

**TOWN OF LAKE LURE  
MARINE COMMISSION REGULAR  
MEETING PACKET**

Tuesday, September 10, 2024  
4:00 am



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

**TOWN OF LAKE LURE**  
**Marine Commission Regular Meeting**  
Tuesday, September 10, 2024 at 4:00 p.m.  
Lake Lure Municipal Center



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**Agenda**

**I. Call to Order**

**II. Agenda Adoption**

**III. Public Comment**

*The public is invited to speak on any non-agenda and/or consent agenda topics. Comments should be limited to less than three minutes.*

**IV. Consent Agenda**

A. Approval of the June 11, 2024 Regular Marine Commission Meeting Minutes (DU Y)

**V. Unfinished Business**

**VI. Appeal Hearings**

**VII. New Business**

**VIII. Adjournment**

# III

## PUBLIC COMMENT

*The public is invited to speak. Please keep comments limited to three minutes or less. Comments may also be submitted in writing to the Town Clerk, [ewillette@townoflakelure.com](mailto:ewillette@townoflakelure.com) at least one hour prior to the meeting.*

# **IV**

## **CONSENT AGENDA**

- A. Approval of the June 11, 2024 Regular Marine Commission Meeting Minutes**



**MINUTES OF THE REGULAR MEETING OF THE LAKE LURE MARINE COMMISSION HELD TUESDAY, JUNE 11, 2024, 4:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER**

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

William Morgan, Jr., Town Attorney  
Olivia Stewman, Town Manager  
Dana Bradley, Parks, Recreation, and Lake Director  
Dean Givens, Former PR&L Director  
Sean Humphries, Police Chief

**ABSENT:** N/A

**I. CALL TO ORDER**

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

**II. APPROVE THE AGENDA**

Commissioner Jim Proctor made a motion to approve the agenda, as presented. Commissioner David DiOrio seconded and all voted in favor.

**III. PUBLIC COMMENT**

The Mayor invited the public to speak, but no Public Comments were submitted.

#### **IV. CONSENT AGENDA**

A. Approval of the March 12, 2024 Regular Marine Commission Meeting Minutes

A Motion was made by Commissioner David DiOrio to approve the consent agenda and Commissioner Patrick Bryant Seconded and all voted in favor.

#### **V. UNFINISHED BUSINESS**

There was no unfinished business.

#### **VI. APPEAL HEARINGS**

##### **A. Request to Appeal Civil Citation No. 000252**

Dana Bradley - Park Recreation and Lake Director, made the presentation to explain said hearing: Mr. Ryan Dietrich was operating a vacation rental and became friends with the person staying there and agreed to let him take out his boat from time to time – the person renting got a citation and that’s how we found out about the arrangement – Director Bradley did not believe he was purposely trying to get out of anything but that is a violation of the lake use regulations.

##### ***Correspondence from Mr. Ryan Dietrich***

This last fall I rented my home out for a 3 month period while I was out of town for business. I met my incoming renters during the point when they were moving in and over the course of the next two months as I came in and out of town. After getting to know the couple who was renting from me over a handful of days when I dropped by my property we became friends. Only after getting to know my renters did I offer use of my pontoon to them. There was no exchange of money and I have never rented my pontoon out for money. I have also never allowed anyone besides family use of my pontoon.

I am uncertain of how I could prove this to the town, from my understanding the miscommunication happened when my renter was pulled over for driving too fast in a wake free zone. At this point he disclosed to the officer that the boat belonged to the person he was renting from. I imagine the assumption was made that I was renting out my pontoon which was absolutely not the case. The pontoon has never been mentioned on my Airbnb page or to any other renter that I have had.

I work in a high risk industry and rarely open up myself to liabilities. I would absolutely not rent out my pontoon without the proper permit and insurance required to run such a business safely. In addition, my crappy old pontoon boat often stalls out and aesthetically would not be fitting to try to rent out anyways.

I understand the charge for the ticket is high to discourage people from not going through the proper channels to capitalize on renting their boats on Lake Lure. Unfortunately for me I never made any money on the boat to help offset this extremely high ticket cost to help offset it. I agree that it is in order to charge people taking advantage of the lake and the town a high fee. Unfortunately, I am being faced (actually already paid) with paying this costly ticket for allowing someone I decided that I trusted to use my pontoon.

