

Mountain Island Lake Marine Commission



**Cowan's Ford Country Club
761 Club Drive
Stanley, NC**

October 1, 2008

Commissioners Present: Commissioner Pam Beck (Gaston County), Commissioner Tim Eldridge (Gaston County), Secretary/Treasurer Ann Danzi (Gaston County), Commissioner Chris Watson (Lincoln County), Chairman Dan DuVall (Mecklenburg County), Commissioner Tim Bishop (Mecklenburg County),
Commissioners Absent: Vice Chairman Alice Battle (Mecklenburg County),
MILMC Staff Present: Annette Lawing, Interim Executive Director, Chris Clark, Legal Counsel

Topic	Discussion Summary	Action
Welcome & Introductions	Chairman Dan DuVall called the meeting to order at 6:29 pm.	
Approval of the October 1, 2008 Agenda	The October 1, 2008 meeting agenda will stand as submitted.	
Approval of the September 3, 2008 Meeting Minutes	The September 3, 2008 meeting minutes were approved as submitted	
Statement of Purpose	Legal Counsel, Chris Clark read the Statement of Purpose into the record.	
Public Comments	Public Comments - None	
Consent Agenda	Consent Agenda – None	

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Public Safety Reports	<p>Charlotte – Mecklenburg Police Department – Officer Turner reported</p> <ul style="list-style-type: none"> □ (1) Special event – Triathlon event – 400 participants □ (6) Calls for Service □ (10) Inspections □ (3) Warnings □ (3) Citations □ (4) Neck Road access car break-ins <p>Gaston County Police Department – Officer Hord reported</p> <ul style="list-style-type: none"> □ (1) Warning □ (12) Special Checks □ (11) Safety Inspections <p>Lincoln County Sheriff’s Office</p> <ul style="list-style-type: none"> □ No one was present to give report <p>N.C. Wildlife Resources Commission</p> <ul style="list-style-type: none"> □ No one was present to give report <p>Mecklenburg County Parks and Recreation</p> <ul style="list-style-type: none"> □ No one was present to give report <p>Duke Energy of the Carolinas – Kermitt Taylor reported</p> <ul style="list-style-type: none"> □ (1) Pier Application (Stonewater) □ Lake level is 96.9 □ Continue to be in Stage 3 of the LIP □ Warning horn and siren at MI Dam – Horn has been repaired at the site. The siren will sound only if there is a failure or collapse in the dam. 	
Environmental Reports	<p>Mecklenburg County Land Use and Environmental Services –</p> <ul style="list-style-type: none"> □ No one was present to give report <p>Lakekeepers Report – Alice Battle was not present to give report but mailed the below information to the commission prior to the business meeting</p> <ul style="list-style-type: none"> □ On September 18, 2008, the 9th US Circuit Court of Appeals, in Pasadena, CA, affirmed a decision that EPA must set standards to control storm water 	

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<p>Environmental Reports (continued)</p>	<p>pollution from strip malls, subdivisions and other new development. The EPA and the National Association of Homebuilders had appealed the lower court's ruling from 2006, but the US Court of Appeals sided with the Natural Resources Defense Council and Waterkeeper Alliance. The decision will help to ensure that construction site pollution won't cause beach closings, waterborne disease, flooding, fish kills and contaminated drinking water supplies. To read the court's decision, go to http://docs.nrdc.org/water/wat_08091801A.pdf.</p> <p>Quality of Natural Resources (QNRC)</p> <ul style="list-style-type: none"> <input type="checkbox"/> No new information to report <p>MI Wildlife Stewards</p> <ul style="list-style-type: none"> <input type="checkbox"/> No new information to report 	
<p>Requests for Approval</p>	<p>Request for Approval</p> <ul style="list-style-type: none"> <input type="checkbox"/> No Wake Zone Request, Point at Lakehaven Road (Gaston County) (Follow up) <p>As a follow up from the September 3rd MILMC meeting, Mr. Lee requests that the existing danger buoy become an "official" buoy and to be maintained by the homeowners of this cove (Mr. and Mrs. James Lee). The Marine Commission agreed to a shared expense by purchasing the equipment to install a new buoy when needed.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Public Hearing on consideration of a No Wake Zone in Nivens Cove, Daniel Brantley (Cove located beginning at high water stake at the corner between lots 25 and 26 and following that same high water mark on lots 27, 28, 29 to rebar stake L84 then continuing NW on the high water mark back to L155 then turning SE and ending at stake L230.) <p>Legal Counsel addressed the commission and the public regarding the guidelines for the Public Hearing.</p> <p>After motion was approved to go into Public Hearing, the public was given the opportunity to present their thoughts on the No Wake Zone proposal in Nivens Cove.</p>	<p>A motion was made by Secretary Treasurer Danzi to approve the existing danger buoy in this cove and to be a shared expense (homeowners-buoy, MILMC-equipment) for any replacement buoys. Seconded by Commissioner Eldridge. The motion was approved.</p> <p>A motion was made by Chairman DuVall to open the Public Hearing. Seconded by Commissioner Beck. The motion was</p>

