

**LAKE LURE MARINE COMMISSION
SPECIAL MEETING PACKET**

Tuesday, September 14, 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 Special Meeting

Tuesday, September 14, 2021 □ 4:00 PM

Meeting to be held virtually via Zoom



Agenda

Zoom Link:

<https://us02web.zoom.us/j/83139269221?pwd=SGQwVkxkY3I1YXJYNINIVGt6ZTFDQT09>

Phone Number: 1 929 436 2866

Meeting ID: 831 3926 9221

I. Call to Order

II. Agenda Adoption

III. Public Comment

The public is invited to speak. Please keep comments limited to five minutes or less. If you wish to speak, wait for the Mayor to ask if anyone would like to make a comment and then unmute your phone or mic and state your name and address. Comments may also be submitted in writing to the Town Clerk, ostewman@townoflakelure.com, at least one hour prior to the meeting.

IV. Consent Agenda

- A. Approval of the June 8, 2021 Regular Meeting Minutes, the June 17, 2021 Special Meeting Minutes and the July 13, 2021 Special Meeting Minutes
- B. Amendment to the Lake Lure Marine Commission Meeting Schedule for Year 2021 – Addition of a Virtual Location Option

V. Unfinished Business

VI. New Business


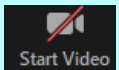
- A. Request from Fred Stepp to Appeal a Civil Citation
- B. Request from Michael Clay McCraw to Appeal a Civil Citation

VII. Adjournment

III

PUBLIC COMMENT

If you would like to speak on topics other than those being discussed during a public hearing, please unmute your mic, introduce yourself by stating your name and residency/business and what you would like to talk about. Please keep comments at five minutes or less.

Click  to unmute/mute
Click  to turn on camera

IV

CONSENT AGENDA

- Approval of the June 8, 2021 Regular Meeting Minutes, the June 17, 2021 Special Meeting Minutes and the July 13, 2021 Special Meeting Minutes
- Amendment to the Lake Lure Marine Commission Meeting Schedule for Year2021 – Addition of a Virtual Location Option



MINUTES OF THE REGULAR MEETING OF THE LAKE LURE MARINE COMMISSION HELD TUESDAY, JUNE 8, 2021, 4:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER

PRESENT: Mayor Carol C. Pritchett
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 4:02 p.m. and gave the invocation. Council led the Pledge of Allegiance.

II. APPROVAL OF THE AGENDA

Commissioner John Moore made a motion to approve the Agenda as presented. Commissioner John Kilby seconded and the motion carried 4-0.

III. PUBLIC COMMENT

Mayor Pritchett invited members of the public to speak.

Darren Blum, 206 Yacht Island Drive, introduced himself as a new resident to Town stating that he has applied for and is willing to serve on any Town board. He expressed interest in the Town still offering meetings via Zoom as well as in person meetings as a second option for the public. Mayor Pritchett explained that Zoom would no longer be utilized now that meetings are being held in-person but noted that public comments can be emailed to the Town Clerk for anyone that is not able to attend a meeting in person to make those comments.

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IV. CONSENT AGENDA

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

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

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

V. UNFINISHED BUSINESS

There were no unfinished business items to discuss.

VI. NEW BUSINESS

A. MICHAEL CLARKE TO APPEAL CIVIL CIATION NO. 000826

Parks, Recreation, and Lake Director Dean Givens explained the appeal request. He stated that Michael Clarke received a civil citation by Officer Shuford on April 15, 2021 for operating a boat without a valid permit. Mr. Clarke provided a letter to the Marine Commission expressing his intent to appeal the citation. Mr. Clarke explained in the letter that he and his wife were operating his mother-in-law's boat (Denise Badillo) and were not aware that the permit was expired. He also noted in the letter that a current permit was purchased and expressed his apologies. Mr. Givens pointed out that Mr. Clarke was sent a letter from the Lake Lure Police Department, dated April 15th, that the \$125 civil citation fine must be paid within 30 days from receiving the citation. The letter explained that if he appealed and the appeal was awarded, he would be refunded that amount. Mr. Givens reported that the civil citation fine was never paid and the 30 days has passed.

Mr. Baldwin questioned if the Board should accept Mr. Clarke's letter of appeal since he was not present at the hearing and Attorney Morgan felt that the Board understands his position and could go ahead and either make a decision or table until another time when Mr. Clarke is present. Mr. Givens explained that the owner of the boat being driven by Mr. Clarke must pay the citation if Mr. Clarke fails to pay it.

Commissioner DiOrio expressed his appreciation to the Lake Lure Police Department for their work patrolling the Lake. Commissioner Kilby pointed out that the Marina sold around 50 permits this past weekend from people who were stopped on the Lake for not having valid permits. LAB Chairman Mark Helms noted that they were mostly non-motorized permits.

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The Board agreed that they cannot set a precedent by approving an appeal from someone to not pay a civil fine for not having a valid boat permit. Commissioner DiOrio pointed out that there has not been an influx in the number of boat permits sold this year versus what has been sold in the past. He explained that COVID has brought in a lot of people to Lake Lure and there has been increased activity on the Lake.

Commissioner John Moore made a motion to deny the request from Michael Clarke for an appeal of Civil Citation No. 000826. Commissioner David DiOrio seconded and the motion carried 4-0.

VII. ADJOURNMENT

With no further business, Commissioner John Moore made a motion to adjourn the meeting at 4:26 p.m. Commissioner Patrick Bryant seconded and the motion carried 4-0.

ATTEST:

Olivia Stewman,
Town Clerk

Mayor Carol C. Pritchett



MINUTES OF THE SPECIAL MEETING OF THE LAKE LURE MARINE COMMISSION HELD THURSDAY, JUNE 17, 2021, 5:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER

PRESENT: Mayor Carol C. Pritchett
 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. and gave the invocation. Council led the Pledge of Allegiance.

II. APPROVAL OF THE AGENDA

Commissioner John Kilby made a motion to approve the Agenda as presented. Commissioner John Moore seconded and the motion carried 4-0.

III. PUBLIC HEARING

A. PROPOSED RESOLUTION NO. 21-06-17 AMENDING THE LAKE USE REGULATIONS

Parks, Recreation, and Lake Director Dean Givens provided an overview of the proposed changes to the Lake Use Regulations. The following public comments were received:

Terry Fountain, 191 Tryon Bay, commented in opposition of wake surfing on the Lake.

