

LAKE LURE MARINE COMMISSION REGULAR MEETING PACKET

Tuesday, June 8, 2021



**Mayor Carol C. Pritchett
Mayor Pro Tem John Moore
Commissioner Patrick Bryant
Commissioner David DiOrio
Commissioner John Kilby**

TOWN OF LAKE LURE

Marine Commission Regular Meeting

Tuesday, June 08, 2021 – 4:00 PM

Lake Lure Municipal Center



Agenda

I. Call to Order

- Invocation
- Pledge of Allegiance

II. Agenda Adoption

III. Public Comment

The public is invited to speak. Comments should be limited to less than five minutes.

IV. Consent Agenda

- [A.](#) Adoption of the March 9, 2021 Regular Meeting Minutes and the May 11, 2021 Special Meeting Minutes

V. Unfinished Business

VI. Hearing

- [A.](#) Michael Clarke to Appeal Civil Citation No. 000826

VII. New Business

VIII. Adjournment

III

PUBLIC COMMENT

The public is invited to speak. Comments should be limited to less than five minutes.

IV

CONSENT AGENDA

- Adoption of the March 9, 2021 Regular Meeting Minutes and the May 11, 2021 Special Meeting Minutes



MINUTES OF THE REGULAR MEETING OF THE LAKE LURE MARINE COMMISSION HELD TUESDAY, MARCH 9, 2021, 4:00 P.M. ELECTRONICALLY VIA ZOOM

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

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

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 John Moore proposed adding a discussion regarding wake surfing under “Unfinished Business.”

Commissioner Patrick Bryant made a motion to approve the Agenda as amended. Commissioner John Moore seconded and the motion carried 4-0.

III. PUBLIC FORUM

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.

Page 2 - Minutes of the March 9, 2021 Regular Lake Lure Marine Commission Meeting

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

- A. Adoption of the December 8, 2020 Regular Meeting Minutes.

V. UNFINISHED BUSINESS

A. WAKE SURFING DISCUSSION

Commissioner Moore expressed concerns with wake surfing, specifically referring to heavy boats or boats using a ballast system or other accessories attached to a boat to create a large wake. He did not feel it was practicable on Lake Lure because of the small size of the Lake and suggested the Lake Advisory Board review this and come up with a recommendation. He mentioned that he spoke with Parks, Recreation, and Lake Director Dean Givens earlier to ask what kind of challenge we might have enforcing this and Mr. Givens stated that it could be enforced. Commissioner Kilby pointed out that the LAB has discussed wakeboarding on numerous occasions in the past. He stated the Lake will only support so much and agreed that these types of boats are not best suited for this Lake.

Mr. Givens mentioned that wakesurfers are easily spotted because they are pulled behind a boat with a rope. He stated this is enforceable and he would work with the Police Department to train the officers on how to identify these types of boats, if they are prohibited on the Lake. Commissioner Moore suggested prohibiting ballast systems being used on boats. Mr. Givens pointed out that Lake Oswego in Oregon bans ballasts systems from use on their lake entirely. He stated that a ballast system must be completely disabled by a mechanic before the boat is allowed on their lake mentioning that this might be an option the Marine Commission considers. Commissioner Moore suggested proceeding quickly since the summer season is approaching.

Commissioner John Moore made a motion to task the LAB to provide the Marine Commission a report and recommendation on a wakesurfing regulation in order to eliminate that type of activity on the Lake. Commissioner Patrick Bryant seconded the motion.

Commissioner DiOrio made a motion to amend the previous motion to task the LAB to provide the Marine Commission a report and recommendation on banning ballast systems from use on the Lake. Commissioner Patrick Bryant seconded the amended motion and the motion carried 4-0.

Page 3 - Minutes of the March 9, 2021 Regular Lake Lure Marine Commission Meeting

VI. NEW BUSINESS

A. REQUEST FOR A NON-MOTORIZED PERMIT FOR A WORK BARGE THAT EXCEEDS THE MAXIMUM LIMIT ALLOWED

Parks, Recreation, and Lake Director Dean Givens explained the request. He stated that Jay Freeman is requesting a permit for a non-motorized work barge that exceeds the 28' maximum allowed on the Lake. Last year Council approved Jay Freeman to put a 10'x 30' non-motor barge on the Lake in order to move heavy equipment and supplies. Mr. Freeman is now requesting a permit for a second 10'x 30' non-motor barge so that the two can be connected together to form a larger floating work area. The Lake Advisory Board met on March 1, 2021 and voted unanimously to recommend approval of the request to the Marine Commission.