Sincerely, Ryan Dietrich

Scott Doster – When Mr. Dietrich let the individual use the boat did he make him aware of the licensed that he needed to have to be able to operate the boat? Dana responded: I am not sure. Obviously the reason he was stopped and he was speeding, so I was wondering if he knew or was not paying attention.

Commissioner David DiOrio stated that for the record, when you look at these things and one thing I look at is that in this situation is if an accident happened when the individual borrowing the boat was operating it., There is no commercial insurance on the boat because is not in the commercial model it shared liability with the town of Lake Lure which is why we have these rules. So if you have a vacation rental it becomes commercial property and if you allow a boat to operate from commercial property it has to be treated as a commercial model – therefore Commissioner DiOrio does not support any reduction.

Commissioner Jim Proctor asked if this person rented the house for 3 months. Director Bradley’s response was yes he did. Commissioner Proctor asked if Director Bradley knew if there was a short term rental lease and she responded that it was a three month rental through air BNB because she had asked when she issued the citation, then commented after that if that have been the case it would not fall under the definition of a vacation rental. Director Bradley recalled reaching out to Community Development Director Mike Williams about this to see if it fell within his domain and he didn’t think that it did and responded that it was a vacation rental.

Commissioner David DiOrio made a motion to deny the citation number 000252. Commissioner Scott Doster seconded and all voted in favor.

## **VII. NEW BUSINESS**

### **A. Boy Scouts Troop 605 Annual Report**

During June 14, 2022 Marine Commission meeting, it was determined that Marine Commission will require Edneyville Boy Scouts Troop 605 to attend a Marine Commission meeting of each year to present an annual report as a stipulation to receiving two complimentary motorized boat permits and two complimentary non-motorized boat permits. Mr. Andrew Hein, Scoutmaster for Boy Scouts Troop

605 thanked the Marine Commission for allowing the Troup to use the lake. He presented their 2023 annual report and detail community services performed in the Town of Lake Lure throughout the year including trash pick-up around the lake. There was a discussion regarding the condition of the docks that may need repair.

**B. Request to Appeal Denial of 2024 Boat Permit for a Motorized Vessel Exceeding the 21 ft. Length Limit**

Director Bradley – Mr. Dennis had come in trying to get a permit for a boat that exceeded the length limits do to his swim platform and it is not a removable swim platform. Our lake regulations state that you have to measure that type of platform, but if it was a removable swim platform then we don't measure it. He came and made a presentation that his boat should be an exception because it is very light weight but still does not meet our regulations, he submitted a letter that he wanted to the Marine Commission asking them to reconsider the regulations.

Commissioner Jim Proctor: is there a photograph for us to look at – Director Bradley thought that she had one. A photo was passed around the board to review. Director Bradley added that it was a really nice boat and the photo was also sent to the Lake advisory board and they also denied it.

Mr. Will Dennis: my address is 139 picnic point road. My logic was when I was talking to the lake advisory board I mentioned that it's actually shorter then my master craft, but I talk to someone about cutting the swim platform. If he did that it would be the same boat just with a cut off platform from a legal stand point. Mr. Dennis requested that the Commission allow him to cut the swim platform and allow him to keep the boat instead of cutting or destroying the boat.

Commissioner DiOrio explained that when we did a 2006 study, the recommendation was 20 feet and a couple of inches. Director Bradley confirmed and noted that Commissioner DiOrio explained that the issue with allow this would be that it sets a precedence. The state of North Carolina include swim platforms in their measurements. Commissioner DiOrio explained that we are upholding the standard in order to make simple and consistent for everyone. It's a matter of the overall policy that we are looking at.

Mr. Dennis asked if he removes the swim platform, what would be the process with the Town because it's hard to get the registration because of the length of the boat. Commissioner DiOrio explained that staff can measure it and it overrides the registration if it different and we would put it into our system with a note saying a modification has been made and it is a removable swim platform. Commissioner Scott Doster added that every year it will automatically pop up and he would only have to have it measured once.



Mr. Dennis explained that he wants to make sure all regulations will be met before he makes any modifications to the boat.

Commissioner Jim Proctor recommended bringing the boat and have a town employee look it prior to making modifications or to at least send the spec sheet. It was noted that everything else about the boat did not seem to be out of compliance. Mr. Dennis agreed that he would also measure the boat.