Julian Reed, 462 Charlotte Drive, commented in opposition of wake surfing being restricted on the Lake.

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Donald Thompson, 2281 Buffalo Shoals Road, spoke in opposition of restrictions to wake surfing on the Lake. He asked for Council to find a compromise with the citizens.

Scott McLaughlin, 185 Allen Drive, commented in opposition of wake board restrictions on the Lake and felt the Town should implement literature to boaters for education on recreation on the Lake.

Darren Blum, 206 Yacht Island Drive, commented that he did not want wake surfing to be banned on the Lake.

Tom Hartmann spoke in favor of limiting wake boats on the Lake because of invasive species that can be introduced into the Lake and can damage turbines in the Dam.

Travis Oates, 114 Harborside Drive, commented in opposition of banning wake surfing on the Lake.

LAB Chairman Mark Helms noted that the LAB discussed the possibility of allowing wake surfing from a further distance offshore. He stated that there is plenty of space on the Lake during the week but mentioned that weekends are much busier and more congested.

Christopher Jackson, 194 Thomas Drive, commented that he did not feel there was a current problem regarding wake surfing and did not feel anything needed to be solved at this point. He spoke in opposition of restricting wake surfing on the Lake and stated that he did not feel the survey was done properly and was rushed. He feels we have bigger problems in the Town to consider and did not want to create disharmony.

Torren Jackson, 194 Thomas Drive, commented that wake boarding is one of his favorite activities on the Lake and he did not want those activities restricted.

Ashley Jackson, 194 Thomas Drive, commented in opposition of wake surfing restrictions on the Lake.

Jim Horwitz, spoke in opposition of restricting wake surfing and suggested a recreation plan for these activities. He did not feel that one sport should be restricted over others.

Monetta Collie, 180 Snug Harbor Circle, expressed her opposition of wake surfing restrictions on the Lake stating that it is a family friendly lake and not a retirement community.

Grace Unruh, 122 Anchors Way, commented that she has been on the Lake since 1952 and was in opposition of restricting wake boarding and recreational use on the Lake as long as safety issues are implemented.

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Brian Walker, 151 Conroy Court, commented that he bought his home with the understanding that he could wake surf and wake boat on the Lake. He expressed his opposition with banning wake surfing and not addressing the other issues on the Lake as well. He agreed that some restrictions could be put in place but was not in favor of a total ban of wake surfing on the Lake.

Jeff Richardson commented that the Lake is much busier now than it has been in the past and did not feel the issues were with wake surfing.

Thatcher Townsend, 2189 Buffalo Shoals Road, thanked Council for their service to the Town and for their approach.

Scott Buchanan, 180 Hummingbird Cove, commented that he has had a home on the Lake for over 30 years and was opposed to restricting wake surfing.

Dave Hill commented that he and his wife are happy that jet skis are not allowed on the Lake and he understands the Lake is small and is in agreement with wake surfing restrictions on the Lake. He feels that there could be a compromise for everyone.

Jenny Parker, 132 Anchors Way, commented that the Lake needs to be made safer and felt that more safety concerns need to be addressed. She asked that safety be addressed more than the size of boats and felt that erosion was not caused from wake boarding and wake surfing.

Scott Carter, 336 Charlotte Drive, commented that he brought his property specifically for a lake that allows wake surfing recreation. He expressed his opposition of completely banning wake surfing activities on the Lake.

Michael Yelton, 193 Sunset Lane, thanked the Marine Commission for their persistence in tackling the dam and sewer issues on the Lake. He also thanked the public for their passion to come out and express their opinions.

Ashley Lowery Marsh, 128 McBrayer Court, commented that there is more traffic on the Lake this year which can cause erosion issues. She did not feel that wake surfing is causing issues with erosion more than any other sport on the Lake.

Michael Gray, 111 Havnaers Point, expressed his approval of banning wake surfing on the Lake. He mentioned that he has had damage to his dock and boat houses this year but was unsure whether or not the damage was caused as a result of the wake created from wake surfers. He also stated that the no wake zones are not being followed as they should be.

Jake Christian, 174 O'Brien Rd., commented that he feels that things should stay the same as much as possible and did not feel that wake boarding was more dangerous and causing more erosion than any other sport on the Lake.

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Commissioner DiOrio expressed that wake surfing is a safety issue and the Marine Commission has the responsibility to ensure safety on the Lake. He announced that numerous complaints have been made from people around the Lake which was the reason the LAB was asked to research it and provide a recommendation to the Marine Commission. Commissioner Bryant pointed out that there are two different communities coming together; long-term residents and newer residents which is a great dynamic for a new Comprehensive Boating Plan for water sports on the Lake.

Commissioner Kilby explained that the LAB researched and reviewed this matter and recommended that anyone wake surfing stay at least 200' from the shoreline. He added that this is a small lake and we have to keep that in mind while also allowing growth.

Commissioner DiOrio explained that the Comprehensive Boating Plan developed in 2006 was the start of a plan to limit certain sizes of boats and to determine what water sports would be allowed. The Plan will continue to be researched and updated as needed. He stated that the number of commercial and resident/non-resident motorized vessels on the Lake has been relatively constant since 2006. However, he stated that there is increased usage of those types of vessels on the Lake at the same time which makes it appear that more permits have been sold this year than have been in the past. He stated that the Lake Use Model may have changed and could be looked into to be updated if needed. Wake surfing was never considered in the 2006 study as it is a relatively newer sport. Their goal now is to take a look at that and get opinions to see if there is an immediate need to change the Regulations in order to promote safety. He stated that the wake produced from wake surfing has inhibited others doing water sports. There are reports of those waves and the proximity of wake surfing causing a variety of dynamics with other people on the Lake. He pointed out that a number of studies in other areas of the country have been conducted on the erosion effect based on the energy from a wake surfing wave and how that relates to other water sports. The waves are high energy and large. When moving towards shore it grows and has a lot of energy which can cause damage. Wave mitigation can be significantly reduced to be classified as safe when wake surfers stay at least 200' from structures and other boaters. He noted that this is universally accepted by NC Wildlife. Currently, the no wake buoys are 100' from shore. He also felt that educating boaters would be affective and beneficial. He also pointed out that boats used to wake surf in other lakes as well have ballasts that are full of water which contain a lot of biological activity from other lakes that we don't want to introduce into our lake. He felt that measures should be taken to limit some activity to prevent that from happening.