Commissioner John Moore made a motion to approve the request from Jay Freeman for a non-motorized boat permit for a second work barge that exceeds the maximum limit of 28' allowed. Commissioner John Kilby seconded and the motion carried 4-0.

VII. ADJOURNMENT

With no further business, Commissioner John Kilby made a motion to adjourn the meeting at 4:20 p.m. Commissioner Patrick Bryant seconded and the motion carried 4-0.

ATTEST:

Michelle Jolley,
Town Clerk

Mayor Carol C. Pritchett



MINUTES OF THE SPECIAL MEETING OF THE LAKE LURE MARINE COMMISSION HELD TUESDAY, MAY 11, 2021, 4:30 P.M. ELECTRONICALLY VIA ZOOM

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

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

ABSENT: N/A

I. CALL TO ORDER

Mayor Pritchett called the meeting to order at 4:32 p.m. She explained that because of the numerous amounts of letters received and those wishing to speak on the matter, the best option would be to reschedule the public hearing for another date when there is ample time available for comments. She stated that the public hearing on this matter will be moved to Thursday, June 17, 2021 at 5:00 p.m. The meeting will be held in person at the Lake Lure Municipal Center.

VII. ADJOURNMENT

With no further business, Commissioner John Moore made a motion to adjourn the meeting at 4:40 p.m. Commissioner John Kilby seconded and the motion carried 4-0.

ATTEST:

 Michelle Jolley,
 Town Clerk

 Mayor Carol C. Pritchett

V
UNFINISHED
BUSINESS

VI HEARING

- Michael Clarke to Appeal Civil Citation No. 000826

**LAKE LURE MARINE COMMISSION
REQUEST FOR BOARD ACTION**

Meeting Date: 6-8-2021

SUBJECT: Appeal of Civil Citation No. 000826

AGENDA INFORMATION:

Agenda Location: Hearing
Item Number: A
Department: Lake Operations
Contact: Dean Givens, Lake Operations Director
Presenter: Dean Givens, Lake Operations Director

BRIEF SUMMARY: Michael Clarke received a civil citation from Officer Shuford on April 15th for operating a boat without a valid permit. Mr. Clarke has submitted a request for appeal of this citation. (see attached information)

RECOMMENDED MOTION AND REQUESTED ACTIONS: To deny/approve the request from Michael Clarke to appeal Civil Citation No. 000826.

ATTACHMENTS: Appeal request letter from Michael Clarke, copy of civil citation, copy of receipt for purchase of a valid boat permit, and letter from LLPD

To the Lake Lure Marine Commission:

Hello, my name is Michael Clarke and I am writing you because I was given a ticket on April 15th, 2021 by Officer Shuford for operating a boat without a valid permit.

The boat in question belongs to my Mother In-Law, Denise Badillo (permit # 3640 and state registration # NC-4507ER); my wife and I had no idea that the permit had expired. I would like to apologize for our indiscretion and assure you that we never would have utilized the boat had I realized we were not up to code. I am a Fire Marshal myself and understand the importance of City codes and policy.

At the advice of Officer Shuford I would like to appeal the ticket, as we have since renewed the permit and paid the associated fee. Regardless, please accept our sincerest apologies and we look forward to future trips to your beautiful town.

Best wishes,

Michael Clarke

Cell: (843) 557-2467

Email: iammikeyclarke@gmail.com

Ordinance Ticket

Lake Lure Police

Ordinance Number: 000826		Ticket Number: 000826		Ticket Date: 04/15/2021		Ticket Time: 15:40		Officer ID: L707 - Officer Chris Shuford	
OCA Number:		Location: Marina, Lake Lure, NC 28746				Defendant Name: Clarke, Michael James			
Address: 103 Winston Circle, Summerville, SC 29485				Phone Number: (843) 557-2467		Date of Birth:		Age:	Race:
Weight:		Hair Color:		Eye Color:		SSN:		Driver's Lic. #:	
Driver's Lic. State:		Driver's Lic. Class:							
Charge Category: Lake Boating Violation		Charge: Operation of boat without valid permit (151)C						Statute Number: (1.51)C	
Fee: \$125.00		Days Unpaid: 4		Current Fee Owed: \$0.00		Voided: No		Paid: No	
Payment Type:		Amount Paid:							
Date Paid:		Time Paid:		Paid To:					
Fee if paid within 30 days:									
Payment is due within 30 days of the date of the ticket.									

