the lake.

Commissioner DiOrio mentioned that in North Carolina, boat operators must be 16 years of age to operate a vessel alone or 14 years of age when accompanied by an adult. Commissioner DiOrio also mentioned that there is a difference between the North Carolina boating license and the Lake Lure boating license.

Mayor Pritchett thanked the Parks, Recreation, and Lake Department and the Police Department.

V. CONSENT AGENDA

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

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

- A. Approval of the March 14, 2023 Regular Marine Commission Meeting Minutes

VI. UNFINISHED BUSINESS

There was no unfinished business to discuss.

VII. HEARING

A. REQUEST TO APPEAL CIVIL CITATION NO. 000321

Parks, Recreation, and Lake Director Dean Givens reviewed Civil Citation No. 000321 which was issued by Sergeant Carl Umphlett for operating a non-motorized boat without a permit. Director Givens added that the payment for the citation is supposed to be \$225.

Commissioner DiOrio made a motion to deny the request to appeal Civil Citation No. 000321. Commissioner Bryant seconded and all voted in favor.

VI. HEARING

B. REQUEST TO APPEAL CIVIL CITATION NO. 000318

Director Givens noted that this citation was also issued by Sgt. Umphlett for operation a motorized vessel without a permit or license. Director Givens expanded that the next case for Citation No. 000319 was related to the same party and added that the vessels were non-motorized, but because trolling motors were operating on each they were considered a motorized vessel in the state of North Carolina. It was noted each violation is \$250.

VII. HEARING

C. REQUEST TO APPEAL CIVIL CITATION NO. 000319

It was reiterated that this citation was accompanied with the Citation No. 000318 and was for the same offenses for two citations for \$250 each.

Commissioner DiOrio noted that there is a bit of a grey area with Citation No. 000318 and Citation No. 000319 because it could be argued that it may not have been understood by the operators that the vessel was considered motorized because of the use of the trolling motors and added that a license is not required for operation of a non-motorized vessel. Commissioner DiOrio expressed that this may need to be addressed in the Lake Use Regulations. Commissioner DiOrio thanked Police for their due diligence, but expressed that he finds that these citations may be double jeopardy. Commissioner DiOrio recommended reducing both citations to only \$250 each for operating the vessels without a permit. Commissioner Doster noted that North Carolina law does clarify that use of a trolling motor results in a vessel being motorized, but agreed that this should be added to the Lake Use Regulations. Commissioner Doster agreed with Commissioner DiOrio. Commissioner Bryant also agreed. Commissioner DiOrio suggested that the Town Manager and staff work to make this information known and others agreed.

Andy Knowles, Lake Lure resident, expressed that it is good to be clear and communicate with resident what is and is not a motorized vessel. Mayor Pritchett agreed.

Commissioner DiOrio made a motion to reduce Citation No. 000318 and Citation No. 000319 by 50 percent. Commissioner Bryant seconded and all voted in favor.

VII. HEARING

D. REQUEST TO APPEAL CIVIL CITATION NO. 000323

Director Givens reviewed Citation No. 000323 for operation of a boat without a permit. Director Givens added that the requestor visited the Parks, Recreation, and Lake Department to obtain a permit and did not have the necessary paperwork available, but their son proceeded to operate the boat without a permit a few days later. Commissioner DiOrio noted that the Town and Lake Lure Marina had been very diligent in informing people what paperwork is needed to obtain a permit

Commissioner DiOrio made a motion to deny the request to appeal Civil Citation No. 000323. Commissioner Doster seconded and all voted in favor.

VII. HEARING

E. REQUEST TO APPEAL CIVIL CITATION NO. 001226

Director Givens explained that Citation No. 001226 was issued by a reserve police officer for operating a boat without a permit.

Commissioner DiOrio made a motion to deny the request to appeal Civil Citation No. 001226. Commissioner Doster seconded and all voted in favor.