Commissioner DiOrio proposed opening a dialogue with the Marine Commission to discuss principles on how to get to a consensus towards a conclusion. He suggested to send principles back to staff to put into a resolution to bring back for consideration at a later time. Mayor Pritchett announced that the Marine Commission will hold another special meeting in July to consider a newly drafted proposed resolution to change the Lake Use Regulations.

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Commissioner Moore felt that the suggestions from the LAB would be a good starting point. LAB Chairman Mark Helms stated that the LAB had a three hour long meeting to review and discuss wake surfing and unanimously recommended to keep wake surfers 200' from the shoreline and structures and only allow Lake Lure tax paying residents permission to wake surf.

Parks, Recreation, and Lake Director Dean Givens addressed enforcement on the Lake. He stated that he and Police Chief Sean Humphries put together a training program and conducted training on the Lake with the Lake Lure police officers. He stated that there will be more enforcement and patrols held on the Lake this year. Chief Humphries added that additional reserve officers will be brought in for additional enforcement on the Lake. Mr. Givens provided a phone number for emergencies on the Lake as well as a number for non-emergencies. Town Manager Shannon Baldwin added that the public can email Mr. Givens or Chief Humphries if they have any issues that they would like to have addressed.

Commissioner David DiOrio made a motion that a new resolution be developed based on comments received from the public and recommendations made from the LAB to apply the 200' rule for wake surfers and to include a map of the Lake, to develop an education and registration protocol for boaters, and to develop a prevention measure for outside boats coming to Lake Lure specifically for ballasting containers to prevent introduction of unwanted species. Commissioner John Moore seconded and the motion carried 4-0.

Commissioner John Moore made a motion to close the public hearing. Commissioner Patrick Bryant seconded and the motion carried 4-0.

IV. NEW BUSINESS

A. PROPOSED RESOLUTION NO. 21-06-17 AMENDING THE LAKE USE REGULATIONS

No action taken at this time. A revised resolution will be presented for consideration at a later time.

IV. NEW BUSINESS

B. LAKE USE SURVEY DISCUSSION

No discussion held on this topic at this time.

V. ADJOURNMENT

With no further business, Commissioner John Kilby made a motion to adjourn the meeting at 8:00 p.m. Commissioner David DiOrio seconded and the motion carried 4-0.

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ATTEST:

Olivia Stewman,
Town Clerk

Mayor Carol C. Pritchett



MINUTES OF THE SPECIAL MEETING OF THE LAKE LURE MARINE COMMISSION HELD TUESDAY, JULY 13, 2021, 4:00 P.M. AT THE LAKE LURE MUNICIPAL CENTER

PRESENT: Mayor Carol C. Pritchett
Commissioner Patrick Bryant
Commissioner David DiOrio
Commissioner John Kilby
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 4:06 p.m.

II. APPROVAL OF THE AGENDA

Commissioner John Moore made a motion to approve the Agenda as presented. Commissioner David DiOrio seconded and the motion carried 4-0.

III. PUBLIC HEARING
A. PROPOSED RESOLUTION NO. 21-07-13 AMENDING THE LAKE USE REGULATIONS

Mayor Pritchett opened the public hearing and Parks, Recreation, and Lake Director Dean Givens provided an overview of the proposed changes to the Lake Use Regulations. The following public comments were made:

Chris Jackson, 194 Thomas Drive, expressed his support of the proposed resolution but suggested education be required for boaters on the Lake.

Commissioner John Moore made a motion to close the public hearing. Commissioner Patrick Bryant seconded and the motion carried 4-0.

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IV. UNFINISHED BUSINESS

A. PROPOSED RESOLUTION NO. 21-06-17 AMENDING THE LAKE USE REGULATIONS

Parks, Recreation, and Trails Coordinator Dana Bradley provided an overview of the proposed resolution. Ms. Bradley noted that the Parks, Recreation, and Lake Department and the LAB recommended adopting the resolution excluding the 200' buffer restriction for wake surfing and recommended that staff recommends creating an education program for motorists on the Lake to ensure that the public understands the rules and regulations. Mr. Givens explained that the recommendation regarding ballast systems being used on the Lake would only be allowed for Lake Lure tax payers and not allowed for non-residents in order to reduce the amount of boats coming from outside areas to try and help the prevention of invasive species into the Lake. Town Manager Shannon Baldwin read proposed section 4.03 into the record regarding ballast systems. Attorney William Morgan stated that a penalty was also included for Section 3 of the proposed resolution that should be removed before adoption as well since Section 1 would not be considered for adoption today. The proposed resolution would be adopted excluding Sections 1 and 3.

Commissioner DiOrio noted that the NC Regulations recommends the 200' buffer for safety reasons and felt that those guidelines should remain in the resolution. He was in support of an education program for motorists.

Commissioner David DiOrio made a motion to adopt Resolution No. 21-07-13 excluding Sections 1 and 3. Commissioner John Kilby seconded and the motion carried 4-0.

V. NEW BUSINESS

A. REQUEST FROM WADE OPPLIGER FOR A BOAT PERMIT FOR A ROWING SHELL OVER THE 28' MAXIMUM LENGTH RESTRICTION

Wade Oppliger, stated that he met with the LAB yesterday to discuss his request and they gave their approval for his request. He added that he would like to have the Commission's action in the record and available for future reference so he doesn't have to come back each year for approval. Mr. Oppliger requested that the Commission allow permission to permit his vessels for multiple years so he doesn't have to come before the Board every year to request approval. He noted that these are the same boats he's had permitted in the past. He explained that he is working to put together a concession agreement with the Town to present in the future.

Parks, Recreation, and Lake Director Dean Givens clarified that Mr. Oppliger will have four vessels that Mr. Oppliger is requesting approval for that are all over the 28' maximum limit. He's requesting multiple year permits so that he doesn't have to keep

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coming back each year. Commissioner Kilby explained that the LAB discussed the request at their meeting yesterday but did not discuss permitting for multiple years. The LAB discussed and unanimously agreed to recommend approval of Mr. Oppliger's request. Mr. Baldwin pointed out that this would be an exception to the existing regulations. If we don't place a limit we have approved an exception in perpetuity and Baldwin felt that a time frame should be set to be revisited in the future and Attorney Morgan agreed. Attorney Morgan suggested the Commission consider increasing the maximum length restriction on the Lake in the future. Mr. Givens suggested Mr. Oppliger make his requests annually during approval of the Lake Commercial Model each year in December and Mr. Oppliger agreed he was willing to do that. Mr. Givens did not feel there was a problem with the length of the rowing shells. He stated that there is no impact or issues from the length of his boats. Commissioner DiOrio suggested possibly considering a change to the Regulations to exempt rowing shells from the maximum length requirements. He asked that this be considered and presented to the Commission at a later time.