Vehicle Information

Vehicle Type:		Vehicle Year:		Make:		Model:		Vehicle Style:	
Top/Primary Color:		Bottom/Secondary Color:		License Plate #:		Plate State:		Plate Year:	
VIN:									
Owner Name:				Owner Address:				Owner Phone Number:	

Comments

4/15/2021 No Permit
Citation
Immediate Due

Town of Lake Lure Civil Citation

Permit # 3640 St. Reg. NC-4507ER
☐ Vacation Rental ☒ Non-Vacation Rental
 Issued to: Michael James Clarke
 Address: 103 Winston Circle
Summerville S.C. 29485
 Telephone # (843) 557-2467
 Location: Marina
 Date/Time: 04/15/21 / 1540
 Issued By: C. Shuford
☐ Warning ☒ Citation/fine

☒ Operation of boat without valid permit (1.51)C
☐ Wake Violation (within 75 ft of shoreline or unauthorized areas, during no wake hours, within 100 ft of emergency vessel displaying lights) (1.53)C
☐ Child under 13 w/out PFD (1.55)C
☐ Towing more than two persons at a time (1.54)C
☐ Reckless endangerment (1.54)C

to wit:
☐ Swimming violation (under the influence, unaccompanied, unauthorized area) (1.15/1.17)C
☐ Trespassing (1.05)B
☐ Littering (1.54)B
☐ Uncertified Operator (1.57)A
☐ Boat tied to public dock more than 2.5 hours (1.53)A

Other

No. 000826

TOWN OF LAKE LURE
CASH RECEIPT

Reprinted 10:25:33 - 04/16/21
Posted on 04/15/21 04:30:44 PM

Batch:16292
Transaction:56

Reference Number: AM-0448

Name: BADILLO, DENISE

Address:

Item(s) Description:

FINANCE RECEIPT 300.00

Check #

Cash Paid

Credit Paid 300.00

Less Change Given ()

TOTAL: 300.00

Comments:

AM-0448

PAID
APR 15 2021
PAID
BY: -

Permit # 3640 St. Reg. AC-450 Item VI. A.

☐ Vacation Rental ☒ Non-Vacation Rental

Issued to: Michael James Clarke

Address: 103 Winston Cir
Summerville, S.C. 29485

Telephone # (843) 557-2467

Location: Marina

Date/Time: 04/16/21 / 1540

Issued By: C. Shindler

☐ Warning ☒ Citation/fine

☒ Operation of boat without valid permit (1.51)C

☐ Wake Violation (within 75 ft of shoreline or unauthorized areas, during no wake hours, within 100 ft of emergency vessel displaying lights) (1.53)C

☐ Child under 13 w/out PFD (1.55)C

☐ Towing more than two persons at a time (1.54)C

☐ Reckless endangerment (1.54)C

to wit:

☐ Swimming violation (under the influence, unaccompanied, unauthorized area) (1.15/1.17)C

☐ Trespassing (1.05)B

☐ Littering (1.54)B

☐ Uncertified Operator (1.57)A

☐ Boat tied to public dock more than 2.5 hours (1.53)A

Other

No. 000526

COPY



Lake Lure Police Department

Chief Sean Humphries

Post Office Box 195 Lake Lure, North Carolina 28746

828-625-4685 F. 828-625-8839

townoflakelure.com

Mr. Michael James Clarke
103 Winston Circle
Summerville, S.C. 29485

Mr. Clarke,

April 15th, 2021 you were given a Citation for **Operation of boat without valid permit (1.53)C**

While a permit has been purchased for the boat in which you were operating, you were cited for the operation of the same boat without a permit. This fine is \$125.00

Officer Shuford verbally gave you 30 days to pay this Citation. You as well may appeal this Citation with the Town of Lake Lure Marine Commission. You can call the Town Clerk for the next meeting date at 828-625-9983. Should the date fall after the 30 days to pay, you must pay the Citation and should your win your appeal, you will be refunded the \$125.00 Your 30 days expires on May 14, 2021.

Please let me know if you've any questions.

Kat Canant
Administrative Assistant
Lake Lure Police Department

kc/file

6/2/2021- Fine (due 5/14/2021) has not been paid
-K



VII

NEW BUSINESS