VII. HEARING

F. REQUEST TO APPEAL CIVIL CITATION NO. 001251

Mr. Andy Knowles, requestor, explained that he has owned this pontoon boat and his property for 10 years. Mr. Knowles expressed that his concern is that there was a procedural change in registering boats this year and that there was more paperwork required. Mr. Knowles noted that he was told that previously records had been lost and that he had to provide old information to staff. Mr. Knowles noted that he and his son had tried to obtain a permit twice and did not have appropriate paperwork. Mr. Knowles expanded that on May 9th he and his son and friend drove the boat to Larkins and back and received a citation in the process. Mr. Knowles requested that all paperwork should not need to be provided each year. Mr. Knowles asked that his citation be reversed.

Commissioner DiOrio explained that the Town is operating with a new permitting system and that once information is in the system, not all paperwork will be required each year. Commissioner DiOrio explained that the Town was also requiring updated paperwork and specifications to ensure that individuals are reporting their vessel information correctly.

Commissioner DiOrio added that there were previously a number of boats that were operating outside of permitted specifications. Parks, Recreation, and Trails Coordinator Dana Bradley explained that following this year, insurance and registration will be required each year but not specifications.

Commissioner DiOrio asked why the boat was being operated without a permit regardless. Mr. Knowles noted that it was his son's first time on the lake this summer and he may not have been aware that there was no permit.

Commissioner Doster made a motion to deny request to appeal Civil Citation No. 001251. Commissioner Bryant seconded and all voted in favor.

VII. HEARING

G. REQUEST TO APPEAL CIVIL CITATION NO. 000250

Mr. Greg Turner, 746 Chimney Rock Road in Rutherfordton, noted that he is a lifelong Rutherford County resident who grew up on Lake Lure. Mr. Turner expressed that he is a responsible boater, cleans trash in the lake, and helps people under duress. Mr. Turner added that he appreciates law enforcement. Mr. Turner explained that on April 21st, he purchased a Lake Lure permit for current boat that was on the lake the prior year as well. Mr. Turner expanded that when he was purchasing a buying a permit and asked Ms. Bradley what process should be taken if he purchases a new boat. It was reported that Specialist Bradley answered that Mr. Turner would need to get a permit for the new boat. Mr. Turner explained that he was in the process of purchasing a new boat but wanted to confirm that there were no operational issues before purchasing, so he put the boat in the lake with no permit and it was at that time that he addressed by an officer. Mr. Turner added that the officer advised that he must put a sticker on the boat or he would receive a citation for operation without a permit and Mr. Turner then put his former sticker on the boat to avoid receiving a citation. Mr. Turner noted that following the interaction, he became busy and did not get the permit transferred to the new boat as he had planned. Mr. Turner requested consideration for reduction of fine because it is the class D offense, which carries the highest penalty. Mr. Turner expressed that he believes that this is egregious and noted that he was not trying to manipulate the system.

Commissioner DiOrio noted that the type of boat that Mr. Turner purchased is not permitted on Lake Lure. Mr. Turner noted that North Carolina considers the boat to be a pontoon boat. Commissioner DiOrio noted that this is a deck boat and questioned how North Carolina would consider it to be a pontoon boat. Mr. Turner noted that when he received his registration for the state, it was open and was transferred as it was under the prior owner. Mr. Turner added that the employee from the state had told him that it was a pontoon. Commissioner DiOrio stated that it is not a pontoon and explained why deck boats are not allowed on Lake Lure. Mr. Turner expressed that it is a modified pontoon. Commissioner Doster reviewed specs from the boat manufacturer which titled the boat as a deck boat. Mr. Turner provided Commission with information from a manufacturer and a website that classified it as a pontoon. Commissioner Doster noted that the manufacturer may have changed their marketing because they now classify the boat as a deck boat.

Mr. Paul Brock, Lake Lure resident, noted that Mr. Turner had spoken with him yesterday and expressed that Mr. Turner is a responsible and an upstanding man. Mr. Brock expressed that he thinks that the citation implies that there was malicious intent to manipulate the system and Mr. Turner was trying to make the right steps. Mr. Brock noted that Director Givens had told him that the boat was illegal as he was in the process of getting the correct permit. Mr. Brock agreed with what Mr. Turner stated about the open title and how North Carolina classifies pontoon. Mr. Brock expressed that it was not Mr. Turner's intent to manipulate the permitting system and that he should not receive a Class D citation. Mr. Brock added that he tried to find the definition of a pontoon boat in the Lake Use Regulations and that it was not defined.