Commissioner Patrick Bryant made a motion to approve the request from Wade Oppliger for a boat permit for rowing shells over the 28' maximum length restriction for one year and a Concession Agreement to be created and presented to the Commission at a later time. Commissioner David DiOrio seconded and the motion carried 4-0.

VI. ADJOURNMENT

With no further business, Commissioner John Kilby made a motion to adjourn the meeting at 4:30 p.m. Commissioner David DiOrio seconded and the motion carried 4-0.

ATTEST:

Olivia Stewman,
Town Clerk

Mayor Carol C. Pritchett

**LAKE LURE MARINE COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: September 14, 2021**

SUBJECT: Amendment to the Lake Lure Marine Commission Meeting Schedule for Year 2021
– Addition of a Virtual Location Option

AGENDA INFORMATION:

Agenda Location: Consent
Item Number: B

BRIEF SUMMARY: Amend the Lake Lure Marine Commission Meeting Schedule for year 2021 for the purpose of adding the option virtual along with municipal hall. By doing so, a special meeting will no longer need to be called due to a change in location if meetings are held virtually.

RECOMMENDED MOTION AND REQUESTED ACTIONS: Approve the amendment to the Lake Lure Marine Commission Meeting Schedule for year 2021 for the purpose of adding the option of virtual to meeting locations.

VI

NEW BUSINESS

- Request from Fred Stepp to Appeal a Civil Citation
- Request from Michael Clay McCraw to Appeal a Civil Citation

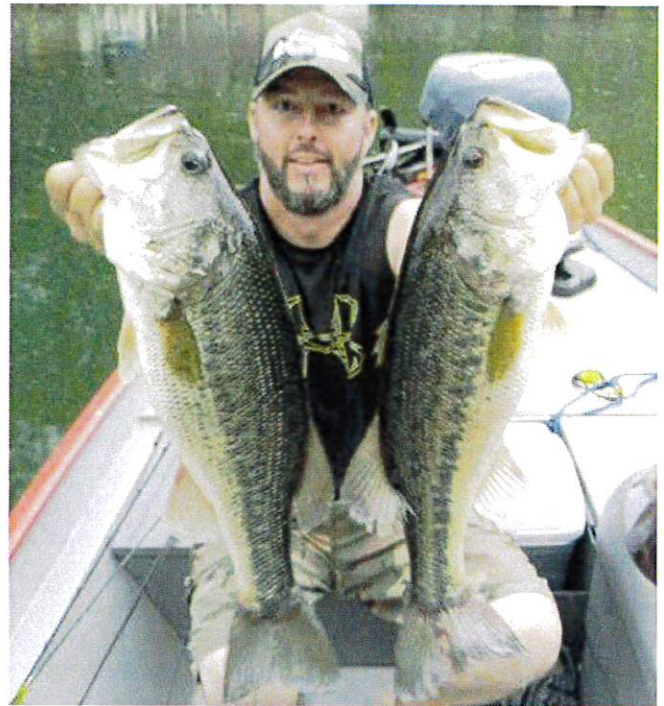
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Lake Lure Fishing Co.

A FISHING FAMILY



Clay McCraw



Fred Stepp

Clay McCraw & Fred Stepp are not only North Carolina “natives”, but they have lived a major part of their lives on the water. From fishing, to just being out on the lake on Lake Lure these two are the best two people in Lake Lure, NC to have with you while on the lake.

Between 60 years of water/fishing experience between the two they know all about Lake Lure, and what lies beneath the surface of the waters.

Come kick back, relax, and unwind on Lake Lure with Clay & Fred at [Lake Lure Fishing Company](https://lakelurefishing.com) today!



Unwind & Relax

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Lake Lure Fishing Co.