**Commissioner David DiOrio made a motion to deny Boat Permit for a Motorized Vessel Exceeding the 21 ft. Length Limit. Commissioner Scott Doster seconded and all voted in favor.**

### **C. Lake Advisory Board Buoy Recommendation**

Dana Bradley staff and the Lake Advisory Board completed a review of the buoys and provided recommendations regarding where buoys should be placed based on the findings. The new plan removes all of the reparative buoy and adds buoy in some areas where the channel narrows. Director Bradley provided copies of the recommended plan.

Commissioner David DiOrio explained that we started with 6 buoys in 2006 and there are now over 100.

Commissioner Patrick Bryant noted that interesting the topography is our biggest challenge and the LAB's perspective was based on this. Commissioner Bryant questioned one area that did not have a buoy and Director Bradley explained that we reexamined and it really wasn't necessary because of the amount of other buoys in that area.

Commissioner David DiOrio – we need to talk about a strategy for approval and I think we talked earlier about getting this on the website for public comment for a later approval or approving it right away is the other option. It was recommended that the commission proceed with voting on the recommendation.

Mrs. Hatfield – The Chairperson for the Lake Advisory - added that Board members went out on the Lake to review all of the existing buoys. She stated that Ms. Bradley and Board Member Dave Lusk did quite a lot of work to ensure the recommended plan followed the Lake Lure Buoy Plan and the Board recommended approval of this updated plan.

Mayor Carol C. Pritchett – we certainly willing to take comments, even after the plan is approved, but I think the LAB took careful consideration. Mrs. Hatfield agreed that careful consideration was taken.

Mayor Carol C. Pritchett expressed that she thinks that this is going to make it easier to enforce compliance with buoy regulations. Commissioner Bryant agreed.

Mrs. Hatfield – we are actually going to re-write the regulation pamphlet, so we will include the buoys regulation in there.

Mayor Carol Pritchett – I think a presentation giving an explanation in there on how the buoys work and when they are required would be helpful.

Commissioner Scott Doster made a motion to approve the Lake Advisory Board’s Buoy plan Recommendation. Commissioner Patrick Bryant seconded and all were in favor.

**D. Discuss Permits for Non-Motorized Boats**

Commissioner Doster reported that beginning in 2024, the Town removed the permit requirements for non-motorized boats. Marine Commission discussed observations in regard to the lack of non-motorized permits thus far. There was a discussion regarding the concerns of not having permits for non-motorized boats including the fact that there is no way to know if the non-motorized boaters know the Lake Regulations and there is no recourse if they do not follow the regulations as the Town has no permit to revoke.

Marine Commission asked the Lake Advisory Board to review this matter and to make a recommendation back to the Marine Commission with input from the Lake Lure Police Officers. They will begin keeping data on non-motorized boaters that are in the center of the Lake and in harm's way. Ms. Bradley advised that she is installing additional signage to help inform non-motorized boaters on Lake Regulations. Police Chief Sean Humphries advised that anyone seeing a non-motorized boater that was not following Lake Regulations should call 911. Ms. Bradley advised that they could also call her office. Town Manager Olivia Stewman advised that the Finance Department was also monitoring the financial impact of the change in permitting for non-motorized boats.

Commissioner Patrick Bryant made a comment that adding a QR code on the signs will be a good point of references. Ms. Bradley said that the pool creek sign has been redesigned and now reflects a QR code.

Mayor Carol C. Pritchett explained that these factors will continue to be monitored.

**E. Proclamation Honoring the Dedicated Services of Dean Givens and Dean Givens’ Retirement Declaration**

Mayor Pritchett and Police Chief Humphries presented a proclamation and declaration in honor of Dean Givens' 18 and a half years of dedicated services with Lake Lure. Mr. Givens will retire in July of this year.

<b>XII. ADJOURNMENT</b>
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With no further business, Commissioner David DiOrio made a motion to adjourn the meeting at 4:59 p.m. Commissioner Jim proctor seconded and the motion carried 4-0.

ATTEST:

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Elba Willette, Town Clerk

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Mayor Carol C. Pritchett

**V.**  
**UNFINISHED**  
**BUSINESS**

**VI.**  
**APPEAL HEARINGS**

# **VII**

# **NEW BUSINESS**

**VIII.**  
**ADJOURNMENT**