Commissioner Doster expressed that no one thinks that Mr. Turner was trying to be malicious, but mistakes were still made and he was aware of this. Commissioner DiOrio expressed that he agrees that he does not believe that it was malicious. Commissioner DiOrio noted that a Class D offence comes with a stipulation of revoking access permanently. Commissioner DiOrio expressed that it was clear that Mr. Turner operated the boat without a valid permit and that the deck shape hull is prohibited, both of which are Class C offenses. Commissioner DiOrio proposed rescinding the Class D offense, replacing it with two Class C offenses, and prohibiting the use of the illegal boat. Mr. Brock expressed concern with the stipulation that Mr. Turner could not operate his new boat on the lake and asked if there is a possibility allowing use of the boat. It was noted that there is no appeal process for appealing the use of prohibited boats. Commissioner DiOrio noted that there had been extensive research on boat designs and the closest to this deck boat are the Lake Lure Tours tour boats which are heavily regulated. Commissioner DiOrio reiterated that the Lake Advisory Board would work towards defining pontoon in the Lake Use Regulations, but deck boats are clearly prohibited. Mr. Brock asked if Commission would consider the fact that Mr. Turner did not know this is a prohibited vessel. Commissioner DiOrio noted that this was after the fact and was classified as open. Commissioner DiOrio also noted that a sticker transfer is also not allowed and, but noted that Mr. Turner also did not seem aware of this. Director Givens noted that the length of the boat is the main issue.

Commissioner DiOrio made a motion to dismiss the Class D offense associated with Citation No. 000250 and replace it with two Class C citations for violation of Lake Use Regulations Section 4.01 (a) and Section 4.03. Commissioner Bryant seconded and all voted in favor.

VIII. NEW BUSINESS

A. BOY SCOUTS TROOP 605 ANNUAL REPORT

Scoutmaster Andrew for Edneyville Boy Scouts Troop 605 explained that the Troop has been coming to Lake Lure since 1962 and that the first Scoutmaster, Minor Wilson, gave his Lake Lure home to the Troop. Scoutmaster Andrew explained the services of Troop 605 and presented a video produced by Troop 605 and Mr. Don Henderson. Scoutmaster Andrew expressed that current and former members of Troop 605 had been helping the community for years and will continue to do so. Scoutmaster Andrew also expressed that the purpose of the Boy Scouts is to help the youth gain helpful life skills. Commissioners expressed support for the Scouts. Assistant Scoutmaster Jay Martin presented the 2023 Lake Lure service project and project results.

Scoutmasters for Troop 605 thanked the Marine Commission and Marine Commission members reiterated support for Troop 605.

Commissioner DiOrio noted that the Town has volunteer opportunities relating to trail clean up. Commissioner DiOrio advised that this might be a good opportunity for anyone seeking an eagle services and that those who are interested can speak with Dana Bradley.

Commissioner DiOrio made a motion to continue the tradition of issuing two complimentary motorized and two non-motorized in return for the services completed and presented by Edneyville Boy Scouts Troop 605. Commissioner Bryant seconded and all voted in favor.

VIII. NEW BUSINESS

B. LODGE ON LAKE LURE


Director Givens explained that the Lode on Lake Lure had been purchased by new owners who have presented a business plan including a tour boat to be included in the commercial boat model. Director Givens further explained that there is no room in the commercial model for a tour boat, but there is extra room in vacation rentals. Director Givens recommended moving a vacation rental spot in the model to allow a spot for an additional tour boat spot for the Lodge on Lake Lure. Mayor Pritchett asked if this would amendment to the model would permanent and Director Givens answered yes. Commissioner Bryant asked if a concession agreement would be needed and Director Givens answered yes.

Commissioner DiOrio made a motion to approve the Lodge on Lake Lure's request for a tour boat permit and approve adjusting of hours in the vacation rental category to make room for one tour boat. Commissioner Bryant seconded and all voted in favor.

IX. ADJOURNMENT

With no further business, Commissioner DiOrio made a motion to adjourn the meeting 5:24 p.m. Commissioner Bryant seconded and the motion carried 4-0.

ATTEST:


Olivia Stewman,
Town Clerk


Mayor Carol C. Pritchett