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Message *

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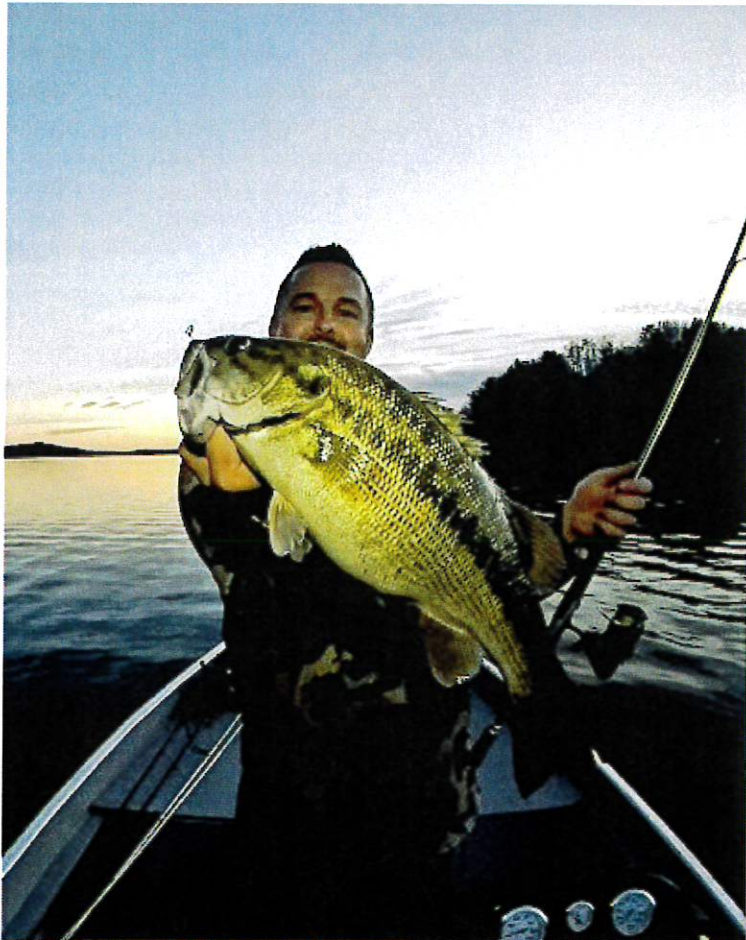
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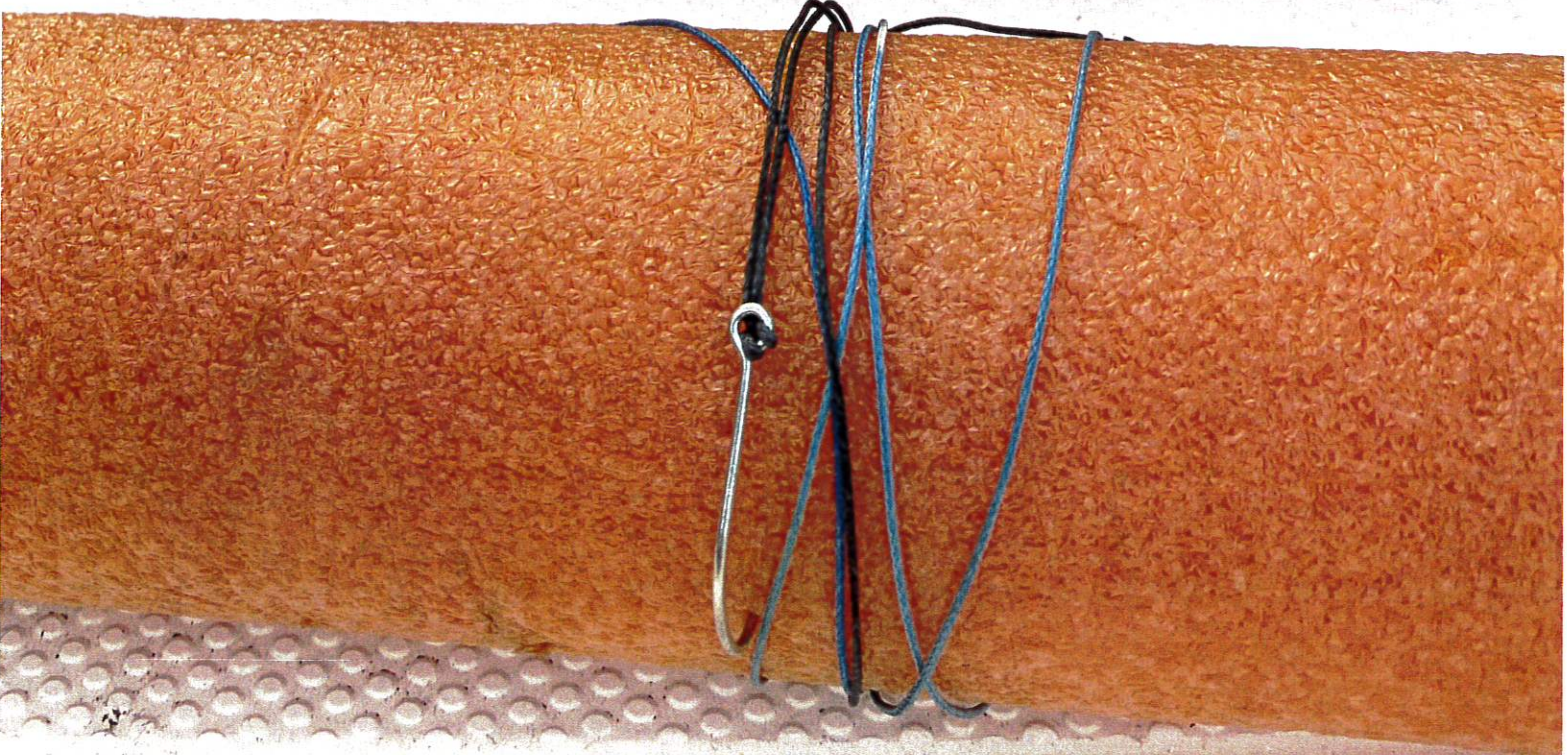
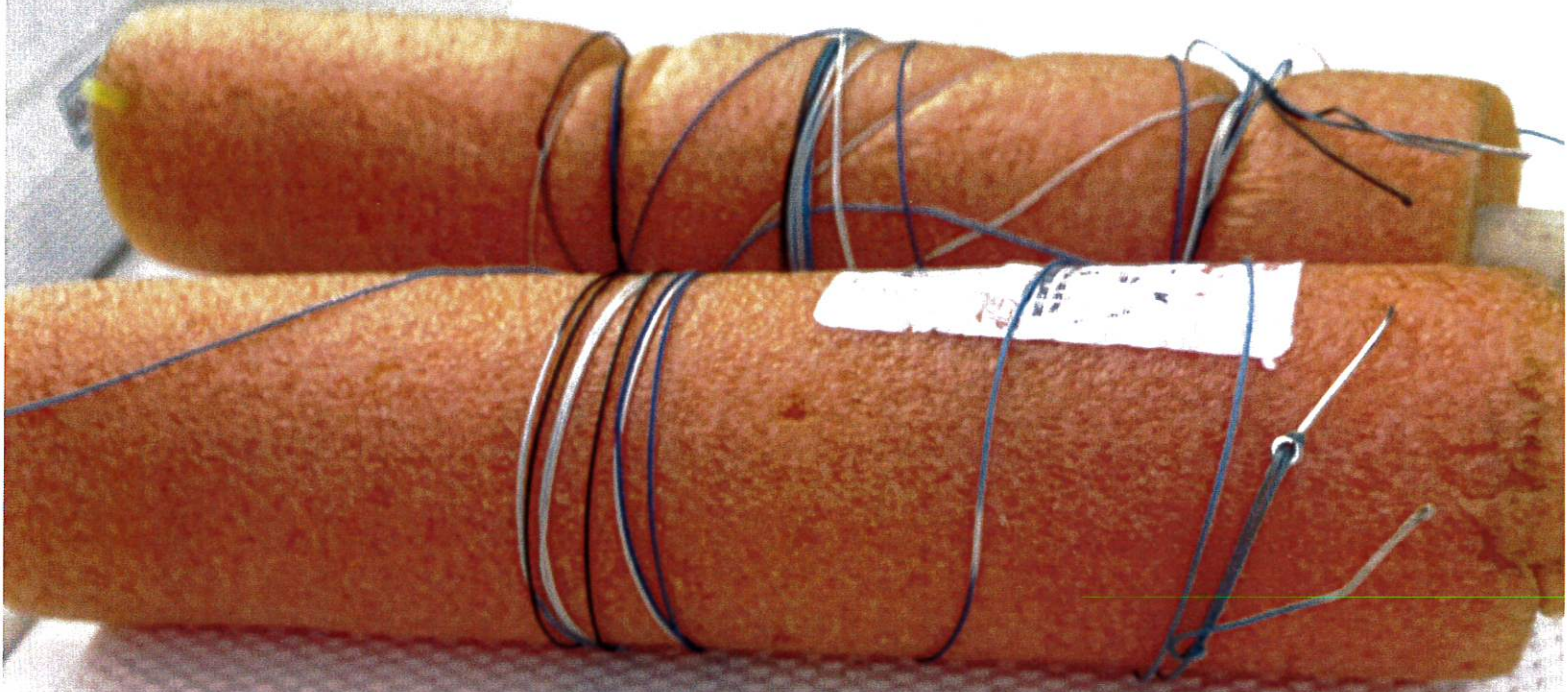
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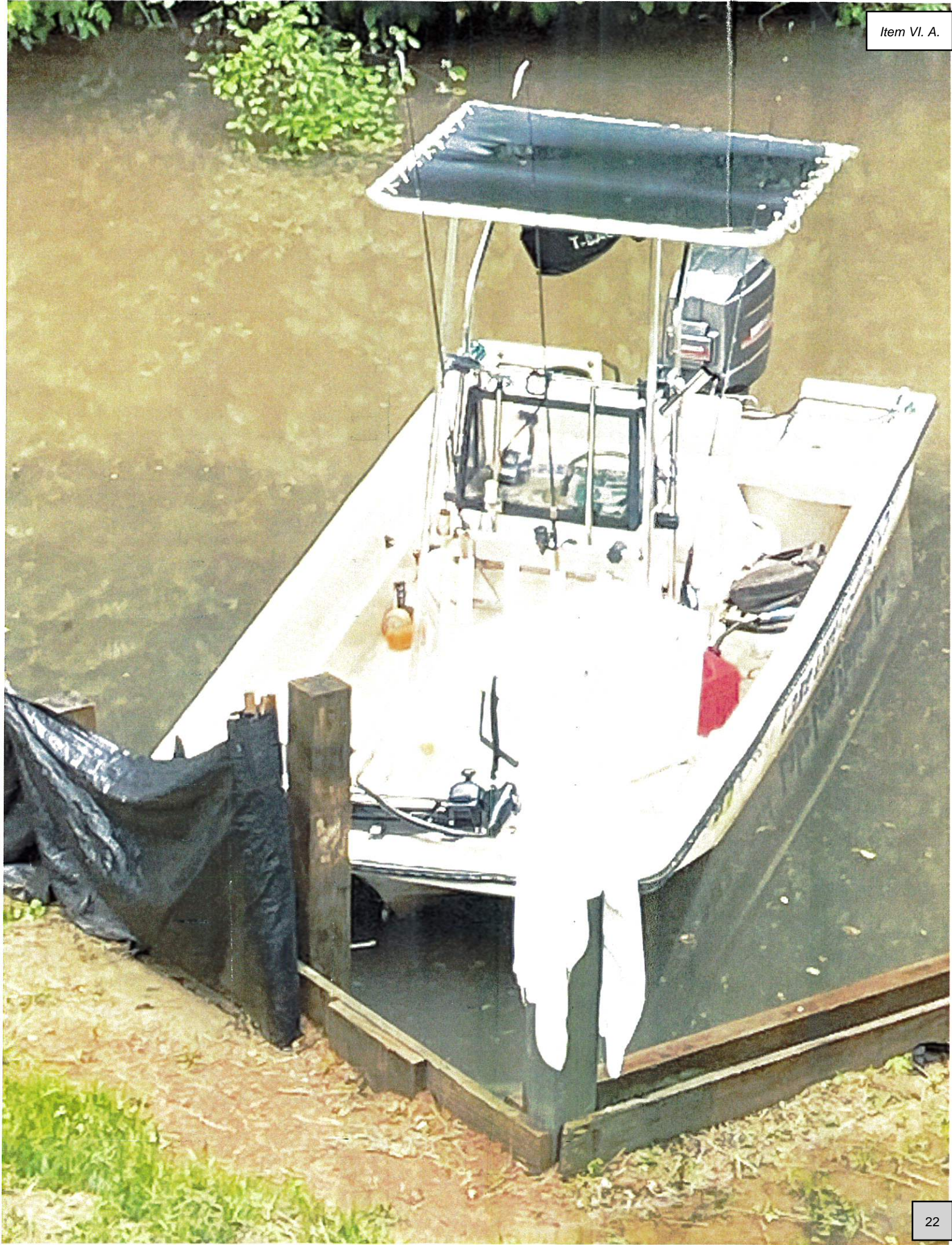
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Show Off Your Catch!