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<p>Requests for Approval (continued)</p>	<ul style="list-style-type: none"> ● John Beck, resident of MI Lake, stated that this area is a very environmentally sensitive area (herons). Boaters like to travel to the back of this particular cove and tie their boats up and drink. They will then travel at high rates of speed out of the cove. <p>Chairman DuVall addressed the public and stated that all comments will be considered when making a decision on this proposal.</p> <p>After Public Hearing was closed, the commission had to opportunity to discuss and give their thoughts.</p> <ul style="list-style-type: none"> ● Commissioner Eldridge asked Mr. Brantley if the previous buoys that were in this area were effective. Mr. Brantley responded that they worked fine but he would prefer to have two buoys in the mouth of the cove and one in the center of the cove (at the expense of the HOA). ● Legal Counsel clarified to the commission that the placement of the buoys is not part of the motion and is ultimately up to the commission where the buoys should be placed. <p>Public Hearing on consideration of a No Wake Zone in Nivens Cove, Pam Beck</p> <ul style="list-style-type: none"> □ The existing buoy was placed in the water at the mouth of Nivens Cove in 2003. It was needed to prevent boaters from speeding close to docks. <p>After motion was approved to go into Public Hearing, the public was given the opportunity to present their thoughts on the No Wake Zone proposal in Nivens Cove.</p> <ul style="list-style-type: none"> ● The existing buoy has been a tremendous help by improving safety and protecting docks from extreme wave action. The HOA has maintained this buoy and will agree to continue the maintenance and/or replacement of this buoy. 	<p>approved.</p> <p>A motion was made by Chairman DuVall to close Public Hearing. Seconded by Commissioner Beck. Motion was approved.</p> <p>A motion was made by Commissioner Eldridge to approve the No Wake Zone in Nivens Cove (see legal description) as presented. With the understanding that the HOA will purchase and maintain the buoys in this cove. Seconded by Commissioner Beck. The motion was approved.</p> <p>A motion was made by Chairman DuVall to open the Public Hearing. Seconded by Commissioner Beck. The motion was approved.</p> <p>A motion was made by Secretary</p>

Topic	Discussion Summary	Action
Requests for Approval (continued)		<p>Treasurer Danzi to close Public Hearing. Seconded by Commissioner Bishop. Motion was approved.</p> <p>A motion was made by Secretary Treasurer Danzi to approve a No Wake Zone in Nivens Cove (end of Nivens Cove Rd) as presented. With the understanding that the existing buoy will be maintained by the homeowners. Seconded by Commissioner Watson. The motion was approved. Commissioner Beck abstained from voting.</p>
Base Operating Plan	<p>Update on the Base Operating Plan (BOP)</p> <ul style="list-style-type: none"> □ Big Sweep (Watson) – Big Sweep is scheduled for October 4th. □ Blue Fin Award (Beck) – Commissioner Beck will get Blue Fin Award application submitted to the Mountain Island Monitor next week. Award will be presented at the November meeting. □ FERC Relicensing (Battle) – Kermitt Taylor with Duke Energy reported that an Annual License (IBT) was issued. □ Buoys (DuVall) – Commissioner Bishop submitted a blurb to the Overlook HOA newsletter to help get the word out to area kids who are using the large buoys as platforms to jump off of. 	

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Base Operating Plan (continued)	<ul style="list-style-type: none"> □ Boating Safety Courses (2009) – Add to the Project spreadsheet 	
Chairman’s Report	Chairman’s Report <ul style="list-style-type: none"> □ No report 	
Executive Director’s Report	Executive Director’s Report – Interim Executive Director Annette Lawing reported <ul style="list-style-type: none"> □ Finance report – Lawing distributed a current finance report to the commissioners for their review. 	
Commission Counsel Report	Commission Counsel Report <ul style="list-style-type: none"> □ No report 	
Commissioner’s Comments	Commissioner’s Comments <ul style="list-style-type: none"> □ Chairman DuVall distributed the job classification of the Executive Administrator for the Mountain Island Lake Marine Commission. For the past fourteen months, Annette Lawing has served as the commission’s Interim Executive Director. This new role will now allow Ms. Lawing to serve in a permanent position. Ms. Lawing thanked the commission for the opportunity and is looking forward to continue growth with the commission. 	
Election of Officers	Election of Officers – Legal Counsel Chris Clark conducted the election <ul style="list-style-type: none"> □ Legal Counsel Chris Clark explained the procedure for electing of officers and noted that the current Chairman has already served two terms. If nominated again, he will have to receive a unanimous vote from the commission in order to win the seat. All other seats require majority vote. □ Chairman: Commissioner Tim Eldridge nominated Commissioner Pam Beck. With no other nominations, Pam Beck will become the new Chairman for the Mountain Island Lake Marine Commission. □ Vice Chairman: Commissioner Ann Danzi nominated Commissioner Alice Battle. With no other nominations, Alice Battle will remain the Vice Chairman for the Mountain Island Lake Marine Commission. □ Secretary / Treasurer: Commissioner Dan DuVall nominated Commissioner Ann Danzi. With no other nominations, Ann Danzi will remain the Secretary Treasurer of the Mountain Island Lake Marine Commission. 	
Adjournment	The meeting was adjourned at 7:43 pm.	

Topic	Discussion Summary	Action
Next Business Meeting Date and Location	The next MILMC business meeting will be held on November 5, 2008 at 6:30 pm at the Charlotte Mecklenburg Utilities, 5100 Brookshire Blvd., Charlotte, NC.	

Annette Lawing, Interim Executive Director