The Lake Use Regulations require appealed penalties to be paid and if appeals are successful, the money is of course returned. Recently, a fine was not paid and it didn't sit very well with the Commission members. The appeal was denied. I can't say it was directly due to the penalty remaining unpaid but it didn't help. I don't know if your guys have paid yet. Just thought I would pass along the information. That appeal was also heard without the appellant at the meeting. Again, this was frowned upon.

Thanks,

William

On Wed, Jun 23, 2021 at 2:36 PM Jarald Willis <jwillis@arledgelegalnc.com> wrote:

William:

I hope your post-covid life is proceeding nicely!

Please find attached copies of the appeals taken by Fred Stepp and Michael McCraw, from the civil citations issued by the Town of Lake Lure. Copies were also hand-delivered to Lake Lure town hall today.

I am hopeful that some type of compromise can be reached.

Mr. Stepp lives in Sunny View across the line in Polk County and Mr. McCraw lives in Lake Lure. They have lived here pretty much all their lives.

They have never received any such violation in the past.

They both contend that they have never received a dime for taking anyone fishing.

Mr. McCraw has had a regularly permitted boat that has on its side the phrase "Lake Lure Fishing." And recently Mr. McCraw was recently persuaded to create a website that advertised him as a fishing guide, but this was done in contemplation of starting such a business, he says, but he has taken the website down now.

Mr. Stepp has a regularly permitted boat that has no phrasing on its side, and while his name may have been mentioned in the erstwhile fishing guide website, he says that website was created without his involvement or knowledge, even though he was contemplating such a side business as well.

Both of these gentleman love to fish and fish often, sometimes with friends and family on board. But, again, they both contend they had never been paid for being a "guide" and that before they did so, they would have gotten their commercial fishing license. It's apparently only a few hundred more.

My clients love Lake Lure, and they do not want to fight city hall. Can an accommodation be reached where they can pay for a commercial fishing license, etc.? I am not sure what the status of their regular boat privileges is, but they seem to think that those privileges have been revoked, even before a formal adjudication. And they have each been fined \$1500.00.

I look forward to hearing your response, and I am hopeful that a practical, affordable solution can be reached

Thank you,

Jarald Willis
Managing Attorney
The Arledge Law Firm
P O Box 885
120 East Court Street
Rutherfordton, NC 28139
1-828-287-3338
jwillis@arledgelegalnc.com

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Law Offices of William C. Morgan, Jr.

PO Box 5343

Asheville, NC 28813

(828) 274-4373

(828) 274-4374

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PO Box 5343

Asheville, NC 28813

(828) 274-4373

(828) 274-4374

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(828) 274-4373

(828) 274-4374

Thank you, William. I will look forward to hearing from you on possible hearing dates for their appeal.

So far as paying in the \$1500 pending the appeal, it is not an insignificant amount for most citizens, especially for those who protest their innocence.

However, that is what the regulations seem to require, and your observations on the point of payment pending the appeal are appreciated and noted.

Are you and Town Manager Shannon Baldwin able to address the issue of my clients' non-commercial boating privileges?

If, pending the appeal, my clients each pay in their \$1500 civil fine for the alleged commercial boating, what would be the status of their non-commercial boating privileges pending the appeal?

Jarald

From: William Morgan <wcmorganlaw@gmail.com>

Sent: Monday, June 28, 2021 7:41 PM

To: Jarald Willis <jwillis@arledgelegalnc.com>

Subject: Re: appeal to Marine Commission of civil violations issued by Town of Lake Lure against Fred Stepp and Michael McCraw

Jarald:

I passed along your email to Town Manager Shannon Baldwin. The Marine Commission is meeting July 13 at 4:00 for a public hearing which will be recessed at 5:00 for the regular Town Board meeting and then reconvened after the Town Board meeting. The subject is a HOT topic issue in Lake Lure right now regarding regulation of wake surfing due to the heavy boats required for this relatively new sport. Therefore, the Manager and I thought your clients' appeal would be too much given this public hearing. I think the next regularly-scheduled Marine Commission meeting is not until September. But I could have that wrong. The Commission can also hold a special meeting. Typically, these are also at 4:00 prior to a regularly-scheduled Town Board meeting. I will get with you once I know more as to when your clients' appeals might be heard.

I am following up on my email below.

If, pending the appeal, my clients each pay in their \$1500 civil fine for the alleged commercial boating, will their non-commercial boating privileges remain intact?

I reiterate that each of my clients insist that they have never engaged in a commercial fishing enterprise on Lake Lure and that \$1500 not an insignificant sum for either of them.

Thanks,

Jarald Willis

Managing Attorney

The Arledge Law Firm

P O Box 885

120 East Court Street

Rutherfordton, NC 28139

1-828-287-3338

jwillis@arledgelegalnc.com

From: Jarald Willis <jwillis@arledgelegalnc.com>

Sent: Tuesday, June 29, 2021 8:45 AM

To: 'William Morgan' <wcmorganlaw@gmail.com>

Cc: 'Receptionist' <receptionist@arledgelegalnc.com>; 'Martin Jarrard' <mjarrard@arledgelegalnc.com>

Subject: RE: appeal to Marine Commission of civil violations issued by Town of Lake Lure against Fred Stepp and Michael McCraw

(pending appeal) they can continue to use the Lake with their current licenses. But I will confirm and get back to you.

William

Item VI. A.

On Tue, Jul 6, 2021 at 2:35 PM Jarald Willis <jwillis@arledgelegalnc.com> wrote:

William:

**LAKE LURE MARINE COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: September 14, 2021**

SUBJECT: Request from Fred Stepp to Appeal Civil Citation No. 001051

AGENDA INFORMATION:

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

BRIEF SUMMARY: Fred Stepp received a civil citation from Director Dean Givens on June 7th for operating a boar commercially without a commercial permit. Mr. Stepp has submitted a request for appeal of this citation.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To deny/approve the request from Fred Stepp to appeal Civil Citation No. 001051.

ATTACHMENTS: A copy of Citation No. 001051, copy of Mr. Stepp's notice of appeal, copy of boat permit information, attorney emails, and various photographs

Town of Lake Lure Civil Citation

Permit # _____ St. Reg. NL 4978 ES

Vacation Rental Non-Vacation Rental

Issued to: Fred Steep

Address: 15 GAMBRILOS TR
SALUDA NC,

Telephone # 828 551-5121

Location: LLR1

Date/Time: JUNE 7, 2021

Issued By: H. DEN GILSON

Warning Citation/fine \$1500

- 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
OPERATING A BOAT COMMERCIALY
WITHOUT A COMMERCIAL PERMIT

No. 001051

STATE OF NORTH CAROLINA
COUNTY OF RUTHERFORD
TOWN OF LAKE LURE

NOTICE OF APPEAL

Fred Stepp hereby gives this Notice of his Appeal to the lake Lure Marine Commission for the civil citation he received from the Town of Lake Lure for "Operating a Boat Commercially Without a Commercial Permit," issued by H. Dean Givens.

This the 23rd day of June, 2021.


Fred Stepp

CERTIFICATE OF SERVICE

This notice of appeal was hand-delivered to an employee of the Town of Lake Lure on this the 23rd day of June, 2021.


Fred Stepp

(July 6th needs to be paid)



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

July 9, 2021

Mr. Fred Stepp
15 Game Lands Trail
Saluda, North Carolina 28773

Mr. Stepp,

June 7, 2021 you received a Citation for **Operating a boat commercially without a commercial (A) permit.**

As we spoke of on the phone, you had 30 days to pay the fine of \$1500.00. You stated you had appealed, at which time I explained the fine was still due by the 30 days and if you won your appeal you would receive a refund.

This letter is to advise you that the 30 days has now passed and you are in arrears \$1,500.00 with the Town of Lake Lure.

Please let me know if you've any questions.

Kat Canant
Administrative Assistant
Lake Lure Police Department

kc/file



COPY

Town of Lake Lure Boat Permitting & Administration System

Hall Town (Logout)



Location

(/Pages

/Dashboard?userId=3)

Townhall

User

Username:

executioner1fs@gmail.com

Name: Frederick (FRED STEPP JR) L.

Stepp

Resident:

No

Phone: (828) 551-5171

Address: P.O. Box 611 Dana NC 28724

Permit

Title: Non-Resident Annual Motorized Boat Permit

Number: 0471

Issued Date: 3/11/2021 3:47:44 PM

Expiring Date: 12/31/2021

Beginning Date: 3/11/2021

Cost: \$650.00

Location: TownHall

Status: Approved

Boat

Description: 2018 BLACK & SILVER crestliner Information Not Provided

Mooring Location: Information Not Provided

Type: Pleasure

Motorized: Yes

Motor Brand: MERCURY

Motor Horsepower: 60

Motor Year: 2018

Insurance Carrier: PENNY INSURANCE

Insurance Number: 85144686

Registration Number: NC 4978 ES

Registration Expiration: 3/1/2024 12:00:00 AM



**LAKE LURE MARINE COMMISSION
REQUEST FOR BOARD ACTION
Meeting Date: September 14, 2021**

SUBJECT: Request from Michael Clay McCraw to Appeal Civil Citation No. 001052

AGENDA INFORMATION:

Agenda Location: New Business
Item Number: B
Department: Lake Operations
Contact: Dean Givens, Lake Operations Director
Presenter: Dean Givens, Lake Operations Director

BRIEF SUMMARY: Michael Clay McCraw received a civil citation from Director Dean Givens on June 8th for operating a boar commercially without a commercial permit. Mr. McCraw has submitted a request for appeal of this citation.

RECOMMENDED MOTION AND REQUESTED ACTIONS: To deny/approve the request from Michael Clay McCraw to appeal Civil Citation No. 001052.

ATTACHMENTS: A copy of Citation No. 001052, copy of Mr. McCraw's notice of appeal, copy of boat permit information, copy of assumed business name certificate attorney emails, and various photographs

Town of Lake Lure Civil Citation

Item VI. B.

Permit # _____ St. Reg. NC 1952 CF

Vacation Rental Non-Vacation Rental

Issued to: MICHAEL McNEIL

Address: 150 Fern Wood

Telephone # 828-289-7347

Location: LLPD

Date/Time: 6-8-21

Issued By: H. Dean Guyers

Warning Citation/fine \$1500⁰⁰

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
OPERATING A COMMERCIAL BOAT
WITHOUT HAVING A COMMERCIAL
PERMIT.

No. **001052**

STATE OF NORTH CAROLINA
COUNTY OF RUTHERFORD
TOWN OF LAKE LURE

NOTICE OF APPEAL

Michael Clay McCraw

~~Fred Stepp~~ hereby gives this Notice of his Appeal to the lake Lure Marine Commission for the civil citation he received from the Town of Lake Lure for “Operating a Commercial Boat Without Having a Commercial Permit,” issued by H. Dean Givens.

This the 23rd day of June, 2021.

Michael Clay McCraw

Michael Clay McCraw

CERTIFICATE OF SERVICE

This notice of appeal was hand-delivered to an employee of the Town of Lake Lure on this the 23rd day of June, 2021.

Michael Clay McCraw

Michael Clay McCraw



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

July 9, 2021

Mr. Clay McCraw
150 Fern Loop Road
Lake Lure, North Carolina 28746

Mr. McCraw,

June 7, 2021 you received a Citation for **Operating a boat commercially without a commercial (A) permit.**

As we spoke of on the phone, you had 30 days to pay the fine of \$1500.00. You stated you had appealed, at which time I explained the fine was still due by the 30 days and if you won your appeal you would receive a refund.

This letter is to advise you that the 30 days has now passed and you are in arrears \$1,500.00 with the Town of Lake Lure.

Please let me know if you've any questions.

Kat Canant
Administrative Assistant
Lake Lure Police Department

kc/file

COPY



Town of Lake Lure Boat Permitting & Administration System

Hall Town (Logout)



Location

(/Pages

/Dashboard?userId=3)

Townhall

User

Username:
michael.c.mccraw@gmail.com

Name: Michael McCraw

Resident:
No

Phone: 828-289-7347

Address: 150 Fern Loop Lake Lure NC
28746

Permit

Title: Resident Annual Motorized
Permit

Number: 0161

Issued Date: 2/10/2021 7:02:07
PM

Expiring Date: 12/31/2021

Beginning Date:
2/10/2021

Cost: \$300.00

Location: TownHall

Status: Approved

Boat

Description: 1992 white
McKee Cape Fear

Mooring Location: Rolland Kings
boathouse

Type: Fishing

Motorized: Yes

Motor Brand: Mercury

Motor Horsepower: 40

Motor Year: 2003

Insurance Carrier: 828-333-4866

Insurance Number:
15917850-0

Registration Number: NC
1952 CF

Registration Expiration:
7/31/2021 12:00:00 AM

By Ha

Doc ID: 008214470001 Type: CRP
Recorded: 01/15/2019 at 10:28:28 AM
Fee Amt: \$26.00 Page 1 of 1
Instr# 20180006458
Rutherford County, NC
Rachel Thomas Register of Deeds
BK 2019 Pg 1171

ASSUMED BUSINESS NAME CERTIFICATE (NCGS §66-71.5)

Please print legibly.

- The assumed business name is: Lake Lure Fishing Company
(You may include no more than five (5) assumed business names on this form.)
- The real name of the person or entity engaging in business under the assumed business name is: Michael Clay McCraw
(Corporations, LLC's, limited partnerships must provide the exact name registered with the NC Secretary of State's office and the SOSID number assigned at the time of formation. Go to www.sosnc.gov/br/search to look up your information.)
- The nature/type of the business is: fishing guide
- The street address of the principal place of business is: (PO Boxes are not acceptable)
150 Fern loop Lake Lure Nc 28746
- The mailing address, if different from the street address, is:
Same
- The counties where the assumed business name will be used to engage in business are:
 All 100 North Carolina counties ~~Rutherford County~~ DK

This certificate is signed by the owner/legal representative of the person or entity named above, this 15 day of January, 20 19.

Signature: Michael Clay McCraw

Printed/Typed Name: Michael Clay McCraw

Title: owner
(See instructions for who must sign for various business entity